

By the Committee on Health Care Licensing & Regulation and
Representatives Fasano, Ogles, Villalobos, Kelly, Harrington,
Johnson, Morroni, Minton, Healey, Heyman and Ritter

1 A bill to be entitled
2 An act relating to regulation of health care
3 practitioners; amending s. 232.435, F.S.;
4 correcting a reference; amending s. 381.026,
5 F.S.; providing a definition; amending s.
6 381.0261, F.S.; providing that the Department
7 of Health, rather than the Agency for Health
8 Care Administration, may impose an
9 administrative fine against any health care
10 provider who fails to make available to
11 patients a summary of their rights as required
12 by law; amending s. 455.501, F.S.; redefining
13 the terms "health care practitioner" and
14 "licensee"; amending s. 455.507, F.S.; revising
15 provisions relating to good standing of members
16 of the Armed Forces with administrative boards
17 to provide applicability to the department when
18 there is no board; providing gender neutral
19 language; amending s. 455.521, F.S.; providing
20 powers and duties of the department for the
21 professions, rather than boards, under its
22 jurisdiction; amending s. 455.564, F.S., and
23 reenacting one version of subsection (2) and
24 repealing another conflicting version;
25 providing authority to the department when
26 there is no board to adopt rules on
27 videocassette courses used for continuing
28 education purposes; revising and providing
29 requirements relating to obtaining continuing
30 education credit in risk management; correcting
31 terminology; amending s. 455.565, F.S.;

1 revising information required for licensure of
2 designated health care professionals; amending
3 s. 455.567, F.S.; defining sexual misconduct
4 and prohibiting it in the practice of a health
5 care profession; providing penalties; amending
6 s. 455.574, F.S.; revising provisions relating
7 to review of an examination after failure to
8 pass it; amending s. 455.587, F.S.; providing
9 authority to the department when there is no
10 board to determine by rule the amount of
11 license fees for the profession regulated;
12 providing for a fee for issuance of a wall
13 certificate to certain licensees or for a
14 duplicate wall certificate; amending s.
15 455.604, F.S.; requiring instruction on human
16 immunodeficiency virus and acquired immune
17 deficiency syndrome as a condition of licensure
18 and relicensure to practice dietetics and
19 nutrition or nutrition counseling; amending s.
20 455.607, F.S.; correcting a reference; amending
21 s. 455.624, F.S.; revising and providing
22 grounds for discipline; providing penalties;
23 providing for assessment of certain costs;
24 amending s. 455.654, F.S.; redefining the terms
25 "health care provider" and "referral" under the
26 Patient Self-Referral Act of 1992; amending s.
27 455.664, F.S.; requiring additional health care
28 practitioners to include a certain statement in
29 advertisements for free or discounted services;
30 correcting terminology; amending s. 455.667,
31 F.S.; authorizing the department to obtain

1 patient records, billing records, insurance
2 information, provider contracts, and all
3 attachments thereto under certain circumstances
4 for purposes of disciplinary proceedings;
5 amending s. 455.687, F.S.; providing for the
6 suspension or restriction of the license of any
7 health care practitioner who tests positive for
8 drugs under certain circumstances; amending s.
9 455.694, F.S.; providing financial
10 responsibility requirements for midwives;
11 creating s. 455.712, F.S.; providing
12 requirements for active status licensure of
13 certain business establishments; creating s.
14 457.1095, F.S.; providing requirements for
15 teaching permits for acupuncture faculty;
16 providing a fee; providing for rules; amending
17 s. 458.305, F.S.; redefining the term "practice
18 of medicine"; amending s. 458.307, F.S.;
19 correcting terminology and a reference;
20 removing an obsolete date; amending s. 458.311,
21 F.S.; revising provisions relating to licensure
22 as a physician by examination; eliminating an
23 obsolete provision relating to licensure of
24 medical students from Nicaragua and another
25 provision relating to taking the examination
26 without applying for a license; amending s.
27 458.3115, F.S.; updating terminology; amending
28 s. 458.313, F.S., and repealing subsection (8),
29 relating to reactivation of certain licenses
30 issued by endorsement; revising provisions
31 relating to licensure by endorsement; amending

1 s. 458.315, F.S.; providing additional
2 requirements for recipients of a temporary
3 certificate for practice in areas of critical
4 need; amending s. 458.3165, F.S.; correcting
5 terminology; amending s. 458.317, F.S.;
6 providing for conversion of an active license
7 to a limited license for a specified purpose;
8 amending s. 458.331, F.S.; revising and
9 providing grounds for discipline; providing
10 penalties; amending s. 458.347, F.S.; revising
11 provisions relating to temporary licensure as a
12 physician assistant; amending s. 459.003, F.S.;
13 redefining the term "practice of osteopathic
14 medicine"; amending s. 459.0075, F.S.;
15 providing for conversion of an active license
16 to a limited license for a specified purpose;
17 amending s. 459.015, F.S.; revising and
18 providing grounds for discipline; providing
19 penalties; amending s. 460.406, F.S.; requiring
20 the Board of Chiropractic Medicine by rule to
21 establish qualifications for serving as a
22 supervising chiropractic physician and
23 procedures for approving a supervising
24 chiropractic physician; amending s. 460.413,
25 F.S.; increasing the administrative fine;
26 amending s. 461.003, F.S.; defining the term
27 "certified podiatric X-ray assistant" and the
28 term "direct supervision" with respect thereto;
29 amending s. 461.006, F.S.; revising the
30 residency requirement to practice podiatric
31 medicine; amending s. 461.007, F.S.; revising

1 requirements for renewal of license to practice
2 podiatric medicine; amending s. 461.013, F.S.;
3 revising and providing grounds for discipline;
4 providing penalties; creating s. 461.0135,
5 F.S.; providing requirements for operation of
6 X-ray machines by certified podiatric X-ray
7 assistants; amending s. 464.008, F.S.;
8 providing for remediation upon failure to pass
9 the examination to practice nursing a specified
10 number of times; amending s. 464.022, F.S.;
11 providing an exemption from regulation relating
12 to remedial courses; amending s. 465.003, F.S.;
13 defining the term "data communication device";
14 amending s. 465.016, F.S.; authorizing the
15 redispensing of unused or returned unit-dose
16 medication by correctional facilities under
17 certain conditions; providing a ground for
18 which a pharmacist may be subject to discipline
19 by the Board of Pharmacy; increasing the
20 administrative fine; amending s. 465.017, F.S.;
21 providing additional persons to whom and
22 entities to which records relating to the
23 filling of prescriptions and the dispensing of
24 medicinal drugs that are maintained by a
25 pharmacy may be furnished; specifying
26 authorized uses of patient records by pharmacy
27 owners; providing restrictions on such records
28 when transmitted through a data communication
29 device; amending ss. 465.014, 465.015,
30 465.0196, 468.812, and 499.003, F.S.;
31 correcting cross references, to conform;

1 creating the Task Force for the Study of
2 Collaborative Drug Therapy Management;
3 providing for staff support from the
4 department; providing for participation by
5 specified associations and entities; providing
6 responsibilities; requiring a report to the
7 Legislature; amending s. 466.003, F.S.;
8 redefining the term "dentistry"; amending s.
9 466.021, F.S.; revising requirements relating
10 to dental work orders required of unlicensed
11 persons; amending s. 468.1115, F.S.; revising
12 an exemption from regulation as a
13 speech-language pathologist or audiologist;
14 amending s. 468.1155, F.S.; revising
15 requirements for provisional licensure to
16 practice speech-language pathology or
17 audiology; amending s. 468.1215, F.S.; revising
18 requirements for certification as a
19 speech-language pathologist or audiologist
20 assistant; amending s. 468.307, F.S.;
21 authorizing the issuance of subcategory
22 certificates in the field of radiologic
23 technology; creating s. 468.519, F.S.;
24 prohibiting sexual misconduct in the practice
25 of dietetics and nutrition; providing
26 penalties; amending s. 468.701, F.S.; revising
27 and removing definitions; amending s. 468.703,
28 F.S.; replacing the Council of Athletic
29 Training with a Board of Athletic Training;
30 providing for appointment of board members and
31 their successors; providing for staggering of

1 terms; providing for applicability of other
2 provisions of law relating to activities of
3 regulatory boards; providing for the board's
4 headquarters; amending ss. 468.705, 468.707,
5 468.709, 468.711, 468.719, and 468.721, F.S.,
6 relating to rulemaking authority, licensure by
7 examination, fees, continuing education,
8 disciplinary actions, and certain regulatory
9 transition; transferring to the board certain
10 duties of the department relating to regulation
11 of athletic trainers; amending s. 20.43, F.S.;
12 placing the board under the Division of Medical
13 Quality Assurance of the department; providing
14 for termination of the council and the terms of
15 council members; authorizing consideration of
16 former council members for appointment to the
17 board; amending s. 468.805, F.S.; revising
18 grandfathering provisions for the practice of
19 orthotics, prosthetics, or pedorthics; amending
20 s. 478.42, F.S.; redefining the term
21 "electrolysis or electrology"; amending s.
22 483.041, F.S.; redefining the terms "clinical
23 laboratory" and "licensed practitioner" and
24 defining the term "clinical laboratory
25 examination"; amending s. 483.803, F.S.;
26 redefining the terms "clinical laboratory
27 examination" and "licensed practitioner of the
28 healing arts"; revising a reference; amending
29 ss. 395.7015 and 408.07, F.S.; correcting cross
30 references, to conform; amending s. 483.807,
31 F.S.; revising provisions relating to fees for

1 approval as a laboratory training program;
2 amending s. 483.809, F.S.; revising
3 requirements relating to examination of
4 clinical laboratory personnel for licensure and
5 to registration of clinical laboratory
6 trainees; amending s. 483.812, F.S.; revising
7 qualification requirements for licensure of
8 public health laboratory scientists; amending
9 s. 483.813, F.S.; eliminating a provision
10 authorizing conditional licensure of clinical
11 laboratory personnel for a specified period;
12 amending s. 483.821, F.S.; authorizing
13 continuing education or retraining for
14 candidates who fail an examination a specified
15 number of times; amending s. 483.824, F.S.;
16 revising qualifications of clinical laboratory
17 directors; amending s. 483.825, F.S.; revising
18 and providing grounds for discipline; providing
19 penalties; amending s. 483.901, F.S.;
20 eliminating a provision authorizing temporary
21 licensure as a medical physicist; correcting
22 the name of a trust fund; amending s. 484.007,
23 F.S.; revising requirements for opticians who
24 supervise apprentices; amending s. 484.0512,
25 F.S.; requiring sellers of hearing aids to
26 refund within a specified period all moneys
27 required to be refunded under trial-period
28 provisions; amending s. 484.053, F.S.;
29 increasing the penalty applicable to prohibited
30 acts relating to the dispensing of hearing
31 aids; amending s. 484.056, F.S.; providing that

1 violation of trial-period requirements is a
2 ground for disciplinary action; providing
3 penalties; amending ss. 486.041, 486.081,
4 486.103, and 486.107, F.S.; eliminating
5 provisions authorizing issuance of a temporary
6 permit to work as a physical therapist or
7 physical therapist assistant; amending s.
8 490.003, F.S.; deferring a revision to the
9 definition of the terms "doctoral-level
10 psychological education" and "doctoral degree
11 in psychology"; amending s. 490.005, F.S.;
12 revising educational requirements for licensure
13 as a psychologist by examination; changing a
14 date, to defer certain educational
15 requirements; amending s. 490.006, F.S.;
16 providing additional requirements for licensure
17 as a psychologist by endorsement; amending s.
18 490.0085, F.S.; correcting the name of a trust
19 fund; amending s. 491.0045, F.S.; revising
20 requirements for registration as a clinical
21 social worker intern, marriage and family
22 therapist intern, or mental health counselor
23 intern; amending s. 491.0046, F.S.; revising
24 requirements for provisional licensure of
25 clinical social workers, marriage and family
26 therapists, and mental health counselors;
27 amending s. 491.005, F.S.; revising
28 requirements for licensure of clinical social
29 workers, marriage and family therapists, and
30 mental health counselors; providing for
31 certification of education of interns;

1 providing rulemaking authority to implement
2 education and experience requirements for
3 licensure as a clinical social worker, marriage
4 and family therapist, or mental health
5 counselor; revising future licensure
6 requirements for mental health counselors and
7 providing rulemaking authority for
8 implementation thereof; amending s. 491.006,
9 F.S.; revising requirements for licensure or
10 certification by endorsement; amending s.
11 491.0085, F.S.; requiring laws and rules
12 courses and providing for approval thereof,
13 including providers and programs; correcting
14 the name of a trust fund; amending s. 491.014,
15 F.S.; revising an exemption from regulation
16 relating to certain temporally limited
17 services; amending ss. 626.883 and 641.316,
18 F.S.; providing for a detailed explanation of
19 benefits to be included in all payments to a
20 health care provider by a fiscal intermediary;
21 providing effective dates.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (b) of subsection (3) of section
26 232.435, Florida Statutes, is amended to read:

27 232.435 Extracurricular athletic activities; athletic
28 trainers.--

29 (3)

30 (b) If a school district uses the services of an
31 athletic trainer who is not a teacher athletic trainer or a

1 teacher apprentice trainer within the requirements of this
2 section, such athletic trainer must be licensed as required by
3 part XIII ~~XIV~~ of chapter 468.

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

6 381.026 Florida Patient's Bill of Rights and
7 Responsibilities.--

8 (2) DEFINITIONS.--As used in this section and s.
9 381.0261, the term:

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

11 (b) ~~(a)~~ "Health care facility" means a facility
12 licensed under chapter 395.

13 (c) ~~(b)~~ "Health care provider" means a physician
14 licensed under chapter 458, an osteopathic physician licensed
15 under chapter 459, or a podiatric physician licensed under
16 chapter 461.

17 (d) ~~(c)~~ "Responsible provider" means a health care
18 provider who is primarily responsible for patient care in a
19 health care facility or provider's office.

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

22 381.0261 Summary of patient's bill of rights;
23 distribution; penalty.--

24 (4) (a) An administrative fine may be imposed by the
25 Agency for Health Care Administration when any ~~health care~~
26 ~~provider or~~ health care facility fails to make available to
27 patients a summary of their rights, pursuant to s. 381.026 and
28 this section. Initial nonwillful violations shall be subject
29 to corrective action and shall not be subject to an
30 administrative fine. The Agency for Health Care Administration
31 may levy a fine against a health care facility of up to \$5,000

1 for nonwillful violations, and up to \$25,000 for intentional
2 and willful violations. Each intentional and willful violation
3 constitutes a separate violation and is subject to a separate
4 fine.

5 (b) An administrative fine may be imposed by the
6 department when any health care provider fails to make
7 available to patients a summary of their rights, pursuant to
8 s. 381.026 and this section. Initial nonwillful violations
9 shall be subject to corrective action and shall not be subject
10 to an administrative fine. The department ~~agency~~ may levy a
11 fine against a health care provider of up to \$100 for
12 nonwillful violations and up to \$500 for willful violations.
13 Each intentional and willful violation constitutes a separate
14 violation and is subject to a separate fine.

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

17 455.501 Definitions.--As used in this part, the term:

18 (4) "Health care practitioner" means any person
19 licensed under s. 400.211; chapter 457; chapter 458; chapter
20 459; chapter 460; chapter 461; chapter 462; chapter 463;
21 chapter 464; chapter 465; chapter 466; chapter 467; part I,
22 part II, part III, part V, or part X, part XIII, or part XIV
23 of chapter 468; chapter 478; chapter 480; part III or part IV
24 of chapter 483; chapter 484; chapter 486; chapter 490; or
25 chapter 491.

26 (6) "Licensee" means any person or entity issued a
27 permit, registration, certificate, or license by the
28 department.

29 Section 5. Section 455.507, Florida Statutes, is
30 amended to read:

31

1 455.507 Members of Armed Forces in good standing with
2 administrative boards or department.--

3 (1) Any member of the Armed Forces of the United
4 States now or hereafter on active duty who, at the time of ~~his~~
5 becoming such a member, was in good standing with any
6 administrative board of the state, or the department when
7 there is no board, and was entitled to practice or engage in
8 his or her profession or vocation in the state shall be kept
9 in good standing by such administrative board, or the
10 department when there is no board, without registering, paying
11 dues or fees, or performing any other act on his or her part
12 to be performed, as long as he or she is a member of the Armed
13 Forces of the United States on active duty and for a period of
14 6 months after ~~his~~ discharge from active duty as a member of
15 the Armed Forces of the United States, provided he or she is
16 not engaged in his or her licensed profession or vocation in
17 the private sector for profit.

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

24 Section 6. Section 455.521, Florida Statutes, 1998
25 Supplement, is amended to read:

26 455.521 Department; powers and duties.--The
27 department, for the professions ~~boards~~ under its jurisdiction,
28 shall:

29 (1) Adopt rules establishing a procedure for the
30 biennial renewal of licenses; however, the department may
31 issue up to a 4-year license to selected licensees

1 notwithstanding any other provisions of law to the contrary.
2 Fees for such renewal shall not exceed the fee caps for
3 individual professions on an annualized basis as authorized by
4 law.

5 (2) Appoint the executive director of each board,
6 subject to the approval of the board.

7 (3) Submit an annual budget to the Legislature at a
8 time and in the manner provided by law.

9 (4) Develop a training program for persons newly
10 appointed to membership on any board. The program shall
11 familiarize such persons with the substantive and procedural
12 laws and rules and fiscal information relating to the
13 regulation of the appropriate profession and with the
14 structure of the department.

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

17 (6) Establish by rules procedures by which the
18 department shall use the expert or technical advice of the
19 appropriate board for the purposes of investigation,
20 inspection, evaluation of applications, other duties of the
21 department, or any other areas the department may deem
22 appropriate.

23 (7) Require all proceedings of any board or panel
24 thereof and all formal or informal proceedings conducted by
25 the department, an administrative law judge, or a hearing
26 officer with respect to licensing or discipline to be
27 electronically recorded in a manner sufficient to assure the
28 accurate transcription of all matters so recorded.

29 (8) Select only those investigators, or consultants
30 who undertake investigations, who meet criteria established
31 with the advice of the respective boards.

1 (9) Allow applicants for new or renewal licenses and
2 current licensees to be screened by the Title IV-D child
3 support agency pursuant to s. 409.2598 to assure compliance
4 with a support obligation. The purpose of this subsection is
5 to promote the public policy of this state as established in
6 s. 409.2551. The department shall, when directed by the court,
7 suspend or deny the license of any licensee found to have a
8 delinquent support obligation. The department shall issue or
9 reinstate the license without additional charge to the
10 licensee when notified by the court that the licensee has
11 complied with the terms of the court order. The department
12 shall not be held liable for any license denial or suspension
13 resulting from the discharge of its duties under this
14 subsection.

15 Section 7. Subsection (2) of section 455.564, Florida
16 Statutes, 1998 Supplement, as amended by section 262 of
17 chapter 98-166, Laws of Florida, is reenacted, subsection (2)
18 of said section as amended by section 237 of said chapter is
19 repealed, and subsections (6), (7), and (9) of said section
20 are amended, to read:

21 455.564 Department; general licensing provisions.--

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

1 surrender to the department the wallet-size identification
2 card and the wall certificate if the licensee's license is
3 suspended or revoked. The department shall promptly return the
4 wallet-size identification card and the wall certificate to
5 the licensee upon reinstatement of a suspended or revoked
6 license.

7 (6) As a condition of renewal of a license, the Board
8 of Medicine, the Board of Osteopathic Medicine, the Board of
9 Chiropractic Medicine, and the Board of Podiatric Medicine
10 shall each require licensees which they respectively regulate
11 to periodically demonstrate their professional competency by
12 completing at least 40 hours of continuing education every 2
13 years, which may include up to 1 hour of risk management or
14 cost containment and up to 2 hours of other topics related to
15 the applicable medical specialty, if required by board rule.
16 Each of such boards shall determine whether any specific
17 course requirements not otherwise mandated by law shall be
18 mandated and shall approve criteria for, and the content of,
19 any course mandated by such board. Notwithstanding any other
20 provision of law, the board, or the department when there is
21 no board, may approve by rule alternative methods of obtaining
22 continuing education credits in risk management. The
23 alternative methods may include attending a board meeting at
24 which another ~~a~~ licensee is disciplined, serving as a
25 volunteer expert witness for the department in a disciplinary
26 case, or serving as a member of a probable cause panel
27 following the expiration of a board member's term. Other
28 boards within the Division of Medical Quality Assurance, or
29 the department if there is no board, may adopt rules granting
30 continuing education hours in risk management for attending a
31 board meeting at which another licensee is disciplined,

1 serving as a volunteer expert witness for the department in a
2 disciplinary case, or serving as a member of a probable cause
3 panel following the expiration of a board member's term.

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

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

23 Section 8. Paragraph (a) of subsection (1) of section
24 455.565, Florida Statutes, 1998 Supplement, is amended to
25 read:

26 455.565 Designated health care professionals;
27 information required for licensure.--

28 (1) Each person who applies for initial licensure as a
29 physician under chapter 458, chapter 459, chapter 460, or
30 chapter 461 must, at the time of application, and each
31 physician who applies for license renewal under chapter 458,

1 chapter 459, chapter 460, or chapter 461 must, in conjunction
2 with the renewal of such license and under procedures adopted
3 by the Department of Health, and in addition to any other
4 information that may be required from the applicant, furnish
5 the following information to the Department of Health:

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

12 2. The name of each hospital at which the applicant
13 has privileges.

