

1 A bill to be entitled
2 An act relating to regulation of health care
3 practitioners; providing for clinical trials to
4 be conducted on the use of the drug Secretin by
5 a nonprofit provider; requiring a report;
6 providing an appropriation; amending s.
7 232.435, F.S.; correcting a reference; amending
8 s. 381.026, F.S.; providing a definition;
9 amending s. 381.0261, F.S.; providing that the
10 Department of Health or a regulatory board,
11 rather than the Agency for Health Care
12 Administration, may impose an administrative
13 fine against any health care provider who fails
14 to make available to patients a summary of
15 their rights as required by law; amending s.
16 455.501, F.S.; redefining the terms "health
17 care practitioner" and "licensee"; amending s.
18 455.507, F.S.; revising provisions relating to
19 good standing of members of the Armed Forces
20 with administrative boards to provide
21 applicability to the department when there is
22 no board; providing gender neutral language;
23 amending s. 455.521, F.S.; providing powers and
24 duties of the department for the professions,
25 rather than boards, under its jurisdiction;
26 amending s. 455.557, F.S.; redefining the term
27 "health care practitioner" for purposes of
28 standardized credentializing; amending s.
29 455.564, F.S.; prescribing the expiration date
30 of an incomplete license application; revising
31 the form and style of licenses; providing

1 authority to the department when there is no
 2 board to adopt rules; revising and providing
 3 requirements relating to obtaining continuing
 4 education credit in risk management; correcting
 5 a reference; amending s. 455.565, F.S.;
 6 providing exceptions to certain application
 7 requirements; revising information required for
 8 licensure of designated health care
 9 professionals; revising requirements for
 10 submitting fingerprints to the department for
 11 renewal of licensure; amending s. 455.5651,
 12 F.S.; prohibiting inclusion of certain
 13 information in practitioner profiles; amending
 14 s. 455.567, F.S.; defining sexual misconduct
 15 and prohibiting it in the practice of a health
 16 care profession; providing penalties; amending
 17 s. 455.574, F.S.; revising provisions relating
 18 to review of an examination after failure to
 19 pass it; amending s. 455.587, F.S.; providing
 20 authority to the department when there is no
 21 board to determine by rule the amount of
 22 license fees for the profession regulated;
 23 providing for a fee for issuance of a wall
 24 certificate to certain licensees or for a
 25 duplicate wall certificate; amending s.
 26 455.604, F.S.; requiring instruction on human
 27 immunodeficiency virus and acquired immune
 28 deficiency syndrome as a condition of licensure
 29 and relicensure to practice dietetics and
 30 nutrition or nutrition counseling; amending s.
 31 455.607, F.S.; correcting a reference; amending

1 s. 455.624, F.S.; revising and providing
 2 grounds for discipline; providing penalties;
 3 providing for assessment of certain costs;
 4 amending s. 455.664, F.S.; requiring additional
 5 health care practitioners to include a certain
 6 statement in advertisements for free or
 7 discounted services; correcting terminology;
 8 amending s. 455.667, F.S.; authorizing the
 9 department to obtain patient records, billing
 10 records, insurance information, provider
 11 contracts, and all attachments thereto under
 12 certain circumstances for purposes of
 13 disciplinary proceedings; providing for charges
 14 for making reports or records available for
 15 digital scanning; amending s. 455.687, F.S.;
 16 providing for the suspension or restriction of
 17 the license of any health care practitioner who
 18 tests positive for drugs under certain
 19 circumstances; amending s. 455.694, F.S.;
 20 providing financial responsibility requirements
 21 for midwives; creating s. 455.712, F.S.;
 22 providing requirements for active status
 23 licensure of certain business establishments;
 24 amending s. 457.102, F.S.; defining the term
 25 "prescriptive rights" with respect to
 26 acupuncture; amending s. 458.307, F.S.;
 27 correcting terminology and a reference;
 28 removing an obsolete date; amending s. 458.309,
 29 F.S.; providing for registration and inspection
 30 of certain offices performing levels 2 and 3
 31 surgery; amending s. 458.311, F.S.; revising

1 provisions relating to licensure as a physician
 2 by examination; eliminating an obsolete
 3 provision relating to licensure of medical
 4 students from Nicaragua and another provision
 5 relating to taking the examination without
 6 applying for a license; amending s. 458.3115,
 7 F.S.; updating terminology; amending s.
 8 458.313, F.S.; revising provisions relating to
 9 licensure by endorsement; repealing provisions
 10 relating to reactivation of certain licenses
 11 issued by endorsement; amending s. 458.315,
 12 F.S.; providing additional requirements for
 13 recipients of a temporary certificate for
 14 practice in areas of critical need; amending s.
 15 458.3165, F.S.; prescribing authorized
 16 employment for holders of public psychiatry
 17 certificates; correcting a reference; amending
 18 s. 458.317, F.S.; providing for conversion of
 19 an active license to a limited license for a
 20 specified purpose; amending s. 458.319, F.S.;
 21 revising requirements for submitting
 22 fingerprints to the department for renewal of
 23 licensure as a physician; amending s. 458.331,
 24 F.S.; providing grounds for discipline;
 25 providing penalties; amending s. 458.347, F.S.;
 26 revising provisions relating to temporary
 27 licensure as a physician assistant; amending s.
 28 459.005, F.S.; providing for registration and
 29 inspection of certain offices performing levels
 30 2 and 3 surgery; amending s. 459.0075, F.S.;
 31 providing for conversion of an active license

1 to a limited license for a specified purpose;
 2 amending s. 459.008, F.S.; revising
 3 requirements for submitting fingerprints to the
 4 department for renewal of licensure as an
 5 osteopathic physician; amending s. 459.015,
 6 F.S.; revising and providing grounds for
 7 discipline; providing penalties; amending s.
 8 460.402, F.S.; providing an exemption from
 9 regulation under ch. 460, F.S., relating to
 10 chiropractic, for certain students; amending s.
 11 460.403, F.S.; defining the term
 12 "community-based internship" for purposes of
 13 ch. 460, F.S.; redefining the terms "direct
 14 supervision" and "registered chiropractic
 15 assistant"; amending s. 460.406, F.S.; revising
 16 requirements for licensure as a chiropractic
 17 physician by examination to remove a provision
 18 relating to a training program; amending s.
 19 460.407, F.S.; revising requirements for
 20 submitting fingerprints to the department for
 21 renewal of licensure as a chiropractic
 22 physician; amending s. 460.413, F.S.;
 23 increasing the administrative fine; conforming
 24 cross-references; amending s. 460.4165, F.S.;
 25 revising requirements for certification of
 26 chiropractic physician's assistants; providing
 27 for supervision of registered chiropractic
 28 physician's assistants; providing for biennial
 29 renewal; providing fees; providing
 30 applicability to current certificateholders;
 31 amending s. 460.4166, F.S.; authorizing