14 3. The address at which the applicant will primarily
15 conduct his or her practice.

16 4. Any certification that the applicant has received
17 from a specialty board that is recognized by the board to
18 which the applicant is applying.

19 5. The year that the applicant began practicing
20 medicine in any jurisdiction.

21 6. Any appointment to the faculty of a medical school
22 which the applicant currently holds and an indication as to
23 whether the applicant has had the responsibility for graduate
24 medical education within the most recent 10 years.

25 7. A description of any criminal offense of which the
26 applicant has been found guilty, regardless of whether
27 adjudication of guilt was withheld, or to which the applicant
28 has pled guilty or nolo contendere. A criminal offense
29 committed in another jurisdiction which would have been a
30 felony or misdemeanor if committed in this state must be
31 reported. If the applicant indicates that a criminal offense

1 is under appeal and submits a copy of the notice for appeal of
2 that criminal offense, the department must state that the
3 criminal offense is under appeal if the criminal offense is
4 reported in the applicant's profile. If the applicant
5 indicates to the department that a criminal offense is under
6 appeal, the applicant must, upon disposition of the appeal,
7 submit to the department a copy of the final written order of
8 disposition.

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

29 Section 9. Section 455.567, Florida Statutes, is
30 amended to read:

31

1 455.567 Sexual misconduct; disqualification for
2 license, certificate, or registration.--

3 (1) Sexual misconduct in the practice of a health care
4 profession means violation of the professional relationship
5 through which the health care practitioner uses such
6 relationship to engage or attempt to engage the patient or
7 client, or an immediate family member of the patient or client
8 in, or to induce or attempt to induce such person to engage
9 in, verbal or physical sexual activity outside the scope of
10 the professional practice of such health care profession.
11 Sexual misconduct in the practice of a health care profession
12 is prohibited.

13 (2) Each board within the jurisdiction of the
14 department, or the department if there is no board, shall
15 refuse to admit a candidate to any examination and refuse to
16 issue a license, certificate, or registration to any applicant
17 if the candidate or applicant has:

18 (a)~~(1)~~ Had any license, certificate, or registration
19 to practice any profession or occupation revoked or
20 surrendered based on a violation of sexual misconduct in the
21 practice of that profession under the laws of any other state
22 or any territory or possession of the United States and has
23 not had that license, certificate, or registration reinstated
24 by the licensing authority of the jurisdiction that revoked
25 the license, certificate, or registration; or

26 (b)~~(2)~~ Committed any act in any other state or any
27 territory or possession of the United States which if
28 committed in this state would constitute sexual misconduct.

29
30 For purposes of this subsection,a licensing authority's
31 acceptance of a candidate's relinquishment of a license which

1 is offered in response to or in anticipation of the filing of
2 administrative charges against the candidate's license
3 constitutes the surrender of the license.

4 Section 10. Subsection (2) of section 455.574, Florida
5 Statutes, 1998 Supplement, is amended to read:

6 455.574 Department of Health; examinations.--

7 (2) For each examination developed by the department
8 or a contracted vendor, the board, or the department when
9 there is no board, shall adopt rules providing for
10 reexamination of any applicants who failed an examination
11 developed by the department or a contracted vendor. If both a
12 written and a practical examination are given, an applicant
13 shall be required to retake only the portion of the
14 examination on which the applicant failed to achieve a passing
15 grade, if the applicant successfully passes that portion
16 within a reasonable time, as determined by rule of the board,
17 or the department when there is no board, of passing the other
18 portion. Except for national examinations approved and
19 administered pursuant to this section, the department shall
20 provide procedures for applicants who fail an examination
21 developed by the department or a contracted vendor to review
22 their examination questions, answers, papers, grades, and
23 grading key for the questions the candidate answered
24 incorrectly or, if not feasible, the parts of the examination
25 failed. Applicants shall bear the actual cost for the
26 department to provide examination review pursuant to this
27 subsection. An applicant may waive in writing the
28 confidentiality of the applicant's examination grades.

29 Section 11. Subsection (1) of section 455.587, Florida
30 Statutes, is amended, subsections (2) through (7) are
31

1 renumbered as subsections (3) through (8), respectively, and a
2 new subsection (2) is added to said section, to read:

3 455.587 Fees; receipts; disposition for boards within
4 the department.--

5 (1) Each board within the jurisdiction of the
6 department, or the department when there is no board, shall
7 determine by rule the amount of license fees for the ~~its~~
8 profession it regulates, based upon long-range estimates
9 prepared by the department of the revenue required to
10 implement laws relating to the regulation of professions by
11 the department and the board. Each board, or the department
12 if there is no board, shall ensure that license fees are
13 adequate to cover all anticipated costs and to maintain a
14 reasonable cash balance, as determined by rule of the agency,
15 with advice of the applicable board. If sufficient action is
16 not taken by a board within 1 year after notification by the
17 department that license fees are projected to be inadequate,
18 the department shall set license fees on behalf of the
19 applicable board to cover anticipated costs and to maintain
20 the required cash balance. The department shall include
21 recommended fee cap increases in its annual report to the
22 Legislature. Further, it is the legislative intent that no
23 regulated profession operate with a negative cash balance. The
24 department may provide by rule for advancing sufficient funds
25 to any profession operating with a negative cash balance. The
26 advancement may be for a period not to exceed 2 consecutive
27 years, and the regulated profession must pay interest.
28 Interest shall be calculated at the current rate earned on
29 investments of a trust fund used by the department to
30 implement this part. Interest earned shall be allocated to the
31

1 various funds in accordance with the allocation of investment
2 earnings during the period of the advance.

3 (2) Each board, or the department if there is no
4 board, may charge a fee not to exceed \$25, as determined by
5 rule, for the issuance of a wall certificate pursuant to s.
6 455.564(2) requested by a licensee who was licensed prior to
7 July 1, 1998, or for the issuance of a duplicate wall
8 certificate requested by any licensee.

9 Section 12. Subsections (1) and (6) of section
10 455.604, Florida Statutes, 1998 Supplement, are amended to
11 read:

12 455.604 Requirement for instruction for certain
13 licensees on human immunodeficiency virus and acquired immune
14 deficiency syndrome.--

15 (1) The appropriate board shall require each person
16 licensed or certified under chapter 457; chapter 458; chapter
17 459; chapter 460; chapter 461; chapter 463; chapter 464;
18 chapter 465; chapter 466; part II, part III, ~~or~~ part V, or
19 part X of chapter 468; or chapter 486 to complete a continuing
20 educational course, approved by the board, on human
21 immunodeficiency virus and acquired immune deficiency syndrome
22 as part of biennial relicensure or recertification. The course
23 shall consist of education on the modes of transmission,
24 infection control procedures, clinical management, and
25 prevention of human immunodeficiency virus and acquired immune
26 deficiency syndrome. Such course shall include information on
27 current Florida law on acquired immune deficiency syndrome and
28 its impact on testing, confidentiality of test results,
29 treatment of patients, and any protocols and procedures
30 applicable to human immunodeficiency virus counseling and
31 testing, reporting, the offering of HIV testing to pregnant

1 women, and partner notification issues pursuant to ss. 381.004
2 and 384.25.

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

11 Section 13. Subsection (1) of section 455.607, Florida
12 Statutes, is amended to read:

13 455.607 Athletic trainers and massage therapists;
14 requirement for instruction on human immunodeficiency virus
15 and acquired immune deficiency syndrome.--

16 (1) The board, or the department where there is no
17 board, shall require each person licensed or certified under
18 part XIII ~~XIV~~ of chapter 468 or chapter 480 to complete a
19 continuing educational course approved by the board, or the
20 department where there is no board, on human immunodeficiency
21 virus and acquired immune deficiency syndrome as part of
22 biennial relicensure or recertification. The course shall
23 consist of education on modes of transmission, infection
24 control procedures, clinical management, and prevention of
25 human immunodeficiency virus and acquired immune deficiency
26 syndrome, with an emphasis on appropriate behavior and
27 attitude change.

28 Section 14. Paragraphs (t), (u), (v), and (w) are
29 added to subsection (1) of section 455.624, Florida Statutes,
30 and subsections (2) and (3) of said section are amended, to
31 read:

1 455.624 Grounds for discipline; penalties;
2 enforcement.--

3 (1) The following acts shall constitute grounds for
4 which the disciplinary actions specified in subsection (2) may
5 be taken:

6 (t) Failing to comply with the requirements of ss.
7 381.026 and 381.0261 to provide patients with information
8 about their patient rights and how to file a patient
9 complaint.

10 (u) Engaging or attempting to engage a patient or
11 client in verbal or physical sexual activity. For the purposes
12 of this section, a patient or client shall be presumed to be
13 incapable of giving free, full, and informed consent to verbal
14 or physical sexual activity.

15 (v) Failing to comply with the requirements for
16 profiling and credentialing, including, but not limited to,
17 failing to provide initial information, failing to timely
18 provide updated information, or making misleading, untrue,
19 deceptive, or fraudulent representations on a profile,
20 credentialing, or initial or renewal licensure application.

21 (w) Failing to report to the board, or the department
22 if there is no board, in writing within 30 days after the
23 licensee has been convicted or found guilty of, or entered a
24 plea of nolo contendere to, regardless of adjudication, a
25 crime in any jurisdiction. Convictions, findings,
26 adjudications, and pleas entered into prior to the enactment
27 of this paragraph must be reported in writing to the board, or
28 department if there is no board, on or before October 1, 1999.

29 (2) When the board, or the department when there is no
30 board, finds any person guilty of the grounds set forth in
31 subsection (1) or of any grounds set forth in the applicable

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

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

24

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

1 compliance with orders issued under this subsection are the
2 obligation of the practitioner.

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

16 Section 15. Paragraphs (g) and (k) of subsection (3)
17 of section 455.654, Florida Statutes, 1998 Supplement, are
18 amended to read:

19 455.654 Financial arrangements between referring
20 health care providers and providers of health care services.--

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

23 (g) "Health care provider" means any physician
24 licensed under chapter 458, chapter 459, chapter 460, or
25 chapter 461; ~~or~~ any health care provider licensed under
26 chapter 463 or chapter 466; or any business entity that is
27 operating as a provider of clinical laboratory services for
28 kidney dialysis or nephrology and is vertically integrated
29 with another business entity providing related services,
30 except for any such entity licensed under chapter 395.

31

1 (k) "Referral" means any referral of a patient by a
2 health care provider for health care services, including,
3 without limitation:

4 1. The forwarding of a patient by a health care
5 provider to another health care provider or to an entity which
6 provides or supplies designated health services or any other
7 health care item or service; or

8 2. The request or establishment of a plan of care by a
9 health care provider, which includes the provision of
10 designated health services or other health care item or
11 service.

12 3. The following orders, recommendations, or plans of
13 care shall not constitute a referral by a health care
14 provider:

15 a. By a radiologist for diagnostic-imaging services.

16 b. By a physician specializing in the provision of
17 radiation therapy services for such services.

18 c. By a medical oncologist for drugs and solutions to
19 be prepared and administered intravenously to such
20 oncologist's patient, as well as for the supplies and
21 equipment used in connection therewith to treat such patient
22 for cancer and the complications thereof.

23 d. By a cardiologist for cardiac catheterization
24 services.

25 e. By a pathologist for diagnostic clinical laboratory
26 tests and pathological examination services, if furnished by
27 or under the supervision of such pathologist pursuant to a
28 consultation requested by another physician.

29 f. By a health care provider who is the sole provider
30 or member of a group practice for designated health services
31 or other health care items or services that are prescribed or

1 provided solely for such referring health care provider's or
2 group practice's own patients, and that are provided or
3 performed by or under the direct supervision of such referring
4 health care provider or group practice.

5 g. By a health care provider for services provided by
6 an ambulatory surgical center licensed under chapter 395.

7 h. By a health care provider for diagnostic clinical
8 laboratory services where such services are directly related
9 to renal dialysis.

10 i. By a urologist for lithotripsy services.

11 j. By a dentist for dental services performed by an
12 employee of or health care provider who is an independent
13 contractor with the dentist or group practice of which the
14 dentist is a member.

15 k. By a physician for infusion therapy services to a
16 patient of that physician or a member of that physician's
17 group practice.

18 ~~i. By a nephrologist for renal dialysis services and~~
19 ~~supplies.~~

20 Section 16. Section 455.664, Florida Statutes, is
21 amended to read:

22 455.664 Advertisement by a health care practitioner
23 ~~provider~~ of free or discounted services; required
24 statement.--In any advertisement for a free, discounted fee,
25 or reduced fee service, examination, or treatment by a health
26 care practitioner ~~provider~~ licensed under chapter 458, chapter
27 459, chapter 460, chapter 461, chapter 462, chapter 463,
28 chapter 464, chapter 465, chapter 466, chapter 467, chapter
29 478, chapter 483, chapter 484, or chapter 486, chapter 490, or
30 chapter 491, the following statement shall appear in capital
31 letters clearly distinguishable from the rest of the text:

1 THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A
2 RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR
3 PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT THAT
4 IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING
5 TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED
6 FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required
7 statement shall not be necessary as an accompaniment to an
8 advertisement of a licensed health care practitioner ~~provider~~
9 defined by this section if the advertisement appears in a
10 classified directory the primary purpose of which is to
11 provide products and services at free, reduced, or discounted
12 prices to consumers and in which the statement prominently
13 appears in at least one place.

14 Section 17. Subsection (7) of section 455.667, Florida
15 Statutes, 1998 Supplement, is amended to read:

16 455.667 Ownership and control of patient records;
17 report or copies of records to be furnished.--

18 (7)(a)1. ~~The department may obtain patient records and~~
19 ~~insurance information, if the complaint being investigated~~
20 ~~alleges inadequate medical care based on termination of~~
21 ~~insurance.~~ The department may obtain patient ~~access these~~
22 records pursuant to a subpoena without written authorization
23 from the patient if the department and the probable cause
24 panel of the appropriate board, if any, find reasonable cause
25 to believe that a health care practitioner has excessively or
26 inappropriately prescribed any controlled substance specified
27 in chapter 893 in violation of this part or any professional
28 practice act or that a health care practitioner has practiced
29 his or her profession below that level of care, skill, and
30 treatment required as defined by this part or any professional
31 practice act; ~~provided, however, the~~ and also find that

1 appropriate, reasonable attempts were made to obtain a patient
2 release.

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

11 3. The department may obtain patient records, billing
12 records, insurance information, provider contracts, and all
13 attachments thereto pursuant to a subpoena without written
14 authorization from the patient if the department and probable
15 cause panel of the appropriate board, if any, find reasonable
16 cause to believe that a health care practitioner has submitted
17 a claim, statement, or bill using a billing code that would
18 result in payment greater in amount than would be paid using a
19 billing code that accurately describes the services performed,
20 requested payment for services that were not performed by that
21 health care practitioner, used information derived from a
22 written report of an automobile accident generated pursuant to
23 chapter 316 to solicit or obtain patients personally or
24 through an agent regardless of whether the information is
25 derived directly from the report or a summary of that report
26 or from another person, solicited patients fraudulently,
27 received a kickback as defined in s. 455.657, violated the
28 patient brokering provisions of s. 817.505, or presented or
29 caused to be presented a false or fraudulent insurance claim
30 within the meaning of s. 817.234(1)(a), and also find that,
31 within the meaning of s. 817.234(1)(a), patient authorization

1 cannot be obtained because the patient cannot be located or is
2 deceased, incapacitated, or suspected of being a participant
3 in the fraud or scheme, and if the subpoena is issued for
4 specific and relevant records.

5 (b) Patient records, billing records, insurance
6 information, provider contracts, and all attachments thereto

7 ~~record~~ obtained by the department pursuant to this subsection
8 shall be used solely for the purpose of the department and the
9 appropriate regulatory board in disciplinary proceedings. ~~The~~
10 ~~records shall otherwise be confidential and exempt from s.~~

11 ~~19.07(1)~~. This section does not limit the assertion of the
12 psychotherapist-patient privilege under s. 90.503 in regard to
13 records of treatment for mental or nervous disorders by a
14 medical practitioner licensed pursuant to chapter 458 or
15 chapter 459 who has primarily diagnosed and treated mental and
16 nervous disorders for a period of not less than 3 years,
17 inclusive of psychiatric residency. However, the health care
18 practitioner shall release records of treatment for medical
19 conditions even if the health care practitioner has also
20 treated the patient for mental or nervous disorders. If the
21 department has found reasonable cause under this section and
22 the psychotherapist-patient privilege is asserted, the
23 department may petition the circuit court for an in camera
24 review of the records by expert medical practitioners
25 appointed by the court to determine if the records or any part
26 thereof are protected under the psychotherapist-patient
27 privilege.

28 Section 18. Subsection (3) is added to section
29 455.687, Florida Statutes, to read:

30 455.687 Certain health care practitioners; immediate
31 suspension of license.--

1 (3) The department may issue an emergency order
2 suspending or restricting the license of any health care
3 practitioner as defined in s. 455.501(4) who tests positive
4 for any drug on any government or private-sector preemployment
5 or employer-ordered confirmed drug test, as defined in s.
6 112.0455, when the practitioner does not have a lawful
7 prescription and legitimate medical reason for using such
8 drug. The practitioner shall be given 48 hours from the time
9 of notification to the practitioner of the confirmed test
10 result to produce a lawful prescription for the drug before an
11 emergency order is issued.

12 Section 19. Section 455.694, Florida Statutes, 1998
13 Supplement, is amended to read:

14 455.694 Financial responsibility requirements for
15 ~~Boards regulating~~ certain health care practitioners.--

16 (1) As a prerequisite for licensure or license
17 renewal, the Board of Acupuncture, the Board of Chiropractic
18 Medicine, the Board of Podiatric Medicine, and the Board of
19 Dentistry shall, by rule, require that all health care
20 practitioners licensed under the respective board, and the
21 Board of Nursing shall, by rule, require that advanced
22 registered nurse practitioners certified under s. 464.012, and
23 the department shall, by rule, require that midwives maintain
24 medical malpractice insurance or provide proof of financial
25 responsibility in an amount and in a manner determined by the
26 board or department to be sufficient to cover claims arising
27 out of the rendering of or failure to render professional care
28 and services in this state.

29 (2) The board or department may grant exemptions upon
30 application by practitioners meeting any of the following
31 criteria:

1 (a) Any person licensed under chapter 457, chapter
2 460, chapter 461, s. 464.012, ~~or~~ chapter 466, or chapter 467
3 who practices exclusively as an officer, employee, or agent of
4 the Federal Government or of the state or its agencies or its
5 subdivisions. For the purposes of this subsection, an agent
6 of the state, its agencies, or its subdivisions is a person
7 who is eligible for coverage under any self-insurance or
8 insurance program authorized by the provisions of s.
9 768.28(15) or who is a volunteer under s. 110.501(1).

10 (b) Any person whose license or certification has
11 become inactive under chapter 457, chapter 460, chapter 461,
12 chapter 464, ~~or~~ chapter 466, or chapter 467 and who is not
13 practicing in this state. Any person applying for
14 reactivation of a license must show either that such licensee
15 maintained tail insurance coverage which provided liability
16 coverage for incidents that occurred on or after October 1,
17 1993, or the initial date of licensure in this state,
18 whichever is later, and incidents that occurred before the
19 date on which the license became inactive; or such licensee
20 must submit an affidavit stating that such licensee has no
21 unsatisfied medical malpractice judgments or settlements at
22 the time of application for reactivation.

23 (c) Any person holding a limited license pursuant to
24 s. 455.561, and practicing under the scope of such limited
25 license.

26 (d) Any person licensed or certified under chapter
27 457, chapter 460, chapter 461, s. 464.012, ~~or~~ chapter 466, or
28 chapter 467 who practices only in conjunction with his or her
29 teaching duties at an accredited school or in its main
30 teaching hospitals. Such person may engage in the practice of
31 medicine to the extent that such practice is incidental to and

1 a necessary part of duties in connection with the teaching
2 position in the school.

3 (e) Any person holding an active license or
4 certification under chapter 457, chapter 460, chapter 461, s.
5 464.012, ~~or~~ chapter 466, or chapter 467 who is not practicing
6 in this state. If such person initiates or resumes practice
7 in this state, he or she must notify the department of such
8 activity.

9 (f) Any person who can demonstrate to the board or
10 department that he or she has no malpractice exposure in the
11 state.

12 (3) Notwithstanding the provisions of this section,
13 the financial responsibility requirements of ss. 458.320 and
14 459.0085 shall continue to apply to practitioners licensed
15 under those chapters.

16 Section 20. Section 455.712, Florida Statutes, is
17 created to read:

18 455.712 Business establishments; requirements for
19 active status licenses.--

20 (1) A business establishment regulated by the Division
21 of Medical Quality Assurance pursuant to this part may provide
22 regulated services only if the business establishment has an
23 active status license. A business establishment that provides
24 regulated services without an active status license is in
25 violation of this section and s. 455.624, and the board, or
26 the department if there is no board, may impose discipline on
27 the business establishment.