1 registered chiropractic assistants to be under
2 the direct supervision of a certified
3 chiropractic physician's assistant; amending s.
4 461.003, F.S.; defining the term "certified
5 podiatric X-ray assistant" and the term "direct
6 supervision" with respect thereto; redefining
7 the term "practice of podiatric medicine";
8 amending s. 461.006, F.S.; revising the
9 residency requirement to practice podiatric
10 medicine; amending s. 461.007, F.S.; revising
11 requirements for renewal of license to practice
12 podiatric medicine; revising requirements for
13 submitting fingerprints to the department for
14 renewal of licensure; amending s. 461.013,
15 F.S.; revising and providing grounds for
16 discipline; providing penalties; creating s.
17 461.0135, F.S.; providing requirements for
18 operation of X-ray machines by certified
19 podiatric X-ray assistants; amending s.
20 464.008, F.S.; providing for remediation upon
21 failure to pass the examination to practice
22 nursing a specified number of times; amending
23 s. 464.022, F.S.; providing an exemption from
24 regulation relating to remedial courses;
25 amending s. 465.003, F.S.; defining the term
26 "data communication device"; revising the
27 definition of the term "practice of the
28 profession of pharmacy"; amending s. 465.016,
29 F.S.; authorizing the redispensing of unused or
30 returned unit-dose medication by correctional
31 facilities under certain conditions; providing

1 a ground for which a pharmacist may be subject
2 to discipline by the Board of Pharmacy;
3 increasing the administrative fine; amending
4 ss. 465.014, 465.015, 465.0196, 468.812,
5 499.003, F.S.; correcting cross-references, to
6 conform; creating the Task Force for the Study
7 of Collaborative Drug Therapy Management;
8 providing for staff support from the
9 department; providing for participation by
10 specified associations and entities; providing
11 responsibilities; requiring a report to the
12 Legislature; amending s. 466.021, F.S.;
13 revising requirements relating to dental work
14 orders required of unlicensed persons; amending
15 s. 468.1155, F.S.; revising requirements for
16 provisional licensure to practice
17 speech-language pathology or audiology;
18 amending s. 468.1215, F.S.; revising
19 requirements for certification as a
20 speech-language pathologist or audiologist
21 assistant; amending s. 468.307, F.S.;
22 authorizing the issuance of subcategory
23 certificates in the field of radiologic
24 technology; amending s. 468.506, F.S.;
25 correcting references; amending s. 468.701,
26 F.S.; revising and removing definitions;
27 amending s. 468.703, F.S.; replacing the
28 Council of Athletic Training with a Board of
29 Athletic Training; providing for appointment of
30 board members and their successors; providing
31 for staggering of terms; providing for

1 applicability of other provisions of law
2 relating to activities of regulatory boards;
3 providing for the board's headquarters;
4 amending ss. 468.705, 468.707, 468.709,
5 468.711, 468.719, 468.721, F.S., relating to
6 rulemaking authority, licensure by examination,
7 fees, continuing education, disciplinary
8 actions, and certain regulatory transition;
9 transferring to the board certain duties of the
10 department relating to regulation of athletic
11 trainers; amending s. 20.43, F.S.; placing the
12 board under the Division of Medical Quality
13 Assurance of the department; providing for
14 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. 468.806, F.S.; providing for approval of
21 continuing education providers; amending s.
22 478.42, F.S.; redefining the term "electrolysis
23 or electrology"; amending s. 483.041, F.S.,
24 redefining the terms "clinical laboratory" and
25 "licensed practitioner" and defining the term
26 "clinical laboratory examination"; amending s.
27 483.803, F.S.; redefining the terms "clinical
28 laboratory examination" and "licensed
29 practitioner of the healing arts"; revising a
30 reference; amending s. 483.807, F.S.; revising
31 provisions relating to fees for approval as a

1 laboratory training program; amending s.
2 483.809, F.S.; revising requirements relating
3 to examination of clinical laboratory personnel
4 for licensure and to registration of clinical
5 laboratory trainees; amending s. 483.812, F.S.;
6 revising qualification requirements for
7 licensure of public health laboratory
8 scientists; amending s. 483.813, F.S.;
9 eliminating a provision authorizing conditional
10 licensure of clinical laboratory personnel for
11 a specified period; amending s. 483.821, F.S.;
12 authorizing continuing education or retraining
13 for candidates who fail an examination a
14 specified number of times; amending s. 483.824,
15 F.S.; revising qualifications of clinical
16 laboratory directors; amending s. 483.825,
17 F.S.; revising and providing grounds for
18 discipline; providing penalties; amending s.
19 483.901, F.S.; correcting a reference;
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.
8 490.005, F.S.; revising educational
9 requirements for licensure as a psychologist by
10 examination; changing a date, to defer certain
11 educational requirements; amending s. 490.006,
12 F.S.; providing additional requirements for
13 licensure as a psychologist by endorsement;
14 amending s. 490.0085, F.S.; correcting the name
15 of a trust fund; amending s. 490.0148, F.S.;
16 authorizing release of a patient's
17 psychological record to certain persons
18 pursuant to workers' compensation provisions;
19 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 s. 499.012, F.S.; redefining
18 the term "wholesale distribution," relating to
19 the distribution of prescription drugs, to
20 provide for the exclusion of certain
21 activities; amending ss. 626.883, 641.316,
22 F.S.; requiring payments to a health care
23 provider by a fiscal intermediary to include an
24 explanation of services provided; creating a
25 Task Force on Telehealth; providing its duties;
26 requiring a report; amending s. 468.352, F.S.;
27 redefining the term "board"; amending s.
28 468.353, F.S.; conforming provision; providing
29 for the adoption of rules; amending s. 468.354,
30 F.S.; creating the Board of Respiratory Care;
31 providing for membership, powers, and duties;

1 amending s. 468.355, F.S.; providing for
2 periodic rather than annual review of certain
3 examinations and standards; amending s.
4 458.357, F.S.; conforming provisions; deleting
5 obsolete provisions; amending s. 468.364, F.S.;
6 deleting an examination fee; amending s.
7 468.365, F.S.; conforming provisions; amending
8 s. 464.016, F.S., providing that the use of the
9 title "nurse" without being licensed or
10 certified is a crime; amending s. 458.3115,
11 F.S.; revising requirements with respect to
12 eligibility of certain foreign-licensed
13 physicians to take and pass standardized
14 examinations; amending s. 458.3124, F.S.;
15 changing the date by which application for a
16 restricted license must be submitted; amending
17 s. 301, ch. 98-166, Laws of Florida;
18 prescribing fees for foreign-licensed
19 physicians taking a certain examination;
20 amending s. 490.012, F.S.; revising a
21 prohibition against using titles relating to
22 the practice of psychology, for which there are
23 penalties; providing for a detailed study and
24 analysis of clinical laboratory services for
25 kidney dialysis patients; amending s. 455.651,
26 F.S.; providing for treble damages, reasonable
27 attorney fees, and costs for improper
28 disclosure of confidential information;
29 providing effective dates.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. (1) The Division of Children's Medical
2 Services of the Department of Health shall contract with a
3 private nonprofit provider affiliated with a teaching hospital
4 to conduct clinical trials, approved by a federally-sanctioned
5 institutional review board within the teaching hospital, on
6 the use of the drug Secretin to treat autism.

7 (2) The private nonprofit provider shall report its
8 findings to the Division of Children's Medical Services, the
9 President of the Senate, the Speaker of the House of
10 Representatives, and other appropriate bodies.

11 Section 2. The sum of \$50,000 is appropriated to the
12 Division of Children's Medical Services of the Department of
13 Health from the General Revenue Fund for the purpose of
14 implementing this act.

15 Section 3. Paragraph (b) of subsection (3) of
16 section 232.435, Florida Statutes, is amended to read:

17 232.435 Extracurricular athletic activities; athletic
18 trainers.--

19 (3)

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

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

27 381.026 Florida Patient's Bill of Rights and
28 Responsibilities.--

29 (2) DEFINITIONS.--As used in this section and s.
30 381.0261, the term:

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

1 **(b)**~~(a)~~ "Health care facility" means a facility
2 licensed under chapter 395.

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

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

10 Section 5. Subsection (4) of section 381.0261, Florida
11 Statutes, 1998 Supplement, is amended to read:

12 381.0261 Summary of patient's bill of rights;
13 distribution; penalty.--

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

26 **(b)** An administrative fine may be imposed by the
27 appropriate regulatory board, or the department if there is no
28 board, when any health care provider fails to make available
29 to patients a summary of their rights, pursuant to s. 381.026
30 and this section. Initial nonwillful violations shall be
31 subject to corrective action and shall not be subject to an

1 administrative fine.The appropriate regulatory board or
2 department agency may levy a fine against a health care
3 provider of up to \$100 for nonwillful violations and up to
4 \$500 for willful violations. Each intentional and willful
5 violation constitutes a separate violation and is subject to a
6 separate fine.

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

9 455.501 Definitions.--As used in this part, the term:

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

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

21 Section 7. Section 455.507, Florida Statutes, is
22 amended to read:

23 455.507 Members of Armed Forces in good standing with
24 administrative boards or department.--

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

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

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

15 Section 8. Section 455.521, Florida Statutes, 1998
16 Supplement, is amended to read:

17 455.521 Department; powers and duties.--The
18 department, for the professions ~~boards~~ under its jurisdiction,
19 shall:

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

27 (2) Appoint the executive director of each board,
28 subject to the approval of the board.

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

31

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

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

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

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

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

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

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

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

10 455.557 Standardized credentialing for health care
11 practitioners.--

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

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

21 Section 10. Subsections (1), (2), (6), (7), (8), and
22 (9) of section 455.564, Florida Statutes, 1998 Supplement, are
23 amended to read:

24 455.564 Department; general licensing provisions.--

25 (1) Any person desiring to be licensed in a profession
26 within the jurisdiction of the department shall apply to the
27 department in writing to take the licensure examination. The
28 application shall be made on a form prepared and furnished by
29 the department and shall require the social security number of
30 the applicant. The form shall be supplemented as needed to
31 reflect any material change in any circumstance or condition

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

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

1 ~~the licensee upon reinstatement of a suspended or revoked~~
2 ~~license.~~

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

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

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

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

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

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

22 Section 11. Subsections (1) and (4) of section
 23 455.565, Florida Statutes, 1998 Supplement, are amended to
 24 read:

25 455.565 Designated health care professionals;
 26 information required for licensure.--

27 (1) Each person who applies for initial licensure as a
 28 physician under chapter 458, chapter 459, chapter 460, or
 29 chapter 461, except a person applying for registration
 30 pursuant to s. 458.345 or s. 459.021, must, at the time of
 31 application, and each physician who applies for license

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

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

14 2. The name of each hospital at which the applicant
15 has privileges.

16 3. The address at which the applicant will primarily
17 conduct his or her practice.

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

21 5. The year that the applicant began practicing
22 medicine in any jurisdiction.

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

27 7. A description of any criminal offense of which the
28 applicant has been found guilty, regardless of whether
29 adjudication of guilt was withheld, or to which the applicant
30 has pled guilty or nolo contendere. A criminal offense
31 committed in another jurisdiction which would have been a

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

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

31

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

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

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

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

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

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

14 455.5651 Practitioner profile; creation.--

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

18 Section 13. Section 455.567, Florida Statutes, is
19 amended to read:

20 455.567 Sexual misconduct; disqualification for
21 license, certificate, or registration.--

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

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

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

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

17
18 For purposes of this subsection, a licensing authority's
19 acceptance of a candidate's relinquishment of a license which
20 is offered in response to or in anticipation of the filing of
21 administrative charges against the candidate's license
22 constitutes the surrender of the license.

23 Section 14. Subsection (2) of section 455.574, Florida
24 Statutes, 1998 Supplement, is amended to read:

25 455.574 Department of Health; examinations.--

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

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

17 Section 15. Subsection (1) of section 455.587, Florida
18 Statutes, is amended, present subsections (2) through (7) are
19 renumbered as subsections (3) through (8), respectively, and a
20 new subsection (2) is added to that section, to read:

21 455.587 Fees; receipts; disposition for boards within
22 the department.--

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

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

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

26 Section 16. Subsections (1) and (6) of section
27 455.604, Florida Statutes, 1998 Supplement, are amended to
28 read:

29 455.604 Requirement for instruction for certain
30 licensees on human immunodeficiency virus and acquired immune
31 deficiency syndrome.--

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

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

28 Section 17. Subsection (1) of section 455.607, Florida
29 Statutes, is amended to read:

30
31

1 455.607 Athletic trainers and massage therapists;
2 requirement for instruction on human immunodeficiency virus
3 and acquired immune deficiency syndrome.--

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

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

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

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

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

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

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

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

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

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, or
26 department when there is no board, must first consider what
27 sanctions are necessary to protect the public or to compensate
28 the patient. Only after those sanctions have been imposed may
29 the disciplining authority consider and include in the order
30 requirements designed to rehabilitate the practitioner. All
31