28 (2) A business establishment must apply with a
29 complete application, as defined by rule of the board, or the
30 department if there is no board, to renew an active status
31 license before the license expires. If a business

1 establishment fails to renew before the license expires, the
2 license becomes delinquent, except as otherwise provided in
3 statute, in the license cycle following expiration.

4 (3) A delinquent business establishment must apply
5 with a complete application, as defined by rule of the board,
6 or the department if there is no board, for active status
7 within 6 months after becoming delinquent. Failure of a
8 delinquent business establishment to renew the license within
9 the 6 months after the expiration date of the license renders
10 the license null without any further action by the board or
11 the department. Any subsequent licensure shall be as a result
12 of applying for and meeting all requirements imposed on a
13 business establishment for new licensure.

14 (4) The status or a change in status of a business
15 establishment license does not alter in any way the right of
16 the board, or of the department if there is no board, to
17 impose discipline or to enforce discipline previously imposed
18 on a business establishment for acts or omissions committed by
19 the business establishment while holding a license, whether
20 active or null.

21 (5) This section applies to any a business
22 establishment registered, permitted, or licensed by the
23 department to do business. Business establishments include,
24 but are not limited to, dental laboratories, electrology
25 facilities, massage establishments, pharmacies, and health
26 care services pools.

27 Section 21. Section 457.1095, Florida Statutes, is
28 created to read:

29 457.1095 Acupuncture teaching permit.--

30 (1) Acupuncturists from other states or countries, not
31 licensed in Florida, may engage in professional education

1 through lectures, clinics, or demonstrations in conjunction
2 with a school of acupuncture and oriental medicine licensed
3 pursuant to Florida law.

4 (2) Prior to issuing a teaching permit, such visiting
5 acupuncture faculty shall have at least 10 years' experience
6 as an acupuncturist or practitioner of oriental medicine. Such
7 persons shall establish, to the satisfaction and approval of
8 the board, that they possess such skills and education. Either
9 such persons shall be proficient in the English language or
10 the respective school of acupuncture shall provide
11 interpreters at lectures, clinics, or demonstrations.

12 (3) Visiting acupuncture faculty may engage in
13 professional education through lectures, clinics, and
14 demonstrations. Visiting acupuncture faculty may engage in the
15 teaching of acupuncture and oriental medicine in conjunction
16 with these lectures, clinics, or demonstrations for a maximum
17 of 12 consecutive calendar months on the school premises with
18 the option to renew for 12 additional months. Visiting
19 acupuncture faculty may not open an office or appoint a place
20 to meet patients or receive calls from patients or otherwise
21 engage in the practice of acupuncture within or outside of the
22 school's setting.

23 (4) Every visiting acupuncture faculty member approved
24 by the board shall pay a nonrefundable application fee for a
25 teaching permit not to exceed \$300.

26 (5) The names of visiting acupuncture faculty approved
27 by the board, and the school's name for which they are
28 approved, shall be provided, on a timely basis, to the State
29 Board of Nonpublic Career Education of the Department of
30 Education.

31

1 (6) Schools of acupuncture and oriental medicine may
2 only have two visiting faculty members on staff at one time.

3 (7) Visiting acupuncture faculty may not teach more
4 than two courses.

5 (8) The board shall adopt rules pursuant to ss.
6 120.536(1) and 120.54 to implement the provisions of this
7 section.

8 Section 22. Subsection (3) of section 458.305, Florida
9 Statutes, is amended to read:

10 458.305 Definitions.--As used in this chapter:

11 (3) "Practice of medicine" means making or approving a
12 the diagnosis, treatment, treatment plan, operation,
13 procedure, or prescription for any human disease, pain,
14 injury, deformity, or other physical or mental condition. The
15 "practice of medicine" does not include coverage decisions for
16 purposes of insurance benefits as long as medical judgments
17 are not involved.

18 Section 23. Subsections (2) and (4) of section
19 458.307, Florida Statutes, 1998 Supplement, are amended to
20 read:

21 458.307 Board of Medicine.--

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

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

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

16 Section 24. Section 458.311, Florida Statutes, 1998
17 Supplement, is amended to read:

18 458.311 Licensure by examination; requirements;
19 fees.--

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

25 (a) Has completed the application form and remitted a
26 nonrefundable application fee not to exceed \$500 ~~and an~~
27 ~~examination fee not to exceed \$300 plus the actual per~~
28 ~~applicant cost to the department for purchase of the~~
29 ~~examination from the Federation of State Medical Boards of the~~
30 ~~United States or a similar national organization, which is~~

31

1 ~~refundable if the applicant is found to be ineligible to take~~
2 ~~the examination.~~

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

4 (c) Is of good moral character.

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

8 (e) For any applicant who has graduated from medical
9 school after October 1, 1992, has completed the equivalent of
10 2 academic years of preprofessional, postsecondary education,
11 as determined by rule of the board, which shall include, at a
12 minimum, courses in such fields as anatomy, biology, and
13 chemistry prior to entering medical school.

14 (f) Meets one of the following medical education and
15 postgraduate training requirements:

16 1.a. Is a graduate of an allopathic medical school or
17 allopathic college recognized and approved by an accrediting
18 agency recognized by the United States Office of Education or
19 is a graduate of an allopathic medical school or allopathic
20 college within a territorial jurisdiction of the United States
21 recognized by the accrediting agency of the governmental body
22 of that jurisdiction;

23 b. If the language of instruction of the medical
24 school is other than English, has demonstrated competency in
25 English through presentation of a satisfactory grade on the
26 Test of Spoken English of the Educational Testing Service or a
27 similar test approved by rule of the board; and

28 c. Has completed an approved residency of at least 1
29 year.

30 2.a. Is a graduate of an allopathic ~~a~~ foreign medical
31 school registered with the World Health Organization and

1 certified pursuant to s. 458.314 as having met the standards
2 required to accredit medical schools in the United States or
3 reasonably comparable standards;

4 b. If the language of instruction of the foreign
5 medical school is other than English, has demonstrated
6 competency in English through presentation of the Educational
7 Commission for Foreign Medical Graduates English proficiency
8 certificate or by a satisfactory grade on the Test of Spoken
9 English of the Educational Testing Service or a similar test
10 approved by rule of the board; and

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

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

15 b. Has had his or her medical credentials evaluated by
16 the Educational Commission for Foreign Medical Graduates,
17 holds an active, valid certificate issued by that commission,
18 and has passed the examination utilized by that commission;
19 and

20 c. Has completed an approved residency of at least 1
21 year; however, after October 1, 1992, the applicant shall have
22 completed an approved residency or fellowship of at least 2
23 years in one specialty area. However, to be acceptable, the
24 fellowship experience and training must be counted toward
25 regular or subspecialty certification by a board recognized
26 and certified by the American Board of Medical Specialties.

27 (g) Has submitted to the department a set of
28 fingerprints on a form and under procedures specified by the
29 department, along with a payment in an amount equal to the
30 costs incurred by the Department of Health for the criminal
31 background check of the applicant.

1 (h) Has obtained a passing score, as established by
2 rule of the board, on the licensure examination of the United
3 States Medical Licensing Examination (USMLE); or a combination
4 of the United States Medical Licensing Examination (USMLE),
5 the examination of the Federation of State Medical Boards of
6 the United States, Inc. (FLEX), or the examination of the
7 National Board of Medical Examiners up to the year 2000; or
8 for the purpose of examination of any applicant who was
9 licensed on the basis of a state board examination and who is
10 currently licensed in at least one other jurisdiction of the
11 United States or Canada, and who has practiced pursuant to
12 such licensure for a period of at least 10 years, use of the
13 Special Purpose Examination of the Federation of State Medical
14 Boards of the United States (SPEX) upon receipt of a passing
15 score as established by rule of the board.

16 (2) As prescribed by board rule, the board may require
17 an applicant who does not pass the national licensing
18 examination after five attempts to complete additional
19 remedial education or training. The board shall prescribe the
20 additional requirements in a manner that permits the applicant
21 to complete the requirements and be reexamined within 2 years
22 after the date the applicant petitions the board to retake the
23 examination a sixth or subsequent time.

24 (3) Notwithstanding the provisions of subparagraph
25 (1)(f)3., a graduate of a foreign medical school need not
26 present the certificate issued by the Educational Commission
27 for Foreign Medical Graduates or pass the examination utilized
28 by that commission if the graduate:

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

31

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

3 (c) Has completed all of the formal requirements of
4 the foreign medical school, except the internship or social
5 service requirements, and has passed part I of the National
6 Board of Medical Examiners examination or the Educational
7 Commission for Foreign Medical Graduates examination
8 equivalent.

9 (d) Has completed an academic year of supervised
10 clinical training in a hospital affiliated with a medical
11 school approved by the Council on Medical Education of the
12 American Medical Association and upon completion has passed
13 part II of the National Board of Medical Examiners examination
14 or the Educational Commission for Foreign Medical Graduates
15 examination equivalent.

16 (4) The department and the board shall assure that
17 applicants for licensure meet the criteria in subsection (1)
18 through an investigative process. When the investigative
19 process is not completed within the time set out in s.
20 120.60(1) and the department or board has reason to believe
21 that the applicant does not meet the criteria, the secretary
22 or the secretary's designee may issue a 90-day licensure delay
23 which shall be in writing and sufficient to notify the
24 applicant of the reason for the delay. The provisions of this
25 subsection shall control over any conflicting provisions of s.
26 120.60(1).

27 (5) The board may not certify to the department for
28 licensure any applicant who is under investigation in another
29 jurisdiction for an offense which would constitute a violation
30 of this chapter until such investigation is completed. Upon
31 completion of the investigation, the provisions of s. 458.331

1 shall apply. Furthermore, the department may not issue an
2 unrestricted license to any individual who has committed any
3 act or offense in any jurisdiction which would constitute the
4 basis for disciplining a physician pursuant to s. 458.331.
5 When the board finds that an individual has committed an act
6 or offense in any jurisdiction which would constitute the
7 basis for disciplining a physician pursuant to s. 458.331,
8 then the board may enter an order imposing one or more of the
9 terms set forth in subsection (9).

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

13 (7) Upon certification by the board, the department
14 shall impose conditions, limitations, or restrictions on a
15 license ~~by examination~~ if the applicant is on probation in
16 another jurisdiction for an act which would constitute a
17 violation of this chapter.

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

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

25 (b) Certification to the department of an application
26 for licensure, certification, or registration with
27 restrictions on the scope of practice of the licensee; or

28 (c) Certification to the department of an application
29 for licensure, certification, or registration with placement
30 of the physician on probation for a period of time and subject
31 to such conditions as the board may specify, including, but

1 not limited to, requiring the physician to submit to
2 treatment, attend continuing education courses, submit to
3 reexamination, or work under the supervision of another
4 physician.

5 ~~(9)(a) Notwithstanding any of the provisions of this~~
6 ~~section, an applicant who, at the time of his or her medical~~
7 ~~education, was a citizen of the country of Nicaragua and, at~~
8 ~~the time of application for licensure under this subsection,~~
9 ~~is either a citizen of the country of Nicaragua or a citizen~~
10 ~~of the United States may make initial application to the~~
11 ~~department on or before July 1, 1992, for licensure subject to~~
12 ~~this subsection and may reapply pursuant to board rule. Upon~~
13 ~~receipt of such application, the department shall issue a~~
14 ~~2-year restricted license to any applicant therefor upon the~~
15 ~~applicant's successful completion of the licensure examination~~
16 ~~as described in paragraph (1)(a) and who the board certifies~~
17 ~~has met the following requirements:~~

18 1. ~~Is a graduate of a World Health Organization~~
19 ~~recognized foreign medical institution located in a country in~~
20 ~~the Western Hemisphere.~~

21 2. ~~Received a medical education which has been~~
22 ~~determined by the board to be substantially similar, at the~~
23 ~~time of the applicant's graduation, to approved United States~~
24 ~~medical programs.~~

25 3. ~~Practiced medicine in the country of Nicaragua for~~
26 ~~a period of 1 year prior to residing in the United States and~~
27 ~~has lawful employment authority in the United States.~~

28 4. ~~Has had his or her medical education verified by~~
29 ~~the Florida Board of Medicine.~~

30 5. ~~Successfully completed the Educational Commission~~
31 ~~for Foreign Medical Graduates Examination or Foreign Medical~~

1 ~~Graduate Examination in the Medical Sciences or successfully~~
2 ~~completed a course developed for the University of Miami for~~
3 ~~physician training equivalent to the course developed for such~~
4 ~~purposes pursuant to chapter 74-105, Laws of Florida. No~~
5 ~~person shall be permitted to enroll in the physician training~~
6 ~~course until he or she has been certified by the board as~~
7 ~~having met the requirements of this paragraph or conditionally~~
8 ~~certified by the board as having substantially complied with~~
9 ~~the requirements of this paragraph. Any person conditionally~~
10 ~~certified by the board shall be required to establish, to the~~
11 ~~board's satisfaction, full compliance with all the~~
12 ~~requirements of this paragraph prior to completion of the~~
13 ~~physician training course and shall not be permitted to sit~~
14 ~~for the licensure examination unless the board certifies that~~
15 ~~all of the requirements of this paragraph have been met.~~

16
17 ~~However, applicants eligible for licensure under s. 455.581 or~~
18 ~~subsection (9), 1988 Supplement to the Florida Statutes 1987,~~
19 ~~as amended by s. 18, chapter 89-162, Laws of Florida, and ss.~~
20 ~~5 and 42, chapter 89-374, Laws of Florida, and renumbered as~~
21 ~~subsection (8) by s. 5, chapter 89-374, Laws of Florida, shall~~
22 ~~not be eligible to apply under this subsection.~~

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

27 ~~(c) Upon recommendation of the supervising physician~~
28 ~~and demonstration of clinical competency to the satisfaction~~
29 ~~of the board that the holder of a restricted license issued~~
30 ~~pursuant to this subsection has practiced for 1 year under~~
31 ~~direct supervision, such licenseholder shall work for 1 year~~

1 ~~under general supervision, as defined by board rule, of a~~
2 ~~Florida-licensed physician in an area of critical need as~~
3 ~~determined by the board. Prior to commencing such~~
4 ~~supervision, the supervising physician shall notify the board.~~

5 ~~(d) Upon completion of the 1 year of work under~~
6 ~~general supervision and demonstration to the board that the~~
7 ~~holder of the restricted license has satisfactorily completed~~
8 ~~the requirements of this subsection, and has not committed any~~
9 ~~act or is not under investigation for any act which would~~
10 ~~constitute a violation of this chapter, the department shall~~
11 ~~issue an unrestricted license to such licenseholder.~~

12 ~~(e) Rules necessary to implement and carry out the~~
13 ~~provisions of this subsection shall be promulgated by the~~
14 ~~board.~~

15 ~~(10) Notwithstanding any other provision of this~~
16 ~~section, the department shall examine any person who meets the~~
17 ~~criteria set forth in sub-subparagraph (1)(f)1.a.,~~
18 ~~sub-subparagraphs (1)(f)3.a. and b., or subsection (3), if the~~
19 ~~person:~~

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

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

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

29 ~~(d) Remits a nonrefundable administration fee, not to~~
30 ~~exceed \$50, and an examination fee, not to exceed \$300, plus~~
31 ~~the actual cost per person to the department for the purchase~~

1 ~~of the examination from the Federation of State Medical Boards~~
2 ~~of the United States or a similar national organization. The~~
3 ~~examination fee is refundable if the person is found to be~~
4 ~~ineligible to take the examination.~~

5 Section 25. Section 458.3115, Florida Statutes, 1998
6 Supplement, is amended to read:

7 458.3115 Restricted license; certain foreign-licensed
8 physicians; ~~United States Medical Licensing Examination~~
9 ~~(USMLE) or agency-developed~~ examination; restrictions on
10 practice; full licensure.--

11 (1)(a) Notwithstanding any other provision of law, the
12 department ~~agency~~ shall provide procedures under which certain
13 physicians who are or were foreign-licensed and have practiced
14 medicine no less than 2 years may take the USMLE or an
15 ~~agency-developed~~ examination developed by the department, in
16 consultation with the board, to qualify for a restricted
17 license to practice medicine in this state. The
18 department-developed ~~agency and board-developed~~ examination
19 shall test the same areas of medical knowledge as the
20 Federation of State Medical Boards of the United States, Inc.
21 (FLEX) previously administered by the Florida Board of
22 Medicine to grant medical licensure in Florida. The
23 department-developed ~~agency-developed~~ examination must be made
24 available no later than December 31, 1998, to a physician who
25 qualifies for licensure. A person who is eligible to take and
26 elects to take the department-developed ~~agency and~~
27 ~~board-developed~~ examination, who has previously passed part 1
28 or part 2 of the previously administered FLEX shall not be
29 required to retake or pass the equivalent parts of the
30 department-developed ~~agency-developed~~ examination, and may sit
31

1 for the department-developed ~~agency and board-developed~~
2 examination five times within 5 years.

3 (b) A person who is eligible to take and elects to
4 take the USMLE who has previously passed part 1 or part 2 of
5 the previously administered FLEX shall not be required to
6 retake or pass the equivalent parts of the USMLE up to the
7 year 2000.

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

10 1. Has taken, upon approval by the board, and
11 completed, in November 1990 or November 1992, one of the
12 special preparatory medical update courses authorized by the
13 board and the University of Miami Medical School and
14 subsequently passed the final course examination; upon
15 approval by the board to take the course completed in 1990 or
16 in 1992, has a certificate of successful completion of that
17 course from the University of Miami or the Stanley H. Kaplan
18 course; or can document to the department that he or she was
19 one of the persons who took and successfully completed the
20 Stanley H. Kaplan course that was approved by the board of
21 ~~Medicine~~ and supervised by the University of Miami. At a
22 minimum, the documentation must include class attendance
23 records and the test score on the final course examination;

24 2. Applies to the department ~~agency~~ and submits an
25 application fee that is nonrefundable and equivalent to the
26 fee required for full licensure;

27 3. Documents no less than 2 years of the active
28 practice of medicine in another jurisdiction;

29 4. Submits an examination fee that is nonrefundable
30 and equivalent to the fee required for full licensure plus the
31

1 actual per-applicant cost to the department ~~agency~~ to provide
2 either examination described in this section;

3 5. Has not committed any act or offense in this or any
4 other jurisdiction that would constitute a substantial basis
5 for disciplining a physician under this chapter or part II of
6 chapter 455; and

7 6. Is not under discipline, investigation, or
8 prosecution in this or any other jurisdiction for an act that
9 would constitute a violation of this chapter or part II of
10 chapter 455 and that substantially threatened or threatens the
11 public health, safety, or welfare.

12 (d) Every person eligible for restricted licensure
13 under this section may sit for the USMLE or the
14 department-developed ~~agency and board-developed~~ examination
15 five times within 5 calendar years. Applicants desiring to
16 use portions of the FLEX and the USMLE may do so up to the
17 year 2000. However, notwithstanding subparagraph (c)3.,
18 applicants applying under this section who fail the
19 examination up to a total of five times will only be required
20 to pay the examination fee required for full licensure for the
21 second and subsequent times they take the examination.

22 (e) The department ~~Agency for Health Care~~
23 ~~Administration~~ and the board shall be responsible for working
24 with one or more organizations to offer a medical refresher
25 course designed to prepare applicants to take either licensure
26 examination described in this section. The organizations may
27 develop the medical refresher course, purchase such a course,
28 or contract for such a course from a private organization that
29 specializes in developing such courses.

30 (f) The course shall require no less than two 16-week
31 semesters of 16 contact hours per week for a total of 256

1 contact hours per student for each semester. The cost is to be
2 paid by the students taking the course.

3 (2)(a) Before the department ~~agency~~ may issue a
4 restricted license to an applicant under this section, the
5 applicant must have passed either of the two examinations
6 described in this section. However, the board may impose
7 reasonable restrictions on the applicant's license to
8 practice. These restrictions may include, but are not limited
9 to:

10 1. Periodic and random department ~~agency~~ audits of the
11 licensee's patient records and review of those records by the
12 board or the department ~~agency~~.

13 2. Periodic appearances of the licensee before the
14 board or the department ~~agency~~.

15 3. Submission of written reports to the board or the
16 department ~~agency~~.

17 (b) A restricted licensee under this section shall
18 practice under the supervision of a full licensee approved by
19 the board with the first year of the licensure period being
20 under direct supervision as defined by board rule and the
21 second year being under indirect supervision as defined by
22 board rule.

23 (c) The board may adopt rules necessary to implement
24 this subsection.

25 (3)(a) A restricted license issued by the department
26 ~~agency~~ under this section is valid for 2 years unless sooner
27 revoked or suspended, and a restricted licensee is subject to
28 the requirements of this chapter, part II of chapter 455, and
29 any other provision of law not in conflict with this section.
30 Upon expiration of such restricted license, a restricted
31

1 licensee shall become a full licensee if the restricted
2 licensee:

3 1. Is not under discipline, investigation, or
4 prosecution for a violation which poses a substantial threat
5 to the public health, safety, or welfare; and

6 2. Pays all renewal fees required of a full licensee.

7 (b) The department ~~agency~~ shall renew a restricted
8 license under this section upon payment of the same fees
9 required for renewal for a full license if the restricted
10 licensee is under discipline, investigation, or prosecution
11 for a violation which posed or poses a substantial threat to
12 the public health, safety, or welfare and the board has not
13 permanently revoked the restricted license. A restricted
14 licensee who has renewed such restricted license shall become
15 eligible for full licensure when the licensee is no longer
16 under discipline, investigation, or prosecution.