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

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

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

27 Section 19. Section 455.664, Florida Statutes, is
 28 amended to read:

29 455.664 Advertisement by a health care practitioner
 30 ~~provider~~ of free or discounted services; required
 31 statement.--In any advertisement for a free, discounted fee,

1 or reduced fee service, examination, or treatment by a health
 2 care practitioner ~~provider~~ licensed under chapter 458, chapter
 3 459, chapter 460, chapter 461, chapter 462, chapter 463,
 4 chapter 464, chapter 465,chapter 466, chapter 467, chapter
 5 478, chapter 483, chapter 484,~~or~~ chapter 486, chapter 490, or
 6 chapter 491,the following statement shall appear in capital
 7 letters clearly distinguishable from the rest of the text:
 8 THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A
 9 RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR
 10 PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT THAT
 11 IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING
 12 TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED
 13 FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required
 14 statement shall not be necessary as an accompaniment to an
 15 advertisement of a licensed health care practitioner ~~provider~~
 16 defined by this section if the advertisement appears in a
 17 classified directory the primary purpose of which is to
 18 provide products and services at free, reduced, or discounted
 19 prices to consumers and in which the statement prominently
 20 appears in at least one place.

21 Section 20. Subsections (7) and (16) of section
 22 455.667, Florida Statutes, 1998 Supplement, are amended to
 23 read:

24 455.667 Ownership and control of patient records;
 25 report or copies of records to be furnished.--

26 (7)(a)1. ~~The department may obtain patient records and~~
 27 ~~insurance information, if the complaint being investigated~~
 28 ~~alleges inadequate medical care based on termination of~~
 29 ~~insurance.~~The department may obtain patient ~~access these~~
 30 records pursuant to a subpoena without written authorization
 31 from the patient if the department and the probable cause

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

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

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

1 through an agent regardless of whether the information is
2 derived directly from the report or a summary of that report
3 or from another person, solicited patients fraudulently,
4 received a kickback as defined in s. 455.657, violated the
5 patient brokering provisions of s. 817.505, or presented or
6 caused to be presented a false or fraudulent insurance claim
7 within the meaning of s. 817.234(1)(a), and also find that,
8 within the meaning of s. 817.234(1)(a), patient authorization
9 cannot be obtained because the patient cannot be located or is
10 deceased, incapacitated, or suspected of being a participant
11 in the fraud or scheme, and if the subpoena is issued for
12 specific and relevant records.

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

1 review of the records by expert medical practitioners
2 appointed by the court to determine if the records or any part
3 thereof are protected under the psychotherapist-patient
4 privilege.

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

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

14 455.687 Certain health care practitioners; immediate
15 suspension of license.--

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

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

29 455.694 Financial responsibility requirements for
30 ~~Boards regulating~~ certain health care practitioners.--

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 458.307 Board of Medicine.--

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

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

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

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

19 458.309 Authority to make rules.--

20 (3) All physicians who perform level 2 procedures
21 lasting more than 5 minutes and all level 3 surgical
22 procedures in an office setting must register the office with
23 the department unless that office is licensed as a facility
24 pursuant to chapter 395. Registration information shall not
25 include the specific type of surgery performed by the
26 physician. The department shall inspect the physician's office
27 annually unless the office is accredited by a nationally
28 recognized accrediting agency or an accrediting organization
29 subsequently approved by the Board of Medicine. The actual
30 costs for registration and inspection or accreditation shall

31

1 be paid by the person seeking to register and operate the
2 office setting in which office surgery is performed.

3 Section 27. Section 458.311, Florida Statutes, 1998
4 Supplement, is amended to read:

5 458.311 Licensure by examination; requirements;
6 fees.--

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

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

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

21 (c) Is of good moral character.

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

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

31

1 (f) Meets one of the following medical education and
2 postgraduate training requirements:

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

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

15 c. Has completed an approved residency of at least 1
16 year.

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

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

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

31

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

3 b. Has had his or her medical credentials evaluated by
4 the Educational Commission for Foreign Medical Graduates,
5 holds an active, valid certificate issued by that commission,
6 and has passed the examination utilized by that commission;
7 and

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

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

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

1 Special Purpose Examination of the Federation of State Medical
2 Boards of the United States (SPEX) upon receipt of a passing
3 score as established by rule of the board. However, for the
4 purpose of examination of any applicant who was licensed on
5 the basis of a state board examination prior to 1974, who is
6 currently licensed in at least three other jurisdictions of
7 the United States or Canada, and who has practiced pursuant to
8 such licensure for a period of at least 20 years, this
9 paragraph does not apply.

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

18 (3) Notwithstanding the provisions of subparagraph
19 (1)(f)3., a graduate of a foreign medical school need not
20 present the certificate issued by the Educational Commission
21 for Foreign Medical Graduates or pass the examination utilized
22 by that commission if the graduate:

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

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

27 (c) Has completed all of the formal requirements of
28 the foreign medical school, except the internship or social
29 service requirements, and has passed part I of the National
30 Board of Medical Examiners examination or the Educational
31

1 Commission for Foreign Medical Graduates examination
2 equivalent.

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

10 (4) The department and the board shall assure that
11 applicants for licensure meet the criteria in subsection (1)
12 through an investigative process. When the investigative
13 process is not completed within the time set out in s.
14 120.60(1) and the department or board has reason to believe
15 that the applicant does not meet the criteria, the secretary
16 or the secretary's designee may issue a 90-day licensure delay
17 which shall be in writing and sufficient to notify the
18 applicant of the reason for the delay. The provisions of this
19 subsection shall control over any conflicting provisions of s.
20 120.60(1).

21 (5) The board may not certify to the department for
22 licensure any applicant who is under investigation in another
23 jurisdiction for an offense which would constitute a violation
24 of this chapter until such investigation is completed. Upon
25 completion of the investigation, the provisions of s. 458.331
26 shall apply. Furthermore, the department may not issue an
27 unrestricted license to any individual who has committed any
28 act or offense in any jurisdiction which would constitute the
29 basis for disciplining a physician pursuant to s. 458.331.
30 When the board finds that an individual has committed an act
31 or offense in any jurisdiction which would constitute the

1 basis for disciplining a physician pursuant to s. 458.331,
2 then the board may enter an order imposing one or more of the
3 terms set forth in subsection (9).

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

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

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

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

19 (b) Certification to the department of an application
20 for licensure, certification, or registration with
21 restrictions on the scope of practice of the licensee; or

22 (c) Certification to the department of an application
23 for licensure, certification, or registration with placement
24 of the physician on probation for a period of time and subject
25 to such conditions as the board may specify, including, but
26 not limited to, requiring the physician to submit to
27 treatment, attend continuing education courses, submit to
28 reexamination, or work under the supervision of another
29 physician.

30 ~~(9)(a) Notwithstanding any of the provisions of this~~
31 ~~section, an applicant who, at the time of his or her medical~~

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

12 ~~1. Is a graduate of a World Health Organization~~
13 ~~recognized foreign medical institution located in a country in~~
14 ~~the Western Hemisphere.~~

15 ~~2. Received a medical education which has been~~
16 ~~determined by the board to be substantially similar, at the~~
17 ~~time of the applicant's graduation, to approved United States~~
18 ~~medical programs.~~

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

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

24 ~~5. Successfully completed the Educational Commission~~
25 ~~for Foreign Medical Graduates Examination or Foreign Medical~~
26 ~~Graduate Examination in the Medical Sciences or successfully~~
27 ~~completed a course developed for the University of Miami for~~
28 ~~physician training equivalent to the course developed for such~~
29 ~~purposes pursuant to chapter 74-105, Laws of Florida. No~~
30 ~~person shall be permitted to enroll in the physician training~~
31 ~~course until he or she has been certified by the board as~~

1 ~~having met the requirements of this paragraph or conditionally~~
2 ~~certified by the board as having substantially complied with~~
3 ~~the requirements of this paragraph. Any person conditionally~~
4 ~~certified by the board shall be required to establish, to the~~
5 ~~board's satisfaction, full compliance with all the~~
6 ~~requirements of this paragraph prior to completion of the~~
7 ~~physician training course and shall not be permitted to sit~~
8 ~~for the licensure examination unless the board certifies that~~
9 ~~all of the requirements of this paragraph have been met.~~

10
11 ~~However, applicants eligible for licensure under s. 455.581 or~~
12 ~~subsection (9), 1988 Supplement to the Florida Statutes 1987,~~
13 ~~as amended by s. 18, chapter 89-162, Laws of Florida, and ss.~~
14 ~~5 and 42, chapter 89-374, Laws of Florida, and renumbered as~~
15 ~~subsection (8) by s. 5, chapter 89-374, Laws of Florida, shall~~
16 ~~not be eligible to apply under this subsection.~~

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

21 ~~(c) Upon recommendation of the supervising physician~~
22 ~~and demonstration of clinical competency to the satisfaction~~
23 ~~of the board that the holder of a restricted license issued~~
24 ~~pursuant to this subsection has practiced for 1 year under~~
25 ~~direct supervision, such licenseholder shall work for 1 year~~
26 ~~under general supervision, as defined by board rule, of a~~
27 ~~Florida-licensed physician in an area of critical need as~~
28 ~~determined by the board. Prior to commencing such~~
29 ~~supervision, the supervising physician shall notify the board.~~

30 ~~(d) Upon completion of the 1 year of work under~~
31 ~~general supervision and demonstration to the board that the~~

1 ~~holder of the restricted license has satisfactorily completed~~
2 ~~the requirements of this subsection, and has not committed any~~
3 ~~act or is not under investigation for any act which would~~
4 ~~constitute a violation of this chapter, the department shall~~
5 ~~issue an unrestricted license to such licenseholder.~~

6 ~~(e) Rules necessary to implement and carry out the~~
7 ~~provisions of this subsection shall be promulgated by the~~
8 ~~board.~~

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

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

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

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

23 ~~(d) Remits a nonrefundable administration fee, not to~~
24 ~~exceed \$50, and an examination fee, not to exceed \$300, plus~~
25 ~~the actual cost per person to the department for the purchase~~
26 ~~of the examination from the Federation of State Medical Boards~~
27 ~~of the United States or a similar national organization. The~~
28 ~~examination fee is refundable if the person is found to be~~
29 ~~ineligible to take the examination.~~

30 Section 28. Section 458.3115, Florida Statutes, 1998
31 Supplement, is amended to read:

1 458.3115 Restricted license; certain foreign-licensed
 2 physicians; ~~United States Medical Licensing Examination~~
 3 ~~(USMLE) or agency-developed~~ examination; restrictions on
 4 practice; full licensure.--

5 (1)(a) Notwithstanding any other provision of law, the
 6 department ~~agency~~ shall provide procedures under which certain
 7 physicians who are or were foreign-licensed and have practiced
 8 medicine no less than 2 years may take the USMLE or an
 9 ~~agency-developed~~ examination developed by the department, in
 10 consultation with the board, to qualify for a restricted
 11 license to practice medicine in this state. The
 12 department-developed ~~agency and board-developed~~ examination
 13 shall test the same areas of medical knowledge as the
 14 Federation of State Medical Boards of the United States, Inc.
 15 (FLEX) previously administered by the Florida Board of
 16 Medicine to grant medical licensure in Florida. The
 17 department-developed ~~agency-developed~~ examination must be made
 18 available no later than December 31, 1998, to a physician who
 19 qualifies for licensure. A person who is eligible to take and
 20 elects to take the department-developed ~~agency and~~
 21 ~~board-developed~~ examination, who has previously passed part 1
 22 or part 2 of the previously administered FLEX shall not be
 23 required to retake or pass the equivalent parts of the
 24 department-developed ~~agency-developed~~ examination, and may sit
 25 for the department-developed ~~agency and board-developed~~
 26 examination five times within 5 years.

27 (b) A person who is eligible to take and elects to
 28 take the USMLE who has previously passed part 1 or part 2 of
 29 the previously administered FLEX shall not be required to
 30 retake or pass the equivalent parts of the USMLE up to the
 31 year 2000.

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

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

17 2. Applies to the department ~~agency~~ and submits an
18 application fee that is nonrefundable and equivalent to the
19 fee required for full licensure;

20 3. Documents no less than 2 years of the active
21 practice of medicine ~~in another jurisdiction~~;

22 4. Submits an examination fee that is nonrefundable
23 and equivalent to the fee required for full licensure plus the
24 actual per-applicant cost to the department ~~agency~~ to provide
25 either examination described in this section;

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

30 6. Is not under discipline, investigation, or
31 prosecution in this or any other jurisdiction for an act that

1 would constitute a violation of this chapter or part II of
2 chapter 455 and that substantially threatened or threatens the
3 public health, safety, or welfare.

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

14 (e) The department ~~Agency for Health Care~~
15 ~~Administration~~ and the board shall be responsible for working
16 with one or more organizations to offer a medical refresher
17 course designed to prepare applicants to take either licensure
18 examination described in this section. The organizations may
19 develop the medical refresher course, purchase such a course,
20 or contract for such a course from a private organization that
21 specializes in developing such courses.