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

19 Section 26. Subsections (1) and (2) of section
20 458.313, Florida Statutes, are amended, and subsection (8) of
21 said section is repealed, to read:

22 458.313 Licensure by endorsement; requirements;
23 fees.--

24 (1) The department shall issue a license by
25 endorsement to any applicant who, upon applying to the
26 department on forms furnished by the department and remitting
27 a fee set by the board not to exceed \$500 ~~set by the board~~,
28 the board certifies:

29 (a) Has met the qualifications for licensure in s.
30 458.311(1)(b)-(g) or in s. 458.311(1)(b)-(e) and (g) and (3);

31

1 (b) Prior to January 1, 2000,has obtained a passing
2 score, as established by rule of the board, on the licensure
3 examination of the Federation of State Medical Boards of the
4 United States, Inc. (FLEX), on ~~or of~~ the United States Medical
5 Licensing Examination (USMLE), or on the examination of the
6 National Board of Medical Examiners, or on a combination
7 thereof, and on or after January 1, 2000, has obtained a
8 passing score on the United States Medical Licensing
9 Examination (USMLE)~~provided the board certifies as eligible~~
10 ~~for licensure by endorsement any applicant who took the~~
11 ~~required examinations more than 10 years prior to application;~~
12 and

13 (c) Has submitted evidence of the active licensed
14 practice of medicine in another jurisdiction, for at least 2
15 of the immediately preceding 4 years, or evidence of
16 successful completion of either a board-approved postgraduate
17 training program within 2 years preceding filing of an
18 application,~~or a board-approved clinical competency~~
19 ~~examination,~~within the year preceding the filing of an
20 application for licensure. For purposes of this paragraph,
21 "active licensed practice of medicine" means that practice of
22 medicine by physicians, including those employed by any
23 governmental entity in community or public health, as defined
24 by this chapter, medical directors under s. 641.495(11) who
25 are practicing medicine, and those on the active teaching
26 faculty of an accredited medical school.

27 ~~(2)(a) As prescribed by board rule, the board may~~
28 ~~require an applicant who does not pass the licensing~~
29 ~~examination after five attempts to complete additional~~
30 ~~remedial education or training. The board shall prescribe the~~
31 ~~additional requirements in a manner that permits the applicant~~

1 ~~to complete the requirements and be reexamined within 2 years~~
2 ~~after the date the applicant petitions the board to retake the~~
3 ~~examination a sixth or subsequent time.~~

4 ~~(b)~~ The board may require an applicant for licensure
5 by endorsement to take and pass the appropriate licensure
6 examination prior to certifying the applicant as eligible for
7 licensure.

8 ~~(8)~~ ~~The department shall reactivate the license of any~~
9 ~~physician whose license has become void by failure to practice~~
10 ~~in Florida for a period of 1 year within 3 years after~~
11 ~~issuance of the license by endorsement, if the physician was~~
12 ~~issued a license by endorsement prior to 1989, has actively~~
13 ~~practiced medicine in another state for the last 4 years,~~
14 ~~applies for licensure before October 1, 1998, pays the~~
15 ~~applicable fees, and otherwise meets any continuing education~~
16 ~~requirements for reactivation of the license as determined by~~
17 ~~the board.~~

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

20 458.315 Temporary certificate for practice in areas of
21 critical need.--Any physician who is licensed to practice in
22 any other state, whose license is currently valid, and who
23 pays an application fee of \$300 may be issued a temporary
24 certificate to practice in communities of Florida where there
25 is a critical need for physicians. A certificate may be
26 issued to a physician who will be employed by a county health
27 department, correctional facility, community health center
28 funded by s. 329, s. 330, or s. 340 of the United States
29 Public Health Services Act, or other entity that provides
30 health care to indigents and that is approved by the State
31

1 Health Officer. The Board of Medicine may issue this
2 temporary certificate with the following restrictions:

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

9 (a) A recipient of a temporary certificate for
10 practice in areas of critical need may use the license to work
11 for any approved employer in any area of critical need
12 approved by the board.

13 (b) The recipient of a temporary certificate for
14 practice in areas of critical need shall, within 30 days after
15 accepting employment, notify the board of all approved
16 institutions in which the licensee practices and of all
17 approved institutions where practice privileges have been
18 denied.

19 Section 28. Paragraph (b) of subsection (1) of section
20 458.3165, Florida Statutes, is amended to read:

21 458.3165 Public psychiatry certificate.--The board
22 shall issue a public psychiatry certificate to an individual
23 who remits an application fee not to exceed \$300, as set by
24 the board, who is a board-certified psychiatrist, who is
25 licensed to practice medicine without restriction in another
26 state, and who meets the requirements in s. 458.311(1)(a)-(g)
27 and (5).

28 (1) Such certificate shall:

29 (b) Be issued and renewable biennially if the
30 secretary of the Department of Health ~~and Rehabilitative~~
31 ~~Services~~ and the chair of the department of psychiatry at one

1 of the public medical schools or the chair of the department
2 of psychiatry at the accredited medical school at the
3 University of Miami recommend in writing that the certificate
4 be issued or renewed.

5 Section 29. Subsection (4) is added to section
6 458.317, Florida Statutes, 1998 Supplement, to read:

7 458.317 Limited licenses.--

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

17 Section 30. Paragraph (mm) is added to subsection (1)
18 of section 458.331, Florida Statutes, 1998 Supplement, and
19 subsection (2) of said section is amended, to read:

20 458.331 Grounds for disciplinary action; action by the
21 board and department.--

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

25 (mm) Failing to comply with the requirements of ss.
26 381.026 and 381.0261 to provide patients with information
27 about their patient rights and how to file a patient
28 complaint.

29 (2) When the board finds any person guilty of any of
30 the grounds set forth in subsection (1), including conduct
31 that would constitute a substantial violation of subsection

1 (1) which occurred prior to licensure, it may enter an order
2 imposing one or more of the following penalties:

3 (a) Refusal to certify, or certification with
4 restrictions, to the department an application for licensure,
5 certification, or registration.

6 (b) Revocation or suspension of a license.

7 (c) Restriction of practice.

8 (d) Imposition of an administrative fine not to exceed
9 ~~\$10,000~~\$5,000 for each count or separate offense.

10 (e) Issuance of a reprimand.

11 (f) Placement of the physician on probation for a
12 period of time and subject to such conditions as the board may
13 specify, including, but not limited to, requiring the
14 physician to submit to treatment, to attend continuing
15 education courses, to submit to reexamination, or to work
16 under the supervision of another physician.

17 (g) Issuance of a letter of concern.

18 (h) Corrective action.

19 (i) Refund of fees billed to and collected from the
20 patient.

21 (j) 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 must
25 first consider what sanctions are necessary to protect the
26 public or to compensate the patient. Only after those
27 sanctions have been imposed may the disciplining authority
28 consider and include in the order requirements designed to
29 rehabilitate the physician. All costs associated with
30 compliance with orders issued under this subsection are the
31 obligation of the physician.

1 Section 31. Subsection (7) of section 458.347, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 458.347 Physician assistants.--

4 (7) PHYSICIAN ASSISTANT LICENSURE.--

5 (a) Any person desiring to be licensed as a physician
6 assistant must apply to the department. The department shall
7 issue a license to any person certified by the council as
8 having met the following requirements:

9 1. Is at least 18 years of age.

10 2. Has satisfactorily passed a proficiency examination
11 by an acceptable score established by the National Commission
12 on Certification of Physician Assistants. If an applicant
13 does not hold a current certificate issued by the National
14 Commission on Certification of Physician Assistants and has
15 not actively practiced as a physician assistant within the
16 immediately preceding 4 years, the applicant must retake and
17 successfully complete the entry-level examination of the
18 National Commission on Certification of Physician Assistants
19 to be eligible for licensure.

20 3. Has completed the application form and remitted an
21 application fee not to exceed \$300 as set by the boards. An
22 application for licensure made by a physician assistant must
23 include:

24 a. A certificate of completion of a physician
25 assistant training program specified in subsection (6).

26 b. A sworn statement of any prior felony convictions.

27 c. A sworn statement of any previous revocation or
28 denial of licensure or certification in any state.

29 d. Two letters of recommendation.
30
31

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

4 a. Has completed the application form and remitted a
5 nonrefundable application fee not to exceed \$500 and an
6 examination fee not to exceed \$300, plus the actual cost to
7 the department to provide the examination. The examination
8 fee is refundable if the applicant is found to be ineligible
9 to take the examination. The department shall not require the
10 applicant to pass a separate practical component of the
11 examination. For examinations given after July 1, 1998,
12 competencies measured through practical examinations shall be
13 incorporated into the written examination through a
14 multiple-choice format. The department shall translate the
15 examination into the native language of any applicant who
16 requests and agrees to pay all costs of such translation,
17 provided that the translation request is filed with the board
18 office no later than 9 months before the scheduled examination
19 and the applicant remits translation fees as specified by the
20 department no later than 6 months before the scheduled
21 examination, and provided that the applicant demonstrates to
22 the department the ability to communicate orally in basic
23 English. If the applicant is unable to pay translation costs,
24 the applicant may take the next available examination in
25 English if the applicant submits a request in writing by the
26 application deadline and if the applicant is otherwise
27 eligible under this section. To demonstrate the ability to
28 communicate orally in basic English, a passing score or grade
29 is required, as determined by the department or organization
30 that developed it, on one of the following English
31 examinations:

1 (I) The test for spoken English (TSE) by the
2 Educational Testing Service (ETS);

3 (II) The test of English as a foreign language
4 (TOEFL), by ETS;

5 (III) A high school or college level English course;

6 (IV) The English examination for citizenship,
7 Immigration and Naturalization Service.

8

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

12 b. Is an unlicensed physician who graduated from a
13 foreign medical school listed with the World Health
14 Organization who has not previously taken and failed the
15 examination of the National Commission on Certification of
16 Physician Assistants and who has been certified by the Board
17 of Medicine as having met the requirements for licensure as a
18 medical doctor by examination as set forth in s. 458.311(1),
19 (3), (4), and (5), with the exception that the applicant is
20 not required to have completed an approved residency of at
21 least 1 year and the applicant is not required to have passed
22 the licensing examination specified under s. 458.311 or hold a
23 valid, active certificate issued by the Educational Commission
24 for Foreign Medical Graduates.

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

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

31

1 2. The department may grant temporary licensure to an
2 applicant who meets the requirements of subparagraph 1.
3 Between meetings of the council, the department may grant
4 temporary licensure to practice based on the completion of all
5 temporary licensure requirements. All such administratively
6 issued licenses shall be reviewed and acted on at the next
7 regular meeting of the council. A temporary license expires
8 30 days after ~~upon~~ receipt and notice of scores to the
9 licenseholder from the first available examination specified
10 in subparagraph 1. following licensure by the department. An
11 applicant who fails the proficiency examination is no longer
12 temporarily licensed, but may apply for a one-time extension
13 of temporary licensure after reapplying for the next available
14 examination. Extended licensure shall expire upon failure of
15 the licenseholder to sit for the next available examination or
16 upon receipt and notice of scores to the licenseholder from
17 such examination.

18 3. Notwithstanding any other provision of law, the
19 examination specified pursuant to subparagraph 1. shall be
20 administered by the department only five times. Applicants
21 certified by the board for examination shall receive at least
22 6 months' notice of eligibility prior to the administration of
23 the initial examination. Subsequent examinations shall be
24 administered at 1-year intervals following the reporting of
25 the scores of the first and subsequent examinations. For the
26 purposes of this paragraph, the department may develop,
27 contract for the development of, purchase, or approve an
28 examination, ~~including a practical component,~~ that adequately
29 measures an applicant's ability to practice with reasonable
30 skill and safety. The minimum passing score on the
31 examination shall be established by the department, with the

1 advice of the board. Those applicants failing to pass that
2 examination or any subsequent examination shall receive notice
3 of the administration of the next examination with the notice
4 of scores following such examination. Any applicant who
5 passes the examination and meets the requirements of this
6 section shall be licensed as a physician assistant with all
7 rights defined thereby.

8 (c) The license must be renewed biennially. Each
9 renewal must include:

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

12 2. A sworn statement of no felony convictions in the
13 previous 2 years.

14 (d) Each licensed physician assistant shall biennially
15 complete 100 hours of continuing medical education or shall
16 hold a current certificate issued by the National Commission
17 on Certification of Physician Assistants.

18 (e) Upon employment as a physician assistant, a
19 licensed physician assistant must notify the department in
20 writing within 30 days after such employment or after any
21 subsequent changes in the supervising physician. The
22 notification must include the full name, Florida medical
23 license number, specialty, and address of the supervising
24 physician.

25 (f) Notwithstanding subparagraph (a)2., the department
26 may grant to a recent graduate of an approved program, as
27 specified in subsection (6), who expects to take the first
28 examination administered by the National Commission on
29 Certification of Physician Assistants available for
30 registration after the applicant's graduation, a temporary
31 license. The temporary license shall to expire 30 days after

1 ~~upon~~ receipt of scores of the proficiency examination
2 administered by the National Commission on Certification of
3 Physician Assistants. Between meetings of the council, the
4 department may grant a temporary license to practice based on
5 the completion of all temporary licensure requirements. All
6 such administratively issued licenses shall be reviewed and
7 acted on at the next regular meeting of the council. The
8 recent graduate may be licensed prior to employment, but must
9 comply with paragraph (e). An applicant who has passed the
10 proficiency examination may be granted permanent licensure. An
11 applicant failing the proficiency examination is no longer
12 temporarily licensed, but may reapply for a 1-year extension
13 of temporary licensure. An applicant may not be granted more
14 than two temporary licenses and may not be licensed as a
15 physician assistant until he or she passes the examination
16 administered by the National Commission on Certification of
17 Physician Assistants. As prescribed by board rule, the council
18 may require an applicant who does not pass the licensing
19 examination after five or more attempts to complete additional
20 remedial education or training. The council shall prescribe
21 the additional requirements in a manner that permits the
22 applicant to complete the requirements and be reexamined
23 within 2 years after the date the applicant petitions the
24 council to retake the examination a sixth or subsequent time.

25 (g) The Board of Medicine may impose any of the
26 penalties specified in ss. 455.624 and 458.331(2) upon a
27 physician assistant if the physician assistant or the
28 supervising physician has been found guilty of or is being
29 investigated for any act that constitutes a violation of this
30 chapter or part II of chapter 455.

31

1 Section 32. Subsection (3) of section 459.003, Florida
2 Statutes, is amended to read:

3 459.003 Definitions.--As used in this chapter:

4 (3) "Practice of osteopathic medicine" means making or
5 approving a the diagnosis, treatment, treatment plan,
6 operation, procedure, or prescription for any human disease,
7 pain, injury, deformity, or other physical or mental
8 condition, which practice is based in part upon educational
9 standards and requirements which emphasize the importance of
10 the musculoskeletal structure and manipulative therapy in the
11 maintenance and restoration of health. The "practice of
12 osteopathic medicine" does not include coverage decisions for
13 purposes of insurance benefits as long as medical judgments
14 are not involved.

15 Section 33. Subsection (7) is added to section
16 459.0075, Florida Statutes, to read:

17 459.0075 Limited licenses.--

18 (7) Any person holding an active license to practice
19 osteopathic medicine in the state may convert that license to
20 a limited license for the purpose of providing volunteer,
21 uncompensated care for low-income Floridians. Applicants must
22 submit a statement from the employing agency or institution
23 stating that he or she will not receive compensation for any
24 service involving the practice of osteopathic medicine. The
25 application and all licensure fees, including neurological
26 injury compensation assessments, shall be waived.

27 Section 34. Paragraph (oo) is added to subsection (1)
28 of section 459.015, Florida Statutes, 1998 Supplement, and
29 subsection (2) of said section is amended, to read:

30 459.015 Grounds for disciplinary action by the
31 board.--

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

4 (oo) Failing to comply with the requirements of ss.
5 381.026 and 381.0261 to provide patients with information
6 about their patient rights and how to file a patient
7 complaint.

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

11 (a) Refusal to certify, or certify with restrictions,
12 to the department an application for certification, licensure,
13 renewal, or reactivation.

14 (b) Revocation or suspension of a license or
15 certificate.

16 (c) Restriction of practice.

17 (d) Imposition of an administrative fine not to exceed
18 ~~\$10,000~~\$5,000 for each count or separate offense.

19 (e) Issuance of a reprimand.

20 (f) Issuance of a letter of concern.

21 (g) Placement of the osteopathic physician on
22 probation for a period of time and subject to such conditions
23 as the board may specify, including, but not limited to,
24 requiring the osteopathic physician to submit to treatment,
25 attend continuing education courses, submit to reexamination,
26 or work under the supervision of another osteopathic
27 physician.

28 (h) Corrective action.

29 (i) Refund of fees billed to and collected from the
30 patient.

31

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

3
4 In determining what action is appropriate, the board must
5 first consider what sanctions are necessary to protect the
6 public or to compensate the patient. Only after those
7 sanctions have been imposed may the disciplining authority
8 consider and include in the order requirements designed to
9 rehabilitate the physician. All costs associated with
10 compliance with orders issued under this subsection are the
11 obligation of the physician.

12 Section 35. Paragraph (e) of subsection (1) of section
13 460.406, Florida Statutes, 1998 Supplement, is amended to
14 read:

15 460.406 Licensure by examination.--

16 (1) Any person desiring to be licensed as a
17 chiropractic physician shall apply to the department to take
18 the licensure examination. There shall be an application fee
19 set by the board not to exceed \$100 which shall be
20 nonrefundable. There shall also be an examination fee not to
21 exceed \$500 plus the actual per applicant cost to the
22 department for purchase of portions of the examination from
23 the National Board of Chiropractic Examiners or a similar
24 national organization, which may be refundable if the
25 applicant is found ineligible to take the examination. The
26 department shall examine each applicant who the board
27 certifies has:

28 (e) Completed not less than a 3-month training program
29 in this state of not less than 300 hours with a chiropractic
30 physician licensed in this state. The chiropractic physician
31 candidate may perform all services offered by the licensed

1 chiropractic physician, but must be under the supervision of
2 the licensed chiropractic physician until the results of the
3 first licensure examination for which the candidate has
4 qualified have been received, at which time the candidate's
5 training program shall be terminated. The board by rule shall
6 establish qualifications for serving as a supervising
7 chiropractic physician and procedures for approving a
8 supervising chiropractic physician. However, an applicant who
9 has practiced chiropractic medicine in any other state,
10 territory, or jurisdiction of the United States or any foreign
11 national jurisdiction for at least 5 years as a licensed
12 chiropractic physician need not be required to complete the
13 3-month training program as a requirement for licensure.

14 Section 36. Paragraph (d) of subsection (2) of section
15 460.413, Florida Statutes, 1998 Supplement, is amended to
16 read:

17 460.413 Grounds for disciplinary action; action by the
18 board.--

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

22 (d) Imposition of an administrative fine not to exceed
23 \$10,000~~\$2,000~~ for each count or separate offense.

24
25 In determining what action is appropriate, the board must
26 first consider what sanctions are necessary to protect the
27 public or to compensate the patient. Only after those
28 sanctions have been imposed may the disciplining authority
29 consider and include in the order requirements designed to
30 rehabilitate the chiropractic physician. All costs associated
31

1 with compliance with orders issued under this subsection are
2 the obligation of the chiropractic physician.

3 Section 37. Section 461.003, Florida Statutes, 1998
4 Supplement, is amended to read:

5 461.003 Definitions.--As used in this chapter:

6 (1)~~(2)~~ "Board" means the Board of Podiatric Medicine
7 as created in this chapter.

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

18 (3)~~(1)~~ "Department" means the Department of Health.

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

21 (5)~~(3)~~ "Practice of podiatric medicine" means the
22 diagnosis or medical, surgical, palliative, and mechanical
23 treatment of ailments of the human foot and leg. The surgical
24 treatment of ailments of the human foot and leg shall be
25 limited anatomically to that part below the anterior tibial
26 tubercle. The practice of podiatric medicine shall include
27 the amputation of the toes or other parts of the foot but
28 shall not include the amputation of the foot or leg in its
29 entirety. A podiatric physician may prescribe drugs that
30 relate specifically to the scope of practice authorized
31 herein.

1 Section 38. Paragraph (d) of subsection (1) of section
2 461.006, Florida Statutes, 1998 Supplement, is amended to
3 read:

4 461.006 Licensure by examination.--

5 (1) Any person desiring to be licensed as a podiatric
6 physician shall apply to the department to take the licensure
7 examination. The department shall examine each applicant who
8 the board certifies:

9 (d) ~~Beginning October 1, 1995,~~Has satisfactorily
10 completed one of the following clinical experience
11 requirements:

12 1. One year of residency in a residency program
13 approved by the board, and if it has been 4 or more years
14 since the completion of that residency, active licensed
15 practice of podiatric medicine in another jurisdiction for at
16 least 2 of the immediately preceding 4 years, or successful
17 completion of a board-approved postgraduate program or
18 board-approved course within the year preceding the filing of
19 the application. For the purpose of this subparagraph, "active
20 licensed practice" means the licensed practice of podiatric
21 medicine as defined in s. 461.003(5) by podiatric physicians,
22 including podiatric physicians employed by any governmental
23 entity, on the active teaching faculty of an accredited school
24 of podiatric medicine, or practicing administrative podiatric
25 medicine.