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

26 (2)(a) Before the department ~~agency~~ may issue a
27 restricted license to an applicant under this section, the
28 applicant must have passed either of the two examinations
29 described in this section. However, the board may impose
30 reasonable restrictions on the applicant's license to
31

1 practice. These restrictions may include, but are not limited
2 to:

3 1. Periodic and random department ~~agency~~ audits of the
4 licensee's patient records and review of those records by the
5 board or the department ~~agency~~.

6 2. Periodic appearances of the licensee before the
7 board or the department ~~agency~~.

8 3. Submission of written reports to the board or the
9 department ~~agency~~.

10 (b) A restricted licensee under this section shall
11 practice under the supervision of a full licensee approved by
12 the board with the first year of the licensure period being
13 under direct supervision as defined by board rule and the
14 second year being under indirect supervision as defined by
15 board rule.

16 (c) The board may adopt rules necessary to implement
17 this subsection.

18 (3)(a) A restricted license issued by the department
19 ~~agency~~ under this section is valid for 2 years unless sooner
20 revoked or suspended, and a restricted licensee is subject to
21 the requirements of this chapter, part II of chapter 455, and
22 any other provision of law not in conflict with this section.
23 Upon expiration of such restricted license, a restricted
24 licensee shall become a full licensee if the restricted
25 licensee:

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

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

30 (b) The department ~~agency~~ shall renew a restricted
31 license under this section upon payment of the same fees

1 required for renewal for a full license if the restricted
2 licensee is under discipline, investigation, or prosecution
3 for a violation which posed or poses a substantial threat to
4 the public health, safety, or welfare and the board has not
5 permanently revoked the restricted license. A restricted
6 licensee who has renewed such restricted license shall become
7 eligible for full licensure when the licensee is no longer
8 under discipline, investigation, or prosecution.

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

11 Section 29. Subsections (1), (2), and (8) of section
12 458.313, Florida Statutes, are amended to read:

13 458.313 Licensure by endorsement; requirements;
14 fees.--

15 (1) The department shall issue a license by
16 endorsement to any applicant who, upon applying to the
17 department on forms furnished by the department and remitting
18 a fee set by the board not to exceed \$500 ~~set by the board~~,
19 the board certifies:

20 (a) Has met the qualifications for licensure in s.
21 458.311(1)(b)-(g) or in s. 458.311(1)(b)-(e) and (g) and (3);

22 (b) Prior to January 1, 2000,has obtained a passing
23 score, as established by rule of the board, on the licensure
24 examination of the Federation of State Medical Boards of the
25 United States, Inc. (FLEX), on ~~or of~~ the United States Medical
26 Licensing Examination (USMLE), or on the examination of the
27 National Board of Medical Examiners, or on a combination
28 thereof, and on or after January 1, 2000, has obtained a
29 passing score on the United States Medical Licensing
30 Examination (USMLE)~~provided the board certifies as eligible~~
31 ~~for licensure by endorsement any applicant who took the~~

1 ~~required examinations more than 10 years prior to application;~~
2 and

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

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

25 ~~(b)~~ The board may require an applicant for licensure
26 by endorsement to take and pass the appropriate licensure
27 examination prior to certifying the applicant as eligible for
28 licensure.

29 ~~(8) The department shall reactivate the license of any~~
30 ~~physician whose license has become void by failure to practice~~
31 ~~in Florida for a period of 1 year within 3 years after~~

1 ~~issuance of the license by endorsement, if the physician was~~
2 ~~issued a license by endorsement prior to 1989, has actively~~
3 ~~practiced medicine in another state for the last 4 years,~~
4 ~~applies for licensure before October 1, 1998, pays the~~
5 ~~applicable fees, and otherwise meets any continuing education~~
6 ~~requirements for reactivation of the license as determined by~~
7 ~~the board.~~

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

10 458.315 Temporary certificate for practice in areas of
11 critical need.--Any physician who is licensed to practice in
12 any other state, whose license is currently valid, and who
13 pays an application fee of \$300 may be issued a temporary
14 certificate to practice in communities of Florida where there
15 is a critical need for physicians. A certificate may be
16 issued to a physician who will be employed by a county health
17 department, correctional facility, community health center
18 funded by s. 329, s. 330, or s. 340 of the United States
19 Public Health Services Act, or other entity that provides
20 health care to indigents and that is approved by the State
21 Health Officer. The Board of Medicine may issue this
22 temporary certificate with the following restrictions:

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

29 (a) A recipient of a temporary certificate for
30 practice in areas of critical need may use the license to work
31

1 for any approved employer in any area of critical need
2 approved by the board.

3 (b) The recipient of a temporary certificate for
4 practice in areas of critical need shall, within 30 days after
5 accepting employment, notify the board of all approved
6 institutions in which the licensee practices and of all
7 approved institutions where practice privileges have been
8 denied.

9 Section 31. Section 458.3165, Florida Statutes, is
10 amended to read:

11 458.3165 Public psychiatry certificate.--The board
12 shall issue a public psychiatry certificate to an individual
13 who remits an application fee not to exceed \$300, as set by
14 the board, who is a board-certified psychiatrist, who is
15 licensed to practice medicine without restriction in another
16 state, and who meets the requirements in s. 458.311(1)(a)-(g)
17 and (5). A recipient of a public psychiatry certificate may
18 use the certificate to work at any public mental health
19 facility or program funded in part or entirely by state funds.

20 (1) Such certificate shall:

21 (a) Authorize the holder to practice only in a public
22 mental health facility or program funded in part or entirely
23 by state funds.

24 (b) Be issued and renewable biennially if the
25 secretary of the Department of Health ~~and Rehabilitative~~
26 ~~Services~~ and the chair of the department of psychiatry at one
27 of the public medical schools or the chair of the department
28 of psychiatry at the accredited medical school at the
29 University of Miami recommend in writing that the certificate
30 be issued or renewed.

31

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

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

6 (2) The board may take disciplinary action against a
7 certificateholder for noncompliance with any part of this
8 section or for any reason for which a regular licensee may be
9 subject to discipline.