26 2. Ten years of continuous, active licensed practice
27 of podiatric medicine in another state immediately preceding
28 the submission of the application and completion of at least
29 the same continuing educational requirements during those 10
30 years as are required of podiatric physicians licensed in this
31 state.

1 Section 39. Subsection (1) of section 461.007, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 461.007 Renewal of license.--

4 (1) The department shall renew a license upon receipt
5 of the renewal application and a fee not to exceed \$350 set by
6 the board, and evidence that the applicant has actively
7 practiced podiatric medicine or has been on the active
8 teaching faculty of an accredited school of podiatric medicine
9 for at least 2 years of the immediately preceding 4 years. If
10 the licensee has not actively practiced podiatric medicine for
11 at least 2 years of the immediately preceding 4 years, the
12 board shall require that the licensee successfully complete a
13 board-approved course prior to renewal of the license. For
14 purposes of this subsection, "actively practiced podiatric
15 medicine" means the licensed practice of podiatric medicine as
16 defined in s. 461.003(5) by podiatric physicians, including
17 podiatric physicians employed by any governmental entity, on
18 the active teaching faculty of an accredited school of
19 podiatric medicine, or practicing administrative podiatric
20 medicine. An applicant for a renewed license must also submit
21 the information required under s. 455.565 to the department on
22 a form and under procedures specified by the department, along
23 with payment in an amount equal to the costs incurred by the
24 Department of Health for the statewide criminal background
25 check of the applicant. The applicant must submit a set of
26 fingerprints to the Department of Health on a form and under
27 procedures specified by the department, along with payment in
28 an amount equal to the costs incurred by the department for a
29 national criminal background check of the applicant for the
30 initial renewal of his or her license after January 1, 2000.
31 If the applicant fails to submit either the information

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

25 Section 40. Paragraph (bb) is added to subsection (1)
26 of section 461.013, Florida Statutes, 1998 Supplement, and
27 subsection (2) of said section is amended, to read:

28 461.013 Grounds for disciplinary action; action by the
29 board; investigations by department.--

30
31

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

4 (bb) Failing to comply with the requirements of ss.
5 381.026 and 381.0261 to provide patients with information
6 about their patient rights and how to file a patient
7 complaint.

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

11 (a) Refusal to certify to the department an
12 application for licensure.

13 (b) Revocation or suspension of a license.

14 (c) Restriction of practice.

15 (d) Imposition of an administrative fine not to exceed
16 ~~\$10,000~~~~\$1,000~~ for each count or separate offense.

17 (e) Issuance of a reprimand.

18 (f) Placing the podiatric physician on probation for a
19 period of time and subject to such conditions as the board may
20 specify, including requiring the podiatric physician to submit
21 to treatment, to attend continuing education courses, to
22 submit to reexamination, and to work under the supervision of
23 another podiatric physician.

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

26 Section 41. Section 461.0135, Florida Statutes, is
27 created to read:

28 461.0135 Operation of X-ray machines by podiatric
29 X-ray assistants.--A licensed podiatric physician may utilize
30 an X-ray machine, expose X-ray films, and interpret or read
31 such films. The provision of part IV of chapter 468 to the

1 contrary notwithstanding, a licensed podiatric physician may
2 authorize or direct a certified podiatric X-ray assistant to
3 operate such equipment and expose such films under the
4 licensed podiatric physician's direction and supervision,
5 pursuant to rules adopted by the board in accordance with s.
6 461.004, which ensures that such certified podiatric X-ray
7 assistant is competent to operate such equipment in a safe and
8 efficient manner by reason of training, experience, and
9 passage of a board-approved course which includes an
10 examination. The board shall issue a certificate to an
11 individual who successfully completes the board-approved
12 course and passes the examination to be administered by the
13 training authority upon completion of such course.

14 Section 42. Subsection (3) is added to section
15 464.008, Florida Statutes, to read:

16 464.008 Licensure by examination.--

17 (3) Any applicant who fails the examination three
18 consecutive times, regardless of the jurisdiction in which the
19 examination is taken, shall be required to complete a
20 board-approved remedial course before the applicant will be
21 approved for reexamination. After taking the remedial course,
22 the applicant may be approved to retake the examination up to
23 three additional times before the applicant is required to
24 retake remediation. The applicant shall apply for
25 reexamination within 6 months after completion of remediation.
26 The board shall by rule establish guidelines for remedial
27 courses.

28 Section 43. Subsection (13) is added to section
29 464.022, Florida Statutes, to read:

30 464.022 Exceptions.--No provision of this chapter
31 shall be construed to prohibit:

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

3 Section 44. Subsections (4) through (14) of section
4 465.003, Florida Statutes, are renumbered as subsections (5)
5 through (15), respectively, and a new subsection (4) is added
6 to said section, to read:

7 465.003 Definitions.--As used in this chapter, the
8 term:

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

13 Section 45. Paragraph (1) of subsection (1) and
14 paragraph (c) of subsection (2) of section 465.016, Florida
15 Statutes, are amended, and paragraph (q) is added to
16 subsection (1) of said section, to read:

17 465.016 Disciplinary actions.--

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

20 (1) Placing in the stock of any pharmacy any part of
21 any prescription compounded or dispensed which is returned by
22 a patient; however, in a hospital, nursing home, correctional
23 facility, or extended care facility in which unit-dose
24 medication is dispensed to inpatients, each dose being
25 individually sealed and the individual unit dose or unit-dose
26 system labeled with the name of the drug, dosage strength,
27 manufacturer's control number, and expiration date, if any,
28 the unused unit dose of medication may be returned to the
29 pharmacy for redispensing. Each pharmacist shall maintain
30 appropriate records for any unused or returned medicinal
31 drugs.

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

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

6 (c) Imposition of an administrative fine not to exceed
7 \$5,000~~\$1,000~~ for each count or separate offense.

8 Section 46. Subsection (2) of section 465.017, Florida
9 Statutes, is amended to read:

10 465.017 Authority to inspect.--

11 (2) Except as permitted by this chapter, and chapters
12 406, 409, 455, 499, and 893, records maintained by in a
13 pharmacy relating to the filling of prescriptions and the
14 dispensing of medicinal drugs shall not be furnished, except
15 upon the written authorization of the patient, to any person
16 other than to the patient for whom the drugs were dispensed,
17 ~~or her or his legal representative, or to the department~~
18 ~~pursuant to existing law,~~ or, in the event that the patient is
19 incapacitated or unable to request such said records, her or
20 his spouse; to the department pursuant to law; to health care
21 practitioners and pharmacists consulting with or dispensing to
22 the patient; or to insurance carriers or other payors
23 authorized by the patient to receive such records. For
24 purposes of this section, records held in a pharmacy shall be
25 considered owned by the owner of the pharmacy. The pharmacy
26 owner may use such records in the aggregate without patient
27 identification data, regardless of where such records are
28 held, for purposes reasonably related to the business and
29 practice of pharmacy ~~except upon the written authorization of~~
30 ~~such patient.~~ Such records may be furnished in any civil or
31 criminal proceeding, upon the issuance of a subpoena from a

1 court of competent jurisdiction and proper notice to the
2 patient or her or his legal representative by the party
3 seeking such records. Such records or any part thereof, if
4 transmitted through a data communication device and not
5 directly between a pharmacy and a treating practitioner, may
6 not be accessed, used, or maintained by the operator or owner
7 of the data communication device unless specifically
8 authorized by this section. It is the intent of this
9 subsection to allow the use and sharing of such records to
10 improve patient care, provided the pharmacist acts in the best
11 interests of her or his patient. Nothing in this subsection
12 may be construed to authorize or expand solicitation or
13 marketing to patients or potential patients in any manner not
14 otherwise specifically authorized by law.

15 Section 47. Section 465.014, Florida Statutes, is
16 amended to read:

17 465.014 Pharmacy technician.--No person other than a
18 licensed pharmacist or pharmacy intern may engage in the
19 practice of the profession of pharmacy, except that a licensed
20 pharmacist may delegate to nonlicensed pharmacy technicians
21 those duties, tasks, and functions which do not fall within
22 the purview of s. 465.003(~~13~~)(~~12~~). All such delegated acts
23 shall be performed under the direct supervision of a licensed
24 pharmacist who shall be responsible for all such acts
25 performed by persons under his or her supervision. A pharmacy
26 technician, under the supervision of a pharmacist, may
27 initiate or receive communications with a practitioner or his
28 or her agent, on behalf of a patient, regarding refill
29 authorization requests. No licensed pharmacist shall
30 supervise more than one pharmacy technician unless otherwise
31 permitted by the guidelines adopted by the board. The board

1 shall establish guidelines to be followed by licensees or
2 permittees in determining the circumstances under which a
3 licensed pharmacist may supervise more than one but not more
4 than three pharmacy technicians.

5 Section 48. Paragraph (c) of subsection (2) of section
6 465.015, Florida Statutes, is amended to read:

7 465.015 Violations and penalties.--

8 (2) It is unlawful for any person:

9 (c) To sell or dispense drugs as defined in s.
10 465.003(8)~~(7)~~without first being furnished with a
11 prescription.

12 Section 49. Section 465.0196, Florida Statutes, is
13 amended to read:

14 465.0196 Special pharmacy permits.--Any person
15 desiring a permit to operate a pharmacy which does not fall
16 within the definitions set forth in s. 465.003(11)~~(10)~~(a)1.,
17 2., and 3. shall apply to the department for a special
18 pharmacy permit. If the board certifies that the application
19 complies with the applicable laws and rules of the board
20 governing the practice of the profession of pharmacy, the
21 department shall issue the permit. No permit shall be issued
22 unless a licensed pharmacist is designated to undertake the
23 professional supervision of the compounding and dispensing of
24 all drugs dispensed by the pharmacy. The licensed pharmacist
25 shall be responsible for maintaining all drug records and for
26 providing for the security of the area in the facility in
27 which the compounding, storing, and dispensing of medicinal
28 drugs occurs. The permittee shall notify the department
29 within 10 days of any change of the licensed pharmacist
30 responsible for such duties.

31

1 Section 50. Subsection (3) of section 468.812, Florida
2 Statutes, is amended to read:

3 468.812 Exemptions from licensure.--

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

19 Section 51. Subsection (19) of section 499.003,
20 Florida Statutes, is amended to read:

21 499.003 Definitions of terms used in ss.

22 499.001-499.081.--As used in ss. 499.001-499.081, the term:

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

29 Section 52. (1) There is created within the
30 Department of Health a Task Force for the Study of
31 Collaborative Drug Therapy Management. The department shall

1 provide staff support for the task force. The task force shall
2 consist of not more than 10 members nominated by the
3 associations and entities named in this section and appointed
4 by the Secretary of Health. Members of the task force shall
5 not receive compensation, per diem, or reimbursement for
6 travel expenses for service on the task force. Participation
7 in the task force is optional and at the discretion of each
8 identified group or entity. The task force shall include:
9 (a) One representative from each of the following
10 associations:
11 1. Florida Society of Health-System Pharmacists.
12 2. Florida Pharmacy Association.
13 3. Florida Medical Association.
14 4. Florida Osteopathic Medical Association.
15 5. Florida Retail Federation.
16 (b) One representative from each of the following
17 entities:
18 1. Department of Health.
19 2. Board of Medicine, which representative must be a
20 member of the board who is licensed under chapter 458, Florida
21 Statutes.
22 3. Board of Osteopathic Medicine, which representative
23 must be a member of the board who is licensed under chapter
24 459, Florida Statutes.
25 4. Board of Pharmacy, which representative must be a
26 member of the board who is licensed under chapter 465, Florida
27 Statutes.
28 5. Agency for Health Care Administration.
29 (2) The task force shall hold its first meeting no
30 later than August 1, 1999, and shall report its findings to
31 the President of the Senate, the Speaker of the House of

1 Representatives, and the chairs of the applicable legislative
2 committees of substance not later than December 31, 1999. All
3 task force meetings must be held in Tallahassee at the
4 department in order to minimize costs to the state.

5 (3) The task force shall be charged with the
6 responsibility to:

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

10 (b) Receive testimony from interested parties and
11 identify the extent to which collaborative drug therapy
12 management is currently being practiced in this state and
13 other states.

14 (c) Determine the efficacy of collaborative drug
15 therapy management in improving health care outcomes of
16 patients.

17 Section 53. Paragraph (j) is added to subsection (3)
18 of section 466.003, Florida Statutes, to read:

19 466.003 Definitions.--As used in this chapter:

20 (3) "Dentistry" means the healing art which is
21 concerned with the examination, diagnosis, treatment planning,
22 and care of conditions within the human oral cavity and its
23 adjacent tissues and structures. It includes the performance
24 or attempted performance of any dental operation, or oral or
25 oral-maxillofacial surgery and any procedures adjunct thereto,
26 including physical evaluation directly related to such
27 operation or surgery pursuant to hospital rules and
28 regulations. It also includes dental service of any kind
29 gratuitously or for any remuneration paid, or to be paid,
30 directly or indirectly, to any person or agency. The term
31 "dentistry" shall also include the following:

1 (j) Making or approving a diagnosis, treatment,
2 treatment plan, operation, procedure, or prescription. The
3 "practice of dentistry" does not include coverage decisions
4 for purposes of insurance benefits as long as medical
5 judgments are not involved.

6 Section 54. Section 466.021, Florida Statutes, is
7 amended to read:

8 466.021 Employment of unlicensed persons by dentist;
9 penalty.--Every duly licensed dentist who uses the services of
10 any unlicensed person for the purpose of constructing,
11 altering, repairing, or duplicating any denture, partial
12 denture, bridge splint, or orthodontic or prosthetic appliance
13 shall be required to furnish such unlicensed person with a
14 written work order in such form as prescribed ~~shall be~~
15 ~~approved by rule of the board department. This form shall be~~
16 ~~supplied to the dentist by the department at a cost not to~~
17 ~~exceed that of printing and handling. The work order blanks~~
18 ~~shall be assigned to individual dentists and are not~~
19 ~~transferable.~~This form shall be dated and signed by such
20 dentist and shall include the patient's name or number with
21 sufficient descriptive information to clearly identify the
22 case for each separate and individual piece of work.7A ~~said~~
23 ~~work order shall be made in duplicate form, the duplicate copy~~
24 of such work order shall ~~to~~ be retained in a permanent file in
25 the dentist's office for a period of 2 years, and the original
26 work order shall ~~to~~ be retained in a permanent file for a
27 period of 2 years by such ~~said~~ unlicensed person in her or his
28 place of business. Such permanent file of work orders to be
29 kept by such dentist or by such unlicensed person shall be
30 open to inspection at any reasonable time by the department or
31 its duly constituted agent. Failure of the dentist to keep

1 such permanent records of such ~~said~~ work orders shall subject
2 the dentist to suspension or revocation of her or his license
3 to practice dentistry. Failure of such unlicensed person to
4 have in her or his possession a work order as required by this
5 section ~~above defined~~ shall be admissible evidence of a
6 violation of this chapter and shall constitute a misdemeanor
7 of the second degree, punishable as provided in s. 775.082 or
8 s. 775.083. Nothing in this section shall preclude a
9 registered dental laboratory from working for another
10 registered dental laboratory, provided that such work is
11 performed pursuant to written authorization, in a form to be
12 prescribed by rule of the board ~~department~~, which evidences
13 that the originating laboratory has obtained a valid work
14 order and which sets forth the work to be performed.
15 Furthermore, nothing in this section shall preclude a
16 registered laboratory from providing its services to dentists
17 licensed and practicing in another state, provided that such
18 work is requested or otherwise authorized in written form
19 which clearly identifies the name and address of the
20 requesting dentist and which sets forth the work to be
21 performed.

22 Section 55. Paragraph (c) of subsection (2) of section
23 468.1115, Florida Statutes, is amended to read:

24 468.1115 Exemptions.--

25 (2) The provisions of this part shall not apply to:

26 (c) Persons certified in the areas of speech-language
27 impairment or hearing impairment in this state under chapter
28 231 when engaging in the profession for which they are
29 certified through January 1, 2000, or any person under the
30 direct supervision of such a certified person through January
31 1, 2000, or of a licensee under this chapter, when the person

1 under such supervision is performing hearing screenings in a
2 school setting for prekindergarten through grade 12.

3 Section 56. Paragraph (b) of subsection (2), paragraph
4 (b) of subsection (3), and subsection (4) of section 468.1155,
5 Florida Statutes, are amended to read:

6 468.1155 Provisional license; requirements.--

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

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

24 1. Fundamental information applicable to the normal
25 development and use of speech, hearing, and language;
26 information about training in management of speech, hearing,
27 and language disorders; and information supplementary to these
28 fields.

29 2. Six semester hours in audiology.

30 3. Thirty of the required 60 semester hours in courses
31 acceptable toward a graduate degree by the college or

1 university in which these courses were taken, of which 24
2 semester hours must be in speech-language pathology.

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

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

20 1. Fundamental information applicable to the normal
21 development and use of speech, hearing, and language;
22 information about training in management of speech, hearing,
23 and language disorders; and information supplementary to these
24 fields.

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

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

30 (4) An applicant for a provisional license who has
31 received a master's degree or doctoral degree with a major

1 emphasis in speech-language pathology as provided in
2 subsection (2), or audiology as provided in subsection (3),
3 and who seeks licensure in the area in which the applicant is
4 not currently licensed, must have completed 30 semester hours
5 in courses acceptable toward a graduate degree and 200
6 supervised clinical clock hours in the second discipline from
7 an accredited institution.

8 Section 57. Section 468.1215, Florida Statutes, is
9 amended to read:

10 468.1215 Speech-language pathology assistant and
11 audiology assistant; certification.--

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

15 (1)(2) The department shall issue a certificate as a
16 speech-language pathology assistant ~~or as an audiology~~
17 ~~assistant~~ to each applicant who the board certifies has:

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

20 (b) Earned a bachelor's degree from a college or
21 university accredited by a regional association of colleges
22 and schools recognized by the Department of Education which
23 includes at least 24 semester hours of coursework as approved
24 by the board at an institution accredited by an accrediting
25 agency recognized by the Commission on Recognition of
26 Postsecondary Accreditation.

27 (2) The department shall issue a certificate as an
28 audiology assistant to each applicant who the board certifies
29 has:

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

1 (b) Completed at least 24 semester hours of coursework
2 as approved by the board at an institution accredited by an
3 accrediting agency recognized by the Commission on Recognition
4 of Postsecondary Accreditation.

5 (3) The board, by rule, shall establish minimum
6 education and on-the-job training and supervision requirements
7 for certification as a speech-language pathology assistant or
8 audiology assistant.

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

13 Section 58. Subsection (1) of section 468.307, Florida
14 Statutes, 1998 Supplement, is amended to read:

15 468.307 Certificate; issuance; possession; display.--

16 (1) The department shall issue a certificate to each
17 candidate who has met the requirements of ss. 468.304 and
18 468.306 or has qualified under s. 468.3065. The department may
19 by rule establish a subcategory of a certificate issued under
20 this part limiting the certificateholder to a specific
21 procedure or specific type of equipment.

22 Section 59. Section 468.519, Florida Statutes, is
23 created to read:

24 468.519 Sexual misconduct in the practice of dietetics
25 and nutrition.--The dietitian/nutritionist-client or nutrition
26 counselor-client relationship is founded on mutual trust.

27 "Sexual misconduct in the practice of dietetics and nutrition"
28 means violation of the dietitian/nutritionist-client or
29 nutrition counselor-client relationship through which the
30 dietitian/nutritionist or nutrition counselor uses that
31 relationship to induce or attempt to induce the client to

1 engage, or to engage or attempt to engage the client, in
2 sexual activity outside the scope of practice or the scope of
3 generally accepted examination or treatment of the client.
4 Sexual misconduct in the practice of dietetics and nutrition
5 is prohibited.

6 Section 60. Section 468.701, Florida Statutes, 1998
7 Supplement, is amended to read:

8 468.701 Definitions.--As used in this part, the term:

9 (1) "Athlete" means a person who participates in an
10 athletic activity.

11 (2) "Athletic activity" means the participation in an
12 activity, conducted by an educational institution, a
13 professional athletic organization, or an amateur athletic
14 organization, involving exercises, sports, games, or
15 recreation requiring any of the physical attributes of
16 strength, agility, flexibility, range of motion, speed, and
17 stamina.

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

21 (4) "Athletic trainer" means a person licensed under
22 this part.

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

25 (6) "~~Board Council~~" means the Board Council of
26 Athletic Training.

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

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

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

1 (9)~~(10)~~ "Supervision" means the easy availability of
2 the supervisor to the athletic trainer, which includes the
3 ability to communicate by telecommunications.

4 Section 61. Section 468.703, Florida Statutes, 1998
5 Supplement, is amended to read:

6 468.703 Board Council of Athletic Training.--

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

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

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

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

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

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

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

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

3 (6) The board shall maintain its official headquarters
4 in Tallahassee.

5 ~~(3) The council shall advise and assist the department~~
6 ~~in:~~

7 ~~(a) Developing rules relating to licensure~~
8 ~~requirements, the licensure examination, continuing education~~
9 ~~requirements, fees, records and reports to be filed by~~
10 ~~licensees, and any other requirements necessary to regulate~~
11 ~~the practice of athletic training.~~

12 ~~(b) Monitoring the practice of athletic training in~~
13 ~~other jurisdictions.~~

14 ~~(c) Educating the public about the role of athletic~~
15 ~~trainers.~~

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

18 ~~(e) Addressing concerns and problems of athletic~~
19 ~~trainers in order to promote improved safety in the practice~~
20 ~~of athletic training.~~

21 ~~(4) Members of the council shall be entitled to~~
22 ~~compensation and reimbursement for expenses in the same manner~~
23 ~~as board members are compensated and reimbursed under s.~~
24 ~~455.534.~~

25 Section 62. Section 468.705, Florida Statutes, 1998
26 Supplement, is amended to read:

27 468.705 Rulemaking authority.--The board ~~department~~ is
28 authorized to adopt rules pursuant to ss. 120.536(1) and
29 120.54 to implement provisions of this part conferring duties
30 upon it. Such rules shall include, but not be limited to, the
31 allowable scope of practice regarding the use of equipment,

1 procedures, and medication and requirements for a written
2 protocol between the athletic trainer and a supervising
3 physician.

4 Section 63. Section 468.707, Florida Statutes, 1998
5 Supplement, is amended to read:

6 468.707 Licensure by examination; requirements.--

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

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

11 1. Has completed the application form and remitted the
12 required fees.

13 2. Is at least 21 years of age.

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

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

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

1 6. Has, within 2 of the preceding 5 years, attained a
2 minimum of 800 hours of athletic training experience under the
3 direct supervision of a licensed athletic trainer or an
4 athletic trainer certified by the National Athletic Trainers'
5 Association or a comparable national athletic standards
6 organization.

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

9 (b) The department shall also license each applicant
10 who:

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

13 2. Is at least 21 years of age.

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

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

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

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

27 Section 64. Section 468.709, Florida Statutes, is
28 amended to read:

29 468.709 Fees.--

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

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

15 Section 65. Subsections (2) and (3) of section
16 468.711, Florida Statutes, 1998 Supplement, are amended to
17 read:

18 468.711 Renewal of license; continuing education.--

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

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

30 Section 66. Subsection (2) of section 468.719, Florida
31 Statutes, 1998 Supplement, is amended to read:

1 468.719 Disciplinary actions.--

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

6 Section 67. Section 468.721, Florida Statutes, is
7 amended to read:

8 468.721 Saving clause.--

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

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

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

28 Section 68. Paragraph (g) of subsection (3) of section
29 20.43, Florida Statutes, 1998 Supplement, is amended to read:

30 20.43 Department of Health.--There is created a
31 Department of Health.

1 (3) The following divisions of the Department of
2 Health are established:

3 (g) Division of Medical Quality Assurance, which is
4 responsible for the following boards and professions
5 established within the division:

6 1. Nursing assistants, as provided under s. 400.211.

7 2. Health care services pools, as provided under s.
8 402.48.

9 3. The Board of Acupuncture, created under chapter
10 457.

11 4. The Board of Medicine, created under chapter 458.

12 5. The Board of Osteopathic Medicine, created under
13 chapter 459.

14 6. The Board of Chiropractic Medicine, created under
15 chapter 460.

16 7. The Board of Podiatric Medicine, created under
17 chapter 461.

18 8. Naturopathy, as provided under chapter 462.

19 9. The Board of Optometry, created under chapter 463.

20 10. The Board of Nursing, created under chapter 464.

21 11. The Board of Pharmacy, created under chapter 465.

22 12. The Board of Dentistry, created under chapter 466.

23 13. Midwifery, as provided under chapter 467.

24 14. The Board of Speech-Language Pathology and
25 Audiology, created under part I of chapter 468.

26 15. The Board of Nursing Home Administrators, created
27 under part II of chapter 468.

28 16. The Board of Occupational Therapy, created under
29 part III of chapter 468.

30 17. Respiratory therapy, as provided under part V of
31 chapter 468.

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

1 Division of Medical Quality Assurance, councils, or boards, as
2 appropriate.

3 Section 69. The Council of Athletic Training and the
4 terms of all council members are terminated on July 1, 1999.
5 However, such termination in no way precludes the Governor
6 from considering any former council member for appointment to
7 the Board of Athletic Training created by this act.

8 Section 70. Section 468.805, Florida Statutes, is
9 amended to read:

10 468.805 Grandfathering Licensure without examination;
11 provisional licensure.--

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

1 (2)(a) A person who has received certification as an
2 orthotist, a prosthetist, or a prosthetist-orthotist from a
3 national certifying body and who has practiced orthotics or
4 prosthetics in this state for at least 2 years but less than 5
5 years is eligible for a provisional license.

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

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

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

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

25 (3) An applicant who has received certification as an
26 orthotist, a prosthetist, a prosthetist-orthotist, or a
27 pedorthist from a national certifying body which requires the
28 successful completion of an examination, may be licensed under
29 this section without taking an additional examination. An
30 applicant who has not received certification from a national
31 certifying body which requires the successful completion of an

1 examination shall be required to take an examination as
2 determined by the board. This examination shall be designed to
3 determine if the applicant has the minimum qualifications
4 needed to be licensed under this section. The board may charge
5 an examination fee and the actual per applicant cost to the
6 department for purchase or development of the examination.

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

13 (5)(4) This section is repealed July 1, 2002.

14 Section 71. Subsection (5) of section 478.42, Florida
15 Statutes, is amended to read:

16 478.42 Definitions.--As used in this chapter, the
17 term:

18 (5) "Electrolysis or electrology" means the permanent
19 removal of hair by destroying ~~introducing, into and beneath~~
20 ~~the skin, ionizing (galvanic current) or nonionizing radiation~~
21 ~~(thermolysis or high-frequency current) to destroy the~~
22 hair-producing cells of the skin and vascular system, using
23 equipment and needle-type epilation devices approved by the
24 board that have been cleared by and are registered with the
25 United States Food and Drug Administration and that are used
26 pursuant to protocols approved by the ~~council and the~~ board.

27 Section 72. Section 483.041, Florida Statutes, is
28 amended to read:

29 483.041 Definitions.--As used in this part, the term:

30 (1) "Agency" means the Agency for Health Care
31 Administration.

1 (2) "Clinical laboratory" means the physical location
2 in which one or more of the following services ~~a laboratory~~
3 ~~where examinations are performed on materials or specimens~~
4 ~~taken from the human body~~ to provide information or materials
5 for use in the diagnosis, prevention, or treatment of a
6 disease or the identification or assessment of a medical or
7 physical condition.

8 (a) Clinical laboratory services are the examinations
9 of fluids or other materials taken from the human body.

10 (b) Anatomic laboratory services are the examinations
11 of tissue taken from the human body.

12 (c) Cytology laboratory services are the examinations
13 of cells from individual tissues or fluid taken from the human
14 body.

15 (3) "Clinical laboratory examination" means a
16 procedure performed to deliver the services defined in
17 subsection (2), including the oversight or interpretation
18 thereof.

19 (4)~~(3)~~ "Clinical laboratory proficiency testing
20 program" means a program approved by the agency for evaluating
21 the performance of clinical laboratories.

22 (5)~~(4)~~ "Collection station" or "branch office" means a
23 facility operated by a clinical laboratory where materials or
24 specimens are withdrawn or collected from patients or
25 assembled after being withdrawn or collected from patients
26 elsewhere, for subsequent delivery to another location for
27 examination.

28 (6)~~(5)~~ "Hospital laboratory" means a laboratory
29 located in a hospital licensed under chapter 395 that provides
30 services solely to that hospital and that is owned by the
31

1 hospital and governed by the hospital medical staff or
2 governing board.

3 (7)~~(6)~~ "Licensed practitioner" means a physician
4 licensed under chapter 458, chapter 459, chapter 460, or
5 chapter 461; a dentist licensed under chapter 466; a person
6 licensed under chapter 462; or an advanced registered nurse
7 practitioner licensed under chapter 464.

8 (8)~~(7)~~ "Person" means the State of Florida or any
9 individual, firm, partnership, association, corporation,
10 county, municipality, political subdivision, or other entity,
11 whether organized for profit or not.

12 (9)~~(8)~~ "Validation inspection" means an inspection of
13 a clinical laboratory by the agency to assess whether a review
14 by an accrediting organization has adequately evaluated the
15 clinical laboratory according to state standards.

16 (10)~~(9)~~ "Waived test" means a test that the federal
17 Health Care Financing Administration has determined qualifies
18 for a certificate of waiver under the federal Clinical
19 Laboratory Improvement Amendments of 1988, and the federal
20 rules adopted thereunder.

21 Section 73. Subsections (2), (3), and (7) of section
22 483.803, Florida Statutes, are amended to read:

23 483.803 Definitions.--As used in this part, the term:

24 (2) "Clinical laboratory" means a clinical laboratory
25 as defined in s. 483.041~~(2)~~.

26 (3) "Clinical laboratory examination" means a clinical
27 laboratory examination as defined in s. 483.041 ~~an examination~~
28 ~~performed on materials or specimens of the human body to~~
29 ~~provide information or materials for use in the diagnosis,~~
30 ~~prevention, or treatment of a disease or the identification or~~
31 ~~assessment of a medical or physical condition.~~

1 (7) "Licensed practitioner of the healing arts" means
2 a physician licensed under ~~pursuant to~~ chapter 458, chapter
3 459, ~~or~~ chapter 460, or chapter 461; a dentist licensed under
4 ~~pursuant to~~ chapter 466; or a person licensed under ~~pursuant~~
5 ~~to chapter 461~~ or chapter 462.

6 Section 74. Paragraph (b) of subsection (2) of section
7 395.7015, Florida Statutes, 1998 Supplement, is amended to
8 read:

9 395.7015 Annual assessment on health care entities.--

10 (2) There is imposed an annual assessment against
11 certain health care entities as described in this section:

12 (b) For the purpose of this section, "health care
13 entities" include the following:

14 1. Ambulatory surgical centers and mobile surgical
15 facilities licensed under s. 395.003. This subsection shall
16 only apply to mobile surgical facilities operating under
17 contracts entered into on or after July 1, 1998.

18 2. Clinical laboratories licensed under s. 483.091,
19 excluding any hospital laboratory defined under s. 483.041~~(5)~~,
20 any clinical laboratory operated by the state or a political
21 subdivision of the state, any clinical laboratory which
22 qualifies as an exempt organization under s. 501(c)(3) of the
23 Internal Revenue Code of 1986, as amended, and which receives
24 70 percent or more of its gross revenues from services to
25 charity patients or Medicaid patients, and any blood, plasma,
26 or tissue bank procuring, storing, or distributing blood,
27 plasma, or tissue either for future manufacture or research or
28 distributed on a nonprofit basis, and further excluding any
29 clinical laboratory which is wholly owned and operated by 6 or
30 fewer physicians who are licensed pursuant to chapter 458 or
31 chapter 459 and who practice in the same group practice, and

1 at which no clinical laboratory work is performed for patients
2 referred by any health care provider who is not a member of
3 the same group.

4 3. Diagnostic-imaging centers that are freestanding
5 outpatient facilities that provide specialized services for
6 the identification or determination of a disease through
7 examination and also provide sophisticated radiological
8 services, and in which services are rendered by a physician
9 licensed by the Board of Medicine under s. 458.311, s.
10 458.313, or s. 458.317, or by an osteopathic physician
11 licensed by the Board of Osteopathic Medicine under s.
12 459.006, s. 459.007, or s. 459.0075. For purposes of this
13 paragraph, "sophisticated radiological services" means the
14 following: magnetic resonance imaging; nuclear medicine;
15 angiography; arteriography; computed tomography; positron
16 emission tomography; digital vascular imaging; bronchography;
17 lymphangiography; splenography; ultrasound, excluding
18 ultrasound providers that are part of a private physician's
19 office practice or when ultrasound is provided by two or more
20 physicians licensed under chapter 458 or chapter 459 who are
21 members of the same professional association and who practice
22 in the same medical specialties; and such other sophisticated
23 radiological services, excluding mammography, as adopted in
24 rule by the board.

25 Section 75. Subsection (11) of section 408.07, Florida
26 Statutes, 1998 Supplement, is amended to read:

27 408.07 Definitions.--As used in this chapter, with the
28 exception of ss. 408.031-408.045, the term:

29 (11) "Clinical laboratory" means a facility licensed
30 under s. 483.091, excluding: any hospital laboratory defined
31 under s. 483.041~~(5)~~; any clinical laboratory operated by the

1 state or a political subdivision of the state; any blood or
2 tissue bank where the majority of revenues are received from
3 the sale of blood or tissue and where blood, plasma, or tissue
4 is procured from volunteer donors and donated, processed,
5 stored, or distributed on a nonprofit basis; and any clinical
6 laboratory which is wholly owned and operated by physicians
7 who are licensed pursuant to chapter 458 or chapter 459 and
8 who practice in the same group practice, and at which no
9 clinical laboratory work is performed for patients referred by
10 any health care provider who is not a member of that same
11 group practice.

12 Section 76. Subsection (9) of section 483.807, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 483.807 Fees; establishment; disposition.--

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

18 Section 77. Subsections (2) and (3) of section
19 483.809, Florida Statutes, are amended to read:

20 483.809 Licensure; examinations; registration of
21 trainees; approval of curricula.--

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

29 (3) REGISTRATION OF TRAINEES.--The department shall
30 provide for ~~annual~~ registration of clinical laboratory
31 trainees who are enrolled in a training program ~~employed by~~

1 ~~laboratories~~ approved pursuant to s. 483.811, which
2 registration may not be renewed except upon special
3 authorization of the board.

4 Section 78. Section 483.812, Florida Statutes, is
5 amended to read:

6 483.812 Public health laboratory scientists;
7 licensure.--

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

10 (2)~~(1)~~ Applicants at the ~~director and~~ supervisor level
11 in the category of public health who are certified ~~registered~~
12 by the National Registry in ~~of~~ Clinical Chemistry
13 ~~Certification~~ or the American Society for ~~of~~ Microbiology,
14 licensed as a technologist, and have 5 years of pertinent
15 clinical laboratory experience may qualify ~~under board rules~~
16 by passing the state-administered ~~appropriate~~ supervision and
17 administration examination.

18 (3)~~(2)~~(a) A technologist applicant for licensure in
19 the category of public health microbiology, with a
20 baccalaureate degree in one of the biological sciences from an
21 accredited institution, may use the American Society for ~~of~~
22 Microbiology or the National Registry in ~~of~~ Microbiology
23 Certification in Public Health Microbiology to qualify for a
24 technologist license in public health microbiology. Such a
25 technologist may work in a public health microbiology
26 laboratory.

27 (b) A technologist applicant for licensure in the
28 category of public health chemistry, with a baccalaureate
29 degree in one of the chemical, biological, or physical
30 sciences from an accredited institution, may use the National
31 Registry of Clinical Chemistry Certification to qualify for a

1 technologist license in public health chemistry. Such a
2 technologist may work in a public health chemistry laboratory.

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

13 (4)~~(3)~~ A person licensed by the Board of Clinical
14 Laboratory Personnel may work in a public health laboratory at
15 the appropriate level and specialty.

16 Section 79. Section 483.813, Florida Statutes, is
17 amended to read:

18 483.813 Clinical laboratory personnel license.--A
19 person may not conduct a clinical laboratory examination or
20 report the results of such examination unless such person is
21 licensed under this part to perform such procedures. However,
22 this provision does not apply to any practitioner of the
23 healing arts authorized to practice in this state or to
24 persons engaged in testing performed by laboratories regulated
25 under s. 483.035(1) or exempt from regulation under s.
26 483.031(2). The department may grant a temporary license to
27 any candidate it deems properly qualified, for a period not to
28 exceed 1 year, ~~or a conditional license for a period not to~~
29 ~~exceed 3 years.~~

30 Section 80. Subsection (3) is added to section
31 483.821, Florida Statutes, to read:

1 483.821 Periodic demonstration of competency;
2 continuing education or reexamination.--

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

6 Section 81. Subsection (2) of section 483.824, Florida
7 Statutes, is amended to read:

8 483.824 Qualifications of clinical laboratory
9 director.--A clinical laboratory director must have 4 years of
10 clinical laboratory experience with 2 years of experience in
11 the speciality to be directed or be nationally board certified
12 in the specialty to be directed, and must meet one of the
13 following requirements:

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

17 Section 82. Section 483.825, Florida Statutes, is
18 amended to read:

19 483.825 Grounds for disciplinary action.--The
20 following acts constitute grounds for which disciplinary
21 actions specified in s. 483.827 may be taken against
22 applicants, registrants, and licensees under this part:

23 (1) Attempting to obtain, obtaining, or renewing a
24 license or registration under this part by bribery, by
25 fraudulent misrepresentation, or through an error of the
26 department or the board.

27 (2) Engaging in or attempting to engage in, or
28 representing herself or himself as entitled to perform, any
29 clinical laboratory procedure or category of procedures not
30 authorized pursuant to her or his license.

31

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

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

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

18 (6) Having been adjudged mentally or physically
19 incompetent.

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

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

24 (9) Knowingly advertising false services or
25 credentials.

26 (10) Having a license revoked, suspended, or otherwise
27 acted against, including the denial of licensure, by the
28 licensing authority of another jurisdiction. The licensing
29 authority's acceptance of a relinquishment of a license,
30 stipulation, consent order, or other settlement, offered in
31 response to or in anticipation of the filing of administrative

1 charges against the licensee, shall be construed as action
2 against the licensee.

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

9 (12) Being unable to perform or report clinical
10 laboratory examinations with reasonable skill and safety to
11 patients by reason of illness or use of alcohol, drugs,
12 narcotics, chemicals, or any other type of material or as a
13 result of any mental or physical condition. In enforcing this
14 subsection, the department shall have, upon a finding of the
15 secretary or his or her designee that probable cause exists to
16 believe that the licensee is unable to practice because of the
17 reasons stated in this subsection, the authority to issue an
18 order to compel a licensee to submit to a mental or physical
19 examination by physicians designated by the department. If
20 the licensee refuses to comply with such order, the
21 department's order directing such examination may be enforced
22 by filing a petition for enforcement in the circuit court
23 where the licensee resides or does business. The department
24 shall be entitled to the summary procedure provided in s.
25 51.011. A licensee affected under this subsection shall at
26 reasonable intervals be afforded an opportunity to demonstrate
27 that he or she can resume competent practice with reasonable
28 skill and safety to patients.

29 (13) Delegating professional responsibilities to a
30 person when the licensee delegating such responsibilities
31 knows, or has reason to know, that such person is not

1 qualified by training, experience, or licensure to perform
2 them.

3 (14) Violating a previous order of the board entered
4 in a disciplinary proceeding.

5 (15) Failing to report to the department a person or
6 other licensee who the licensee knows is in violation of this
7 chapter or the rules of the department or board promulgated
8 thereunder.

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

18 (17) Paying or receiving any commission, bonus,
19 kickback, or rebate, or engaging in any split-fee arrangement
20 in any form whatsoever with a physician, organization, agency,
21 or person, either directly or indirectly for patients referred
22 to providers of health care goods and services including, but
23 not limited to, hospitals, nursing homes, clinical
24 laboratories, ambulatory surgical centers, or pharmacies. The
25 provisions of this paragraph shall not be construed to prevent
26 a clinical laboratory professional from receiving a fee for
27 professional consultation services.

28 (18) Exercising influence on a patient or client in
29 such a manner as to exploit the patient or client for the
30 financial gain of the licensee or other third party, which
31 shall include, but not be limited to, the promoting, selling,

1 or withholding of services, goods, appliances, referrals, or
2 drugs.

3 (19) Practicing or offering to practice beyond the
4 scope permitted by law or rule, or accepting or performing
5 professional services or responsibilities which the licensee
6 knows or has reason to know that he or she is not competent to
7 perform.

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

11 (21) Improperly interfering with an investigation or
12 any disciplinary proceeding.

13 (22) Engaging in or attempting to engage in sexual
14 misconduct, causing undue embarrassment or using disparaging
15 language or language of a sexual nature towards a patient,
16 exploiting superior/subordinate, professional/patient,
17 instructor/student relationships for personal gain, sexual
18 gratification, or advantage.

19 Section 83. Subsections (6) and (8) of section
20 483.901, Florida Statutes, 1998 Supplement, are amended to
21 read:

22 483.901 Medical physicists; definitions; licensure.--

23 (6) LICENSE REQUIRED.--An individual may not engage in
24 the practice of medical physics, including the specialties of
25 diagnostic radiological physics, therapeutic radiological
26 physics, medical nuclear radiological physics, or medical
27 health physics, without a license issued by the department for
28 the appropriate specialty.

29 (a) The department shall adopt rules to administer
30 this section which specify license application and renewal
31 fees, continuing education requirements, and standards for

1 practicing medical physics. The council shall recommend to
2 the department continuing education requirements that shall be
3 a condition of license renewal. The department shall require
4 a minimum of 24 hours per biennium of continuing education
5 offered by an organization recommended by the council and
6 approved by the department. The department, upon
7 recommendation of the council, may adopt rules to specify
8 continuing education requirements for persons who hold a
9 license in more than one specialty.