10 Section 32. Subsection (4) is added to section
11 458.317, Florida Statutes, 1998 Supplement, to read:

12 458.317 Limited licenses.--

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

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

24 458.319 Renewal of license.--

25 (1) The department shall renew a license upon receipt
26 of the renewal application, evidence that the applicant has
27 actively practiced medicine or has been on the active teaching
28 faculty of an accredited medical school for at least 2 years
29 of the immediately preceding 4 years, and a fee not to exceed
30 \$500; provided, however, that if the licensee is either a
31 resident physician, assistant resident physician, fellow,

1 house physician, or intern in an approved postgraduate
2 training program, as defined by the board by rule, the fee
3 shall not exceed \$100 per annum. If the licensee has not
4 actively practiced medicine for at least 2 years of the
5 immediately preceding 4 years, the board shall require that
6 the licensee successfully complete a board-approved clinical
7 competency examination prior to renewal of the license.
8 "Actively practiced medicine" means that practice of medicine
9 by physicians, including those employed by any governmental
10 entity in community or public health, as defined by this
11 chapter, including physicians practicing administrative
12 medicine. An applicant for a renewed license must also submit
13 the information required under s. 455.565 to the department on
14 a form and under procedures specified by the department, along
15 with payment in an amount equal to the costs incurred by the
16 Department of Health for the statewide criminal background
17 check of the applicant. An ~~The~~ applicant for a renewed license
18 who received an initial license in this state after January 1,
19 1992, must submit a set of fingerprints to the Department of
20 Health on a form and under procedures specified by the
21 department, along with payment in an amount equal to the costs
22 incurred by the department for a national criminal background
23 check of the applicant for the initial renewal of his or her
24 license after January 1, 2000. If the applicant fails to
25 submit either the information required under s. 455.565 or a
26 set of fingerprints to the department as required by this
27 section, the department shall issue a notice of noncompliance,
28 and the applicant will be given 30 additional days to comply.
29 If the applicant fails to comply within 30 days after the
30 notice of noncompliance is issued, the department or board, as
31 appropriate, may issue a citation to the applicant and may

1 fine the applicant up to \$50 for each day that the applicant
 2 is not in compliance with the requirements of s. 455.565. The
 3 citation must clearly state that the applicant may choose, in
 4 lieu of accepting the citation, to follow the procedure under
 5 s. 455.621. If the applicant disputes the matter in the
 6 citation, the procedures set forth in s. 455.621 must be
 7 followed. However, if the applicant does not dispute the
 8 matter in the citation with the department within 30 days
 9 after the citation is served, the citation becomes a final
 10 order and constitutes discipline. Service of a citation may be
 11 made by personal service or certified mail, restricted
 12 delivery, to the subject at the applicant's last known
 13 address. The department may not delay renewing a license due
 14 to the processing of a statewide criminal history check or a
 15 national criminal background check. If an applicant has
 16 received an initial license to practice in this state after
 17 January 1, 1992, and has submitted fingerprints to the
 18 department for a national criminal history check ~~upon initial~~
 19 ~~licensure~~ and is renewing his or her license ~~for the first~~
 20 ~~time~~, then the applicant need only submit the information and
 21 fee required for a statewide criminal history check.

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

25 458.331 Grounds for disciplinary action; action by the
 26 board and department.--

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

30 (mm) Failing to comply with the requirements of ss.
 31 381.026 and 381.0261 to provide patients with information

1 about their patient rights and how to file a patient
2 complaint.

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

8 (a) Refusal to certify, or certification with
9 restrictions, to the department an application for licensure,
10 certification, or registration.

11 (b) Revocation or suspension of a license.

12 (c) Restriction of practice.

13 (d) Imposition of an administrative fine not to exceed
14 \$10,000~~\$5,000~~ for each count or separate offense.

15 (e) Issuance of a reprimand.

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

22 (g) Issuance of a letter of concern.

23 (h) Corrective action.

24 (i) Refund of fees billed to and collected from the
25 patient.

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

28
29 In determining what action is appropriate, the board must
30 first consider what sanctions are necessary to protect the
31 public or to compensate the patient. Only after those

1 sanctions have been imposed may the disciplining authority
2 consider and include in the order requirements designed to
3 rehabilitate the physician. All costs associated with
4 compliance with orders issued under this subsection are the
5 obligation of the physician.

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

8 458.347 Physician assistants.--

9 (7) PHYSICIAN ASSISTANT LICENSURE.--

10 (a) Any person desiring to be licensed as a physician
11 assistant must apply to the department. The department shall
12 issue a license to any person certified by the council as
13 having met the following requirements:

14 1. Is at least 18 years of age.

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

25 3. Has completed the application form and remitted an
26 application fee not to exceed \$300 as set by the boards. An
27 application for licensure made by a physician assistant must
28 include:

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

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

1 c. A sworn statement of any previous revocation or
2 denial of licensure or certification in any state.

3 d. Two letters of recommendation.

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

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

1 is required, as determined by the department or organization
2 that developed it, on one of the following English
3 examinations:

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

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

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

9 (IV) The English examination for citizenship,
10 Immigration and Naturalization Service.

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

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

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

31

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

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

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

1 measures an applicant's ability to practice with reasonable
2 skill and safety. The minimum passing score on the
3 examination shall be established by the department, with the
4 advice of the board. Those applicants failing to pass that
5 examination or any subsequent examination shall receive notice
6 of the administration of the next examination with the notice
7 of scores following such examination. Any applicant who
8 passes the examination and meets the requirements of this
9 section shall be licensed as a physician assistant with all
10 rights defined thereby.

11 (c) The license must be renewed biennially. Each
12 renewal must include:

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

15 2. A sworn statement of no felony convictions in the
16 previous 2 years.

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

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

28 (f) Notwithstanding subparagraph (a)2., the department
29 may grant to a recent graduate of an approved program, as
30 specified in subsection (6), who expects to take the first
31 examination administered by the National Commission on

1 Certification of Physician Assistants available for
2 registration after the applicant's graduation, a temporary
3 license. The temporary license shall to expire 30 days after
4 ~~upon~~ receipt of scores of the proficiency examination
5 administered by the National Commission on Certification of
6 Physician Assistants. Between meetings of the council, the
7 department may grant a temporary license to practice based on
8 the completion of all temporary licensure requirements. All
9 such administratively issued licenses shall be reviewed and
10 acted on at the next regular meeting of the council. The
11 recent graduate may be licensed prior to employment, but must
12 comply with paragraph (e). An applicant who has passed the
13 proficiency examination may be granted permanent licensure. An
14 applicant failing the proficiency examination is no longer
15 temporarily licensed, but may reapply for a 1-year extension
16 of temporary licensure. An applicant may not be granted more
17 than two temporary licenses and may not be licensed as a
18 physician assistant until he or she passes the examination
19 administered by the National Commission on Certification of
20 Physician Assistants. As prescribed by board rule, the council
21 may require an applicant who does not pass the licensing
22 examination after five or more attempts to complete additional
23 remedial education or training. The council shall prescribe
24 the additional requirements in a manner that permits the
25 applicant to complete the requirements and be reexamined
26 within 2 years after the date the applicant petitions the
27 council to retake the examination a sixth or subsequent time.