10 (b) In order to apply for a medical physicist license
11 in one or more specialties, a person must file an individual
12 application for each specialty with the department. The
13 application must be on a form prescribed by the department and
14 must be accompanied by a nonrefundable application fee for
15 each specialty.

16 (c) The department may issue a license to an eligible
17 applicant if the applicant meets all license requirements. At
18 any time before the department issues a license, the applicant
19 may request in writing that the application be withdrawn. To
20 reapply, the applicant must submit a new application and an
21 additional nonrefundable application fee and must meet all
22 current licensure requirements.

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

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

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

30 a. Earned from an accredited college or university a
31 doctoral degree in physics, medical physics, biophysics,

1 radiological physics, medical health physics, or nuclear
2 engineering and has at least 2 years' experience in the
3 practice of the medical physics specialty for which
4 application is made.

5 b. Earned from an accredited college or university a
6 master's degree in physics, medical physics, biophysics,
7 radiological physics, medical health physics, or nuclear
8 engineering and has at least 3 years' experience in the
9 practice of the medical physics specialty for which
10 application is made.

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

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

19 e. Is board certified in the medical physics specialty
20 in which the applicant applies to practice by the American
21 Board of Radiology for diagnostic radiological physics,
22 therapeutic radiological physics, or medical nuclear
23 radiological physics; by the American Board of Medical Physics
24 or the Canadian Board of Medical Physics for diagnostic
25 radiological physics, therapeutic radiological physics, or
26 medical nuclear radiological physics; or by the American Board
27 of Health Physics or an equivalent certifying body approved by
28 the agency.

29 2. On or after October 1, 1997, to a person who is
30 board certified in the medical physics specialty in which the
31 applicant applies to practice by the American Board of

1 Radiology for diagnostic radiological physics, therapeutic
2 radiological physics, or medical nuclear radiological physics;
3 by the American Board of Medical Physics for diagnostic
4 radiological physics, therapeutic radiological physics, or
5 medical nuclear radiological physics; or by the American Board
6 of Health Physics or an equivalent certifying body approved by
7 the department.

8 (f) A licensee shall:

9 1. Display the license in a place accessible to the
10 public; and

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

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

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

18 2. Having a license denied, revoked, suspended, or
19 otherwise acted against in another jurisdiction.

20 3. Being convicted or found guilty of, or entering a
21 plea of nolo contendere to, regardless of adjudication, a
22 crime in any jurisdiction which relates to the practice of, or
23 the ability to practice, the profession of medical physics.

24 4. Willfully failing to file a report or record
25 required for medical physics or willfully impeding or
26 obstructing the filing of a report or record required by this
27 section or inducing another person to do so.

28 5. Making misleading, deceptive, or fraudulent
29 representations in or related to the practice of medical
30 physics.

31

1 6. Willfully failing to report any known violation of
2 this section or any rule adopted thereunder.

3 7. Willfully or repeatedly violating a rule adopted
4 under this section or an order of the department.

5 8. Failing to perform any statutory or legal
6 obligation placed upon a licensee.

7 9. Aiding, assisting, procuring, employing, or
8 advising any unlicensed person to practice medical physics
9 contrary to this section or any rule adopted thereunder.

10 10. Delegating or contracting for the performance of
11 professional responsibilities by a person when the licensee
12 delegating or contracting such responsibilities knows, or has
13 reason to know, such person is not qualified by training,
14 experience, and authorization to perform them.

15 11. Practicing or offering to practice beyond the
16 scope permitted by law or accepting and performing
17 professional responsibilities the licensee knows, or has
18 reason to know, the licensee is not competent to perform.

19 12. Gross or repeated malpractice or the inability to
20 practice medical physics with reasonable skill and safety.

21 13. Judicially determined mental incompetency.

22 14. Being unable to practice medical physics with
23 reasonable skill and safety because of a mental or physical
24 condition or illness or the use of alcohol, controlled
25 substances, or any other substance which impairs one's ability
26 to practice.

27 a. The department may, upon probable cause, compel a
28 licensee to submit to a mental or physical examination by
29 physicians designated by the department. The cost of an
30 examination shall be borne by the licensee, and the licensee's
31 failure to submit to such an examination constitutes an

1 admission of the allegations against the licensee, consequent
2 upon which a default and a final order may be entered without
3 the taking of testimony or presentation of evidence, unless
4 the failure was due to circumstances beyond the licensee's
5 control.

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

10 c. With respect to any proceeding under this
11 subparagraph, the record of proceedings or the orders entered
12 by the department may not be used against a licensee in any
13 other proceeding.

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

19 1. Deny the application for licensure.

20 2. Revoke or suspend the license.

21 3. Impose an administrative fine for each count or
22 separate offense.

23 4. Place the licensee on probation for a specified
24 time and subject the licensee to such conditions as the
25 department determines necessary, including requiring
26 treatment, continuing education courses, or working under the
27 monitoring or supervision of another licensee.

28 5. Restrict a licensee's practice.

29 6. Issue a reprimand to the licensee.

30 (i) The department may not issue or reinstate a
31 license to a person it has deemed unqualified until it is

1 satisfied that such person has complied with the terms and
2 conditions of the final order and that the licensee can safely
3 practice medical physics.

4 ~~(j) The department may issue a temporary license to an~~
5 ~~applicant pending completion of the application process for~~
6 ~~board certification.~~

7 (j)(k) Upon receipt of a complete application and the
8 fee set forth by rule, the department may issue a
9 physicist-in-training certificate to a person qualified to
10 practice medical physics under direct supervision. The
11 department may establish by rule requirements for initial
12 certification and renewal of a physicist-in-training
13 certificate.

14 (8) DISPOSITION OF FEES.--The department shall deposit
15 all funds received into the Medical Quality Assurance Health
16 ~~Care~~ Trust Fund.

17 Section 84. Paragraph (d) of subsection (1) of section
18 484.007, Florida Statutes, is amended to read:

19 484.007 Licensure of opticians; permitting of optical
20 establishments.--

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

25 (d)1. Has received an associate degree, or its
26 equivalent, in opticianry from an educational institution the
27 curriculum of which is accredited by an accrediting agency
28 recognized and approved by the United States Department of
29 Education or the Council on Postsecondary Education or
30 approved by the board;

31

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

8 3. Is an individual who has actively practiced in
9 another state, territory, or jurisdiction of the United States
10 for more than 5 years immediately preceding application and
11 who provides tax or business records, affidavits, or other
12 satisfactory documentation of such practice and who meets the
13 examination qualifications as provided in this subsection; or

14 4. Has registered as an apprentice with the department
15 and paid a registration fee not to exceed \$60, as set by rule
16 of the board. The apprentice shall complete 6,240 hours of
17 training under the supervision of an optician licensed in this
18 state for at least 1 year or of~~a physician~~~~or an~~
19 optometrist licensed under the laws of this state. These
20 requirements must be met within 5 years after the date of
21 registration. However, any time spent in a recognized school
22 may be considered as part of the apprenticeship program
23 provided herein. The board may establish administrative
24 processing fees sufficient to cover the cost of administering
25 apprentice rules as promulgated by the board.

26 Section 85. Subsection (3) is added to section
27 484.0512, Florida Statutes, to read:

28 484.0512 Thirty-day trial period; purchaser's right to
29 cancel; notice; refund; cancellation fee.--

30
31

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

4 Section 86. Section 484.053, Florida Statutes, is
5 amended to read:

6 484.053 Prohibitions; penalties.--

7 (1) A person may not:

8 (a) Practice dispensing hearing aids unless the person
9 is a licensed hearing aid specialist;

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

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

13 (d) Give false, incomplete, or forged evidence to the
14 board or a member thereof for the purposes of obtaining a
15 license;

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

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

21 (g) Knowingly conceal information relative to
22 violations of this part.

23 (2) Any person who violates any of the provisions of
24 this section is guilty of a felony ~~misdemeanor~~ of the third
25 ~~second degree~~, punishable as provided in s. 775.082 or s.
26 775.083.

27 (3) If a person licensed under this part allows the
28 sale of a hearing aid by an unlicensed person not registered
29 as a trainee or fails to comply with the requirements of s.
30 484.0445(2) relating to supervision of trainees, the board
31 shall, upon determination of that violation, order the full

1 refund of moneys paid by the purchaser upon return of the
2 hearing aid to the seller's place of business.

3 Section 87. Paragraph (a) of subsection (1) of section
4 484.056, Florida Statutes, 1998 Supplement, is amended to
5 read:

6 484.056 Disciplinary proceedings.--

7 (1) The following acts relating to the practice of
8 dispensing hearing aids shall be grounds for both disciplinary
9 action against a hearing aid specialist as set forth in this
10 section and cease and desist or other related action by the
11 department as set forth in s. 455.637 against any person
12 owning or operating a hearing aid establishment who engages
13 in, aids, or abets any such violation:

14 (a) Violation of any provision of s. 455.624(1), s.
15 484.0512, or s. 484.053.

16 Section 88. Section 486.041, Florida Statutes, is
17 amended to read:

18 486.041 Physical therapist; application for license;
19 ~~fee; temporary permit.--~~

20 ~~(1)~~ A person who desires to be licensed as a physical
21 therapist shall apply to the department in writing on a form
22 furnished by the department. She or he shall embody in that
23 application evidence under oath, satisfactory to the board, of
24 possession of the qualifications preliminary to examination
25 required by s. 486.031. The applicant shall pay to the
26 department at the time of filing the application a fee not to
27 exceed \$100, as fixed by the board.

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

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 and~~
6 ~~practicing under a temporary permit shall do so only under the~~
7 ~~direct supervision of a licensed physical therapist.~~

8 Section 89. Section 486.081, Florida Statutes, is
9 amended to read:

10 486.081 Physical therapist; issuance of license
11 without examination to person passing examination of another
12 authorized examining board; ~~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 satisfactory to the board of having passed
16 the American Registry Examination prior to 1971 or an
17 examination in physical therapy before a similar lawfully
18 authorized examining board of another state, the District of
19 Columbia, a territory, or a foreign country, if the standards
20 for licensure in physical therapy in such other state,
21 district, territory, or foreign country are determined by the
22 board to be as high as those of this state, as established by
23 rules adopted pursuant to this chapter. Any person who holds a
24 license pursuant to this section may use the words "physical
25 therapist" or "physiotherapist," or the letters "P.T.," in
26 connection with her or his name or place of business to denote
27 her or his licensure hereunder.

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

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

7 Section 90. Section 486.103, Florida Statutes, is
8 amended to read:

9 486.103 Physical therapist assistant; application for
10 license; ~~fee; temporary permit.--~~

11 ~~(1)~~ A person who desires to be licensed as a physical
12 therapist assistant shall apply to the department in writing
13 on a form furnished by the department. She or he shall embody
14 in that application evidence under oath, satisfactory to the
15 board, of possession of the qualifications preliminary to
16 examination required by s. 486.104. The applicant shall pay to
17 the department at the time of filing the application a fee not
18 to exceed \$100, as fixed by the board.

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

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

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

30 Section 91. Section 486.107, Florida Statutes, is
31 amended to read:

1 486.107 Physical therapist assistant; issuance of
2 license without examination to person licensed in another
3 jurisdiction; ~~temporary permit; fee.--~~

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

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

20 ~~(3) If a person desires to work as a physical
21 therapist assistant before being licensed through endorsement,
22 she or he shall apply for a temporary permit in accordance
23 with rules adopted pursuant to this chapter. A temporary
24 permit shall only be issued for a limited period of time, not
25 to exceed 1 year, and shall not be renewable.~~

26 Section 92. Subsection (3) of section 490.003, Florida
27 Statutes, is amended to read:

28 490.003 Definitions.--As used in this chapter:

29 (3)(a) Prior to August 31, 2001 ~~July 1, 1999~~,
30 "doctoral-level psychological education" and "doctoral degree
31

1 in psychology" mean a Psy.D., an Ed.D. in psychology, or a
2 Ph.D. in psychology from:

3 1. An educational institution which, at the time the
4 applicant was enrolled and graduated, had institutional
5 accreditation from an agency recognized and approved by the
6 United States Department of Education or was recognized as a
7 member in good standing with the Association of Universities
8 and Colleges of Canada; and

9 2. A psychology program within that educational
10 institution which, at the time the applicant was enrolled and
11 graduated, had programmatic accreditation from an accrediting
12 agency recognized and approved by the United States Department
13 of Education or was comparable to such programs.

14 (b) Effective August 31, 2001 ~~July 1, 1999~~,
15 "doctoral-level psychological education" and "doctoral degree
16 in psychology" mean a Psy.D., an Ed.D. in psychology, or a
17 Ph.D. in psychology from:

18 1. An educational institution which, at the time the
19 applicant was enrolled and graduated, had institutional
20 accreditation from an agency recognized and approved by the
21 United States Department of Education or was recognized as a
22 member in good standing with the Association of Universities
23 and Colleges of Canada; and

24 2. A psychology program within that educational
25 institution which, at the time the applicant was enrolled and
26 graduated, had programmatic accreditation from an agency
27 recognized and approved by the United States Department of
28 Education.

29 Section 93. Paragraph (b) of subsection (1) of section
30 490.005, Florida Statutes, 1998 Supplement, is amended to
31 read:

1 490.005 Licensure by examination.--

2 (1) Any person desiring to be licensed as a
3 psychologist shall apply to the department to take the
4 licensure examination. The department shall license each
5 applicant who the board certifies has:

6 (b) Submitted proof satisfactory to the board that the
7 applicant has:

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

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

19 3. Received and submitted to the board, prior to
20 August 31, 2001 ~~July 1, 1999~~, certification of ~~an augmented~~
21 doctoral-level psychological education from the program
22 director of a doctoral-level psychology program accredited by
23 a programmatic agency recognized and approved by the United
24 States Department of Education; or

25 4. Received and submitted to the board, prior to
26 August 31, 2001 ~~July 1, 2001~~, certification of a
27 doctoral-level program that at the time the applicant was
28 enrolled and graduated maintained a standard of education and
29 training comparable to the standard of training of programs
30 accredited by a programmatic agency recognized and approved by
31 the United States Department of Education, ~~as such~~

1 ~~comparability was determined by the Board of Psychological~~
2 ~~Examiners immediately prior to the amendment of s. 490.005,~~
3 ~~Florida Statutes, 1994 Supplement, by s. 5, chapter 95-279,~~
4 ~~Laws of Florida.~~ Such certification of comparability shall be
5 provided by the program director of a doctoral-level
6 psychology program accredited by a programmatic agency
7 recognized and approved by the United States Department of
8 Education.

9 Section 94. Subsection (1) of section 490.006, Florida
10 Statutes, is amended to read:

11 490.006 Licensure by endorsement.--

12 (1) The department shall license a person as a
13 psychologist or school psychologist who, upon applying to the
14 department and remitting the appropriate fee, demonstrates to
15 the department or, in the case of psychologists, to the board
16 that the applicant:

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

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

28 (c) Possesses a doctoral degree in psychology as
29 described in s. 490.003 and has at least 20 years of
30 experience as a licensed psychologist in any jurisdiction or
31

1 territory of the United States within 25 years preceding the
2 date of application.

3 Section 95. Subsection (2) of section 490.0085,
4 Florida Statutes, is amended to read:

5 490.0085 Continuing education; approval of providers,
6 programs, and courses; proof of completion.--

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

12 Section 96. Section 491.0045, Florida Statutes, is
13 amended to read:

14 491.0045 Intern registration; requirements.--

15 (1) Effective January 1, 1998, an individual who
16 intends to practice in Florida to satisfy the postgraduate or
17 post-master's level experience requirements, as specified in
18 s. 491.005(1)(c), (3)(c), or (4)(c), must register as an
19 intern in the profession for which he or she is seeking
20 licensure prior to commencing the post-master's experience
21 requirement or an individual who intends to satisfy part of
22 the required graduate-level practicum, internship, or field
23 experience, outside the academic arena for any profession,
24 must register as an intern in the profession for which he or
25 she is seeking licensure prior to commencing the practicum,
26 internship, or field experience.

27 (2) The department shall register as a clinical social
28 worker intern, marriage and family therapist intern, or mental
29 health counselor intern each applicant who the board certifies
30 has:

31

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

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

8 2. Submitted an acceptable supervision plan, as
9 determined by the board, for meeting the practicum,
10 internship, or field work required for licensure that was not
11 satisfied in his or her graduate program.

12 (c) Identified a qualified supervisor.

13 (3) An individual registered under this section must
14 remain under supervision until he or she is in receipt of a
15 license or a letter from the department stating that he or she
16 is licensed to practice the profession for which he or she
17 applied.

18 (4) An individual who has applied for intern
19 registration on or before December 31, 2001, and has satisfied
20 the education requirements of s. 491.005 that are in effect
21 through December 31, 2000, will have met the educational
22 requirements for licensure for the profession for which he or
23 she has applied.

24 Section 97. Subsections (1) and (2) of section
25 491.0046, Florida Statutes, are amended to read:

26 491.0046 Provisional license; requirements.--

27 (1) An individual applying for licensure by
28 examination who has satisfied the clinical experience
29 requirements of s. 491.005 or an individual applying for
30 licensure by endorsement pursuant to s. 491.006 intending to
31 provide clinical social work, marriage and family therapy, or

1 mental health counseling services in Florida while satisfying
2 coursework or examination requirements for licensure must be
3 provisionally licensed in the profession for which he or she
4 is seeking licensure prior to beginning practice.

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

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

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

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

20 (c) Has met the following minimum coursework
21 requirements:

22 1. For clinical social work, a minimum of 15 semester
23 hours or 22 quarter hours of the coursework required by s.
24 491.005(1)(b)2.b.

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

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

1 Section 98. Section 491.005, Florida Statutes, is
2 amended to read:

3 491.005 Licensure by examination.--

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

11 (a) Has made application therefor and paid the
12 appropriate fee.

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

20 a. Was accredited by the Council on Social Work
21 Education;

22 b. Was accredited by the Canadian Association of
23 Schools of Social Work; or

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

1 2. The applicant's graduate program must have
2 emphasized direct clinical patient or client health care
3 services, including, but not limited to, coursework in
4 clinical social work, psychiatric social work, medical social
5 work, social casework, psychotherapy, or group therapy. The
6 applicant's graduate program must have included all of the
7 following coursework:

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

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

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

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

1 applicant's graduate program was not a program which
2 emphasized direct clinical patient or client health care
3 services as described in subparagraph (b)2.~~s. 491.003~~, the
4 supervised experience requirement must take place after the
5 applicant has completed a minimum of 15 semester hours or 22
6 quarter hours of the coursework required. A doctoral
7 internship may be applied toward the clinical social work
8 experience requirement. The experience requirement may be met
9 by work performed on or off the premises of the supervising
10 clinical social worker or the equivalent, provided the
11 off-premises work is not the independent private practice
12 rendering of clinical social work that does not have a
13 licensed mental health professional, as determined by the
14 board, on the premises at the same time the intern is
15 providing services.

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

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

22 (2)(a) Notwithstanding the provisions of paragraph
23 (1)(b), coursework which was taken at a baccalaureate level
24 shall not be considered toward completion of education
25 requirements for licensure unless an official of the graduate
26 program certifies in writing on the graduate school's
27 stationery that a specific course, which students enrolled in
28 the same graduate program were ordinarily required to complete
29 at the graduate level, was waived or exempted based on
30 completion of a similar course at the baccalaureate level. If
31

1 this condition is met, the board shall apply the baccalaureate
2 course named toward the education requirements.

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

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

22 (a) Has made application therefor and paid the
23 appropriate fee.

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

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

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

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

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

28 d. A minimum of one supervised clinical practicum,
29 internship, or field experience in a marriage and family
30 counseling setting, during which the student provided 180
31 direct client contact hours of marriage and family therapy

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

18 2. If the course title which appears on the
19 applicant's transcript does not clearly identify the content
20 of the coursework, the applicant shall be required to provide
21 additional documentation, including, but not limited to, a
22 syllabus or catalog description published for the course.
23

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

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

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

1 experience requirements must register pursuant to s. 491.0045
2 prior to commencing practice. If a graduate has a master's
3 degree with a major emphasis in marriage and family therapy or
4 a closely related field that did not include all the
5 coursework required under sub-subparagraphs (b)1.a.-c., credit
6 for the post-master's level clinical experience shall not
7 commence until the applicant has completed a minimum of 10 of
8 the courses required under sub-subparagraphs (b)1.a.-c., as
9 determined by the board, and at least 6 semester hours or 9
10 quarter hours of the course credits must have been completed
11 in the area of marriage and family systems, theories, or
12 techniques. Within the 3 years of required experience, the
13 applicant shall provide direct individual, group, or family
14 therapy and counseling, to include the following categories of
15 cases: unmarried dyads, married couples, separating and
16 divorcing couples, and family groups including children. A
17 doctoral internship may be applied toward the clinical
18 experience requirement. The clinical experience requirement
19 may be met by work performed on or off the premises of the
20 supervising marriage and family therapist or the equivalent,
21 provided the off-premises work is not the independent private
22 practice rendering of marriage and family therapy services
23 that does not have a licensed mental health professional, as
24 determined by the board, on the premises at the same time the
25 intern is providing services.

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

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

1 (f) For the purposes of dual licensure, the department
2 shall license as a marriage and family therapist any person
3 who meets the requirements of s. 491.0057. Fees for dual
4 licensure shall not exceed those stated in this subsection.

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

13 (a) Has made application therefor and paid the
14 appropriate fee.

15 (b)1. Has received a minimum of an earned master's
16 degree with a major related to the practice of mental health
17 counseling, and has completed all of the following
18 requirements:

19 a. Twenty-one semester hours or 32 quarter hours of
20 graduate coursework, which must include a minimum of 2
21 semester hours or 3 quarter hours of graduate-level coursework
22 in each of the following seven content areas: counseling
23 theories and practice; human development theories; personality
24 theory; psychopathology or abnormal psychology; human
25 sexuality theories; group theories and practice; and
26 individual evaluation and assessment. Content may be
27 combined, provided no more than two of the seven content areas
28 are included in any one graduate-level course and the
29 applicant can document that the equivalent of 2 semester hours
30 of content was devoted to each content area. Courses in
31 research, thesis or dissertation work, practicums,

1 internships, or fieldwork may not be applied toward this
2 requirement.

3 b. A minimum of one 2-semester-hour or 3-quarter-hour
4 graduate-level course in research or in career or vocational
5 counseling. Credit for thesis or dissertation work,
6 practicums, internships, or fieldwork may not be applied
7 toward this requirement.

8 c. A minimum of 2 semester hours or 3 quarter hours of
9 graduate-level coursework in legal, ethical, and professional
10 standards issues in the practice of mental health counseling,
11 which includes goals and objectives of professional counseling
12 organizations, codes of ethics, legal considerations,
13 standards of preparation, certifications and licensing, and
14 the role identity of counselors. Courses in research, thesis
15 or dissertation work, practicums, internships, or fieldwork
16 may not be applied toward this requirement.

17 d. A minimum of one supervised practicum, internship,
18 or field experience in a counseling setting. This requirement
19 may be met by a supervised practice experience which takes
20 place outside the academic arena, but which is certified as
21 equivalent to a graduate-level practicum in a clinical mental
22 health counseling setting currently offered within an academic
23 program of a college or university accredited by an
24 accrediting agency approved by the United States Department of
25 Education. Such certification shall be required from an
26 official of such college or university.

27 2. If the course title which appears on the
28 applicant's transcript does not clearly identify the content
29 of the coursework, the applicant shall be required to provide
30 additional documentation, including, but not limited to, a
31 syllabus or catalog description published for the course.

1
2 Except as provided in sub-subparagraph 1.d., education and
3 training in mental health counseling must have been received
4 in an institution of higher education which at the time the
5 applicant graduated was: fully accredited by a regional
6 accrediting body recognized by the Commission on Recognition
7 of Postsecondary Accreditation; publicly recognized as a
8 member in good standing with the Association of Universities
9 and Colleges of Canada; or an institution of higher education
10 located outside the United States and Canada, which at the
11 time the applicant was enrolled and at the time the applicant
12 graduated maintained a standard of training substantially
13 equivalent to the standards of training of those institutions
14 in the United States which are accredited by a regional
15 accrediting body recognized by the Commission on Recognition
16 of Postsecondary Accreditation. Such foreign education and
17 training must have been received in an institution or program
18 of higher education officially recognized by the government of
19 the country in which it is located as an institution or
20 program to train students to practice as mental health
21 counselors. The burden of establishing that the requirements
22 of this provision have been met shall be upon the applicant,
23 and the board shall require documentation, such as, but not
24 limited to, an evaluation by a foreign equivalency
25 determination service, as evidence that the applicant's
26 graduate degree program and education were equivalent to an
27 accredited program in this country.

28 (c) Has had not less than 2 years of clinical
29 experience in mental health counseling, which must be at the
30 post-master's level under the supervision of a licensed mental
31 health counselor or the equivalent who is a qualified

1 supervisor as determined by the board. An individual who
2 intends to practice in Florida to satisfy the clinical
3 experience requirements must register pursuant to s. 491.0045
4 prior to commencing practice. If a graduate has a master's
5 degree with a major related to the practice of mental health
6 counseling which did not include all the coursework required
7 under sub-subparagraphs (b)1.a.-c., credit for the
8 post-master's level clinical experience shall not commence
9 until the applicant has completed a minimum of seven of the
10 courses required under sub-subparagraphs (b)1.a.-c., as
11 determined by the board, one of which must be a course in
12 psychopathology or abnormal psychology. A doctoral internship
13 may be applied toward the clinical experience requirement. The
14 clinical experience requirement may be met by work performed
15 on or off the premises of the supervising mental health
16 counselor or the equivalent, provided the off-premises work is
17 not the independent private practice rendering of services
18 that does not have a licensed mental health professional, as
19 determined by the board, on the premises at the same time the
20 intern is providing services.

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

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

27 (5) An individual who is registered as an intern and
28 has satisfied all of the educational requirements for the
29 profession for which the applicant seeks licensure shall be
30 certified as having met the educational requirements for
31 licensure under this section.

1 (6) The board may adopt rules necessary to implement
2 any education or experience requirement of this section for
3 licensure as a clinical social worker, marriage and family
4 therapist, or mental health counselor.

5 Section 99. Effective January 1, 2001, paragraph (b)
6 of subsection (4) of section 491.005, Florida Statutes, as
7 amended by section 13 of chapter 97-198 and section 205 of
8 chapter 97-264, Laws of Florida, is amended, and subsection
9 (6) of said section is reenacted, to read:

10 491.005 Licensure by examination.--

11 (4) Upon verification of documentation and payment of
12 a fee not to exceed \$200, as set by board rule, plus the
13 actual per applicant cost to the department for purchase of
14 the examination from the Professional Examination Service for
15 the National Academy of Certified Clinical Mental Health
16 Counselors or a similar national organization, the department
17 shall issue a license as a mental health counselor to an
18 applicant who the board certifies:

19 (b)1. Has a minimum of an earned master's degree from
20 a mental health counseling program accredited by the Council
21 for the Accreditation of Counseling and Related Educational
22 Programs that consists of at least 60 semester hours or 80
23 quarter hours of clinical and didactic instruction, including
24 a course in human sexuality and a course in substance abuse.
25 If the master's degree is earned from a program related to the
26 practice of mental health counseling that is not accredited by
27 the Council for the Accreditation of Counseling and Related
28 Educational Programs, then the coursework and practicum,
29 internship, or fieldwork must consist of at least 60 semester
30 hours or 80 quarter hours and meet the following requirements:
31

1 a. Thirty-three ~~Thirty-six~~ semester hours or 44 ~~48~~
2 quarter hours of graduate coursework, which must include a
3 minimum of 3 semester hours or 4 quarter hours of
4 graduate-level coursework in each of the following 11 ~~12~~
5 content areas: counseling theories and practice; human growth
6 and development; diagnosis and treatment of psychopathology;
7 human sexuality; group theories and practice; individual
8 evaluation and assessment; career and lifestyle assessment;
9 research and program evaluation; social and cultural
10 foundations; ~~foundations of mental health counseling;~~
11 counseling in community settings; and substance abuse. Courses
12 in research, thesis or dissertation work, practicums,
13 internships, or fieldwork may not be applied toward this
14 requirement.

15 b. A minimum of 3 semester hours or 4 quarter hours of
16 graduate-level coursework in legal, ethical, and professional
17 standards issues in the practice of mental health counseling,
18 which includes goals, objectives, and practices of
19 professional counseling organizations, codes of ethics, legal
20 considerations, standards of preparation, certifications and
21 licensing, and the role identity and professional obligations
22 of mental health counselors. Courses in research, thesis or
23 dissertation work, practicums, internships, or fieldwork may
24 not be applied toward this requirement.

25 c. The equivalent, as determined by the board, of at
26 least 1,000 hours of university-sponsored supervised clinical
27 practicum, internship, or field experience as required in the
28 accrediting standards of the Council for Accreditation of
29 Counseling and Related Educational Programs for mental health
30 counseling programs. ~~If the academic practicum, internship, or~~
31 ~~field experience was less than 1,000 hours, experience gained~~

1 ~~outside the academic arena in clinical mental health settings~~
2 ~~under the supervision of a qualified supervisor as determined~~
3 ~~by the board may be applied.~~ This experience may not be used
4 to satisfy the post-master's clinical experience requirement.

5 2. If the course title which appears on the
6 applicant's transcript does not clearly identify the content
7 of the coursework, the applicant shall be required to provide
8 additional documentation, including, but not limited to, a
9 syllabus or catalog description published for the course.

10

11 Education and training in mental health counseling must have
12 been received in an institution of higher education which at
13 the time the applicant graduated was: fully accredited by a
14 regional accrediting body recognized by the Commission on
15 Recognition of Postsecondary Accreditation; publicly
16 recognized as a member in good standing with the Association
17 of Universities and Colleges of Canada; or an institution of
18 higher education located outside the United States and Canada,
19 which at the time the applicant was enrolled and at the time
20 the applicant graduated maintained a standard of training
21 substantially equivalent to the standards of training of those
22 institutions in the United States which are accredited by a
23 regional accrediting body recognized by the Commission on
24 Recognition of Postsecondary Accreditation. Such foreign
25 education and training must have been received in an
26 institution or program of higher education officially
27 recognized by the government of the country in which it is
28 located as an institution or program to train students to
29 practice as mental health counselors. The burden of
30 establishing that the requirements of this provision have been
31 met shall be upon the applicant, and the board shall require

1 documentation, such as, but not limited to, an evaluation by a
2 foreign equivalency determination service, as evidence that
3 the applicant's graduate degree program and education were
4 equivalent to an accredited program in this country.

5 (6) The board may adopt rules necessary to implement
6 any education or experience requirement of this section for
7 licensure as a clinical social worker, marriage and family
8 therapist, or mental health counselor.

9 Section 100. Paragraph (b) of subsection (1) of
10 section 491.006, Florida Statutes, is amended to read:

11 491.006 Licensure or certification by endorsement.--

12 (1) The department shall license or grant a
13 certificate to a person in a profession regulated by this
14 chapter who, upon applying to the department and remitting the
15 appropriate fee, demonstrates to the board that he or she:

16 (b)1. Holds an active valid license to practice and
17 has actively practiced the profession for which licensure is
18 applied in another state for 3 of the last 5 years immediately
19 preceding licensure.

20 2. Meets the education requirements of this chapter
21 for the profession for which licensure is applied.

22 3. Has passed a substantially equivalent licensing
23 examination in another state or has passed the licensure
24 examination in this state in the profession for which the
25 applicant seeks licensure.

26 4. Holds a license in good standing, is not under
27 investigation for an act which would constitute a violation of
28 this chapter, and has not been found to have committed any act
29 which would constitute a violation of this chapter.

30 Section 101. Section 491.0085, Florida Statutes, is
31 amended to read:

1 491.0085 Continuing education and laws and rules
2 courses; approval of providers, programs, and courses; proof
3 of completion.--

4 (1) Continuing education providers, programs, and
5 courses and laws and rules courses and their providers and
6 programs shall be approved by the department or the board.

7 (2) The department or the board has the authority to
8 set a fee not to exceed \$200 for each applicant who applies
9 for or renews provider status. Such fees shall be deposited
10 into the Medical Quality Assurance ~~Health Care~~ Trust Fund.

11 (3) Proof of completion of the required number of
12 hours of continuing education and completion of the laws and
13 rules course shall be submitted to the department or the board
14 in the manner and time specified by rule and on forms provided
15 by the department or the board.

16 (4) The department or the board shall adopt rules and
17 guidelines to administer and enforce the provisions of this
18 section.

19 Section 102. Paragraph (d) of subsection (4) of
20 section 491.014, Florida Statutes, 1998 Supplement, is amended
21 to read:

22 491.014 Exemptions.--

23 (4) No person shall be required to be licensed,
24 provisionally licensed, registered, or certified under this
25 chapter who:

26 (d) Is not a resident of this state but offers
27 services in this state, provided:

28 1. Such services are performed for no more than ~~5 days~~
29 ~~in any month and no more than~~ 15 days in any calendar year;
30 and
31

1 2. Such nonresident is licensed or certified to
2 practice the services provided by a state or territory of the
3 United States or by a foreign country or province.

4 Section 103. Subsection (6) is added to section
5 626.883, Florida Statutes, to read:

6 626.883 Administrator as intermediary; collections
7 held in fiduciary capacity; establishment of account;
8 disbursement; payments on behalf of insurer.--

9 (6) All payments to a health care provider by a fiscal
10 intermediary must include an explanation of services being
11 reimbursed which includes, at a minimum, the patient's name,
12 the date of service, the provider code, the amount of
13 reimbursement for noncapitated providers, and the
14 identification of the plan on whose behalf the payment is
15 being made. For capitated providers, the statement of services
16 must include the number of patients covered by the contract,
17 the rate per patient, the total amount of the payment, and the
18 identification of the plan on whose behalf the payment is
19 being made.

20 Section 104. Paragraph (a) of subsection (2) of
21 section 641.316, Florida Statutes, 1998 Supplement, is amended
22 to read:

23 641.316 Fiscal intermediary services.--

24 (2)(a) The term "fiduciary" or "fiscal intermediary
25 services" means reimbursements received or collected on behalf
26 of health care professionals for services rendered, patient
27 and provider accounting, financial reporting and auditing,
28 receipts and collections management, compensation and
29 reimbursement disbursement services, or other related
30 fiduciary services pursuant to health care professional
31 contracts with health maintenance organizations. All payments

1 to a health care provider by a fiscal intermediary must
2 include an explanation of services being reimbursed which
3 includes, at a minimum, the patient's name, the date of
4 service, the provider code, the amount of reimbursement for
5 noncapitated providers, and the identification of the plan on
6 whose behalf the payment is being made. For capitated
7 providers, the statement of services must include the number
8 of patients covered by the contract, the rate per patient, the
9 total amount of the payment, and the identification of the
10 plan on whose behalf the payment is being made.

11 Section 105. Except as otherwise provided herein, this
12 act shall take effect July 1, 1999.

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HOUSE SUMMARY

Amends or creates various provisions of law regulating health care practitioners.

Provides that the Department of Health, rather than the Agency for Health Care Administration, may impose an administrative fine against any health care provider who fails to make available to patients a summary of their rights as required by law. Redefines the terms "health care practitioner" and "licensee" for regulatory purposes. Revises provisions relating to good standing of members of the Armed Forces with administrative boards to provide applicability to the department when there is no board. Provides powers and duties of the department for the professions, rather than the boards, under its jurisdiction. Provides authority to the department when there is no board to adopt rules on videocassette courses used for continuing education purposes. Revises and provides requirements relating to obtaining continuing education credit in risk management. Revises information required for licensure of designated health care professionals. Defines sexual misconduct and prohibits it in the practice of a health care profession. Revises provisions relating to review of an examination after failure to pass it. Provides authority to the department when there is no board to determine by rule the amount of license fees for the profession regulated. Provides for a fee for issuance of a wall certificate to certain licensees or for a duplicate wall certificate. Requires instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of licensure and relicensure to practice dietetics and nutrition or nutrition counseling. Revises and provides grounds for discipline of a health care practitioner. Provides penalties, including an increased administrative fine, and provides for assessment of certain costs. Redefines the terms "health care provider" and "referral" under the Patient Self-Referral Act of 1992. Requires additional health care practitioners to include a certain statement in advertisements for free or discounted services. Authorizes the department to obtain patient records, billing records, insurance information, provider contracts, and all attachments thereto under certain circumstances for purposes of disciplinary proceedings. Provides for the suspension or restriction of the license of any health care practitioner who tests positive for drugs under certain circumstances. Provides financial responsibility requirements for midwives. Provides requirements for active status licensure of certain business establishments. Provides requirements for teaching permits for acupuncture faculty.

Redefines the terms "practice of medicine," "practice of osteopathic medicine," and "dentistry" to include certain services and to exclude coverage decisions for purposes of insurance benefits as long as medical judgments are

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1 not involved.

2
3 Revises provisions relating to licensure as a physician
4 by examination. Eliminates an obsolete provision relating
5 to licensure of medical students from Nicaragua and
6 another provision relating to taking the examination
7 without applying for a license. Repeals a provision
8 relating to reactivation of certain licenses issued by
9 endorsement. Revises provisions relating to licensure by
10 endorsement. Provides additional requirements for
11 recipients of a temporary certificate for practice in
12 areas of critical need. Provides for conversion of an
13 active license to a limited license for a specified
14 purpose. Revises and provides grounds for discipline.
15 Provides penalties. Revises provisions relating to
16 temporary licensure as a physician assistant.

17 Provides for conversion of an active license as an
18 osteopathic physician to a limited license for a
19 specified purpose. Revises and provides grounds for
20 discipline. Provides penalties.

21 Requires the Board of Chiropractic Medicine by rule to
22 establish qualifications for serving as a supervising
23 chiropractic physician and procedures for approving a
24 supervising chiropractic physician. Increases the
25 administrative fine.

26 Defines the term "certified podiatric X-ray assistant"
27 and the term "direct supervision" with respect thereto.
28 Revises the residency requirement to practice podiatric
29 medicine. Revises requirements for renewal of license to
30 practice podiatric medicine. Revises and provides grounds
31 for discipline. Provides penalties. Provides requirements
for operation of X-ray machines by certified podiatric
X-ray assistants.

Provides for remediation upon failure to pass the
examination to practice nursing a specified number of
times. Provides an exemption from regulation relating to
remedial courses.

Defines the term "data communication device." Authorizes
the redispensing of unused or returned unit-dose
medication by correctional facilities under certain
conditions. Provides a ground for which a pharmacist may
be subject to discipline by the Board of Pharmacy.
Increases the administrative fine. Provides additional
persons to whom and entities to which records relating to
the filling of prescriptions and the dispensing of
medicinal drugs that are maintained by a pharmacy may be
furnished. Specifies authorized uses of patient records
by pharmacy owners, and provides restrictions on such
records when transmitted through a data communication
device. Creates the Task Force for the Study of
Collaborative Drug Therapy Management, provides its

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- 1 responsibilities, and requires a report to the
2 Legislature. Provides for participation on the task force
3 by specified associations and entities and provides for
4 staff support by the department.
- 5
6 Redefines the term "dentistry." Revises requirements
7 relating to dental work orders required of unlicensed
8 persons.
- 9
10 Revises an exemption from regulation as a speech-language
11 pathologist or audiologist. Revises requirements for
12 provisional licensure to practice speech-language
13 pathology or audiology. Revises requirements for
14 certification as a speech-language pathologist or
15 audiologist assistant.
- 16
17 Authorizes the issuance of subcategory certificates in
18 the field of radiologic technology. Prohibits sexual
19 misconduct in the practice of dietetics and nutrition.
- 20
21 Replaces the Council of Athletic Training with a Board of
22 Athletic Training. Provides for appointment of board
23 members. Transfers to the board certain duties of the
24 department relating to regulation of athletic trainers.
25 Places the board under the Division of Medical Quality
26 Assurance of the department. Provides for termination of
27 the council and the terms of council members, and
28 authorizes consideration of former council members for
29 appointment to the board.
- 30
31 Revises grandfathering provisions for the practice of
orthotics, prosthetics, or pedorthics. Redefines the term
"electrolysis or electrology."
- Redefines the terms "clinical laboratory" and "licensed
practitioner" and defines the term "clinical laboratory
examination." Redefines the terms "clinical laboratory
examination" and "licensed practitioner of the healing
arts." Revises provisions relating to fees for approval
as a laboratory training program. Revises requirements
relating to examination of clinical laboratory personnel
for licensure and to registration of clinical laboratory
trainees. Revises qualification requirements for
licensure of public health laboratory scientists.
Eliminates a provision authorizing conditional licensure
of clinical laboratory personnel for a specified period.
Authorizes continuing education or retraining for
candidates who fail an examination a specified number of
times. Revises qualifications of clinical laboratory
directors. Revises and provides grounds for discipline.
Provides penalties.
- Eliminates a provision authorizing temporary licensure as
a medical physicist.

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1 Revises requirements for opticians who supervise
2 apprentices. Requires sellers of hearing aids to refund
3 within a specified period all moneys required to be
4 refunded under trial-period provisions. Increases the
5 penalty applicable to prohibited acts relating to the
6 dispensing of hearing aids. Provides that violation of
7 trial-period requirements is a ground for disciplinary
8 action. Provides penalties.

9 Eliminates provisions authorizing issuance of a temporary
10 permit to work as a physical therapist or physical
11 therapist assistant.

12 Defers a revision to the definition of the terms
13 "doctoral-level psychological education" and "doctoral
14 degree in psychology." Revises educational requirements
15 for licensure as a psychologist by examination. Provides
16 additional requirements for licensure as a psychologist
17 by endorsement.

18 Revises requirements for licensure, provisional
19 licensure, and intern registration of clinical social
20 workers, marriage and family therapists, and mental
21 health counselors. Provides for certification of
22 education of interns. Provides rulemaking authority to
23 implement education and experience requirements for
24 licensure as a clinical social worker, marriage and
25 family therapist, or mental health counselor. Revises
26 future licensure requirements for mental health
27 counselors and provides rulemaking authority for
28 implementation thereof. Revises requirements for
29 licensure or certification by endorsement. Requires laws
30 and rules courses and provides for approval thereof,
31 including providers and programs. Revises an exemption
from regulation relating to certain temporally limited
services.

Provides for a detailed explanation of benefits to be
included in all payments to a health care provider by a
fiscal intermediary.

See bill for details.