28 (g) The Board of Medicine may impose any of the
29 penalties specified in ss. 455.624 and 458.331(2) upon a
30 physician assistant if the physician assistant or the
31 supervising physician has been found guilty of or is being

1 investigated for any act that constitutes a violation of this
2 chapter or part II of chapter 455.

3 Section 36. Section 459.005, Florida Statutes, 1998
4 Supplement, is amended to read:

5 459.005 Rulemaking authority.--

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

9 (2) All physicians who perform level 2 procedures
10 lasting more than 5 minutes and all level 3 surgical
11 procedures in an office setting must register the office with
12 the department unless that office is licensed as a facility
13 pursuant to chapter 395. Registration information shall not
14 include the specific type of surgery performed by the
15 physician. The department shall inspect the physician's office
16 annually unless the office is accredited by a nationally
17 recognized accrediting agency or an accrediting organization
18 subsequently approved by the Board of Osteopathic Medicine.
19 The actual costs for registration and inspection or
20 accreditation shall be paid by the person seeking to register
21 and operate the office setting in which office surgery is
22 performed.

23 Section 37. Subsection (7) is added to section
24 459.0075, Florida Statutes, to read:

25 459.0075 Limited licenses.--

26 (7) Any person holding an active license to practice
27 osteopathic medicine in the state may convert that license to
28 a limited license for the purpose of providing volunteer,
29 uncompensated care for low-income Floridians. The applicant
30 must submit a statement from the employing agency or
31 institution stating that he or she will not receive

1 compensation for any service involving the practice of
2 osteopathic medicine. The application and all licensure fees,
3 including neurological injury compensation assessments, shall
4 be waived.

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

7 459.008 Renewal of licenses and certificates.--

8 (1) The department shall renew a license or
9 certificate upon receipt of the renewal application and fee.
10 An applicant for a renewed license must also submit the
11 information required under s. 455.565 to the department on a
12 form and under procedures specified by the department, along
13 with payment in an amount equal to the costs incurred by the
14 Department of Health for the statewide criminal background
15 check of the applicant. An ~~The~~ applicant for a renewed license
16 who received an initial license in this state after January 1,
17 1992, must submit a set of fingerprints to the Department of
18 Health on a form and under procedures specified by the
19 department, along with payment in an amount equal to the costs
20 incurred by the department for a national criminal background
21 check of the applicant for the initial renewal of his or her
22 license after January 1, 2000. If the applicant fails to
23 submit either the information required under s. 455.565 or a
24 set of fingerprints to the department as required by this
25 section, the department shall issue a notice of noncompliance,
26 and the applicant will be given 30 additional days to comply.
27 If the applicant fails to comply within 30 days after the
28 notice of noncompliance is issued, the department or board, as
29 appropriate, may issue a citation to the applicant and may
30 fine the applicant up to \$50 for each day that the applicant
31 is not in compliance with the requirements of s. 455.565. The

1 citation must clearly state that the applicant may choose, in
 2 lieu of accepting the citation, to follow the procedure under
 3 s. 455.621. If the applicant disputes the matter in the
 4 citation, the procedures set forth in s. 455.621 must be
 5 followed. However, if the applicant does not dispute the
 6 matter in the citation with the department within 30 days
 7 after the citation is served, the citation becomes a final
 8 order and constitutes discipline. Service of a citation may be
 9 made by personal service or certified mail, restricted
 10 delivery, to the subject at the applicant's last known
 11 address. The department may not delay renewing a license due
 12 to the processing of a statewide criminal history check or a
 13 national criminal background check. If an applicant has
 14 received an initial license to practice in this state after
 15 January 1, 1992, and has submitted fingerprints to the
 16 department for a national criminal history check ~~upon initial~~
 17 ~~licensure~~ and is renewing his or her license ~~for the first~~
 18 ~~time~~, then the applicant need only submit the information and
 19 fee required for a statewide criminal history check.

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

23 459.015 Grounds for disciplinary action by the
 24 board.--

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

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

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

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

7 (b) Revocation or suspension of a license or
8 certificate.

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) Issuance of a letter of concern.

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

21 (h) Corrective action.

22 (i) Refund of fees billed to and collected from the
23 patient.

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

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

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

4 Section 40. Subsection (6) is added to section
5 460.402, Florida Statutes, to read:

6 460.402 Exceptions.--The provisions of this chapter
7 shall not apply to:

8 (6) A chiropractic student enrolled in a chiropractic
9 college accredited by the Council on Chiropractic Education
10 and participating in a community-based internship under the
11 direct supervision of a doctor of chiropractic medicine who is
12 credentialed as an adjunct faculty member of a chiropractic
13 college in which the student is enrolled.

14 Section 41. Present subsections (4) through (10) of
15 section 460.403, Florida Statutes, 1998 Supplement, are
16 renumbered as subsections (5) through (11), respectively, a
17 new subsection (4) is added to that section, and present
18 subsections (6) and (9) are amended, to read:

19 460.403 Definitions.--As used in this chapter, the
20 term:

21 (4) "Community-based internship" means a program in
22 which a student enrolled in the last year of a chiropractic
23 college accredited by the Council on Chiropractic Education is
24 approved to obtain required pregraduation clinical experience
25 in a chiropractic clinic or practice under the direct
26 supervision of a doctor of chiropractic medicine approved as
27 an adjunct faculty member of the chiropractic college in which
28 the student is enrolled, according to the teaching protocols
29 for the clinical practice requirements of the college.

30 (7)(6) "Direct supervision" means responsible
31 supervision and control, with the licensed chiropractic

1 physician assuming legal liability for the services rendered
2 by a registered chiropractic assistant or a chiropractic
3 student enrolled in a community-based intern program. Except
4 in cases of emergency, direct supervision shall require the
5 physical presence of the licensed chiropractic physician for
6 consultation and direction of the actions of the registered
7 chiropractic assistant or a chiropractic student enrolled in a
8 community-based intern program. The board shall further
9 establish rules as to what constitutes responsible direct
10 supervision of a registered chiropractic assistant.

11 (10)(9) "Registered chiropractic assistant" means a
12 person who is registered by the board to perform chiropractic
13 services under the direct supervision of a chiropractic
14 physician or certified chiropractic physician's assistant.

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

17 460.406 Licensure by examination.--

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

30 (a) Completed the application form and remitted the
31 appropriate fee.

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

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

16 (d)1. For an applicant who has matriculated in a
17 chiropractic college prior to July 2, 1990, completed at least
18 2 years of residence college work, consisting of a minimum of
19 one-half the work acceptable for a bachelor's degree granted
20 on the basis of a 4-year period of study, in a college or
21 university accredited by an accrediting agency recognized and
22 approved by the United States Department of Education.
23 However, prior to being certified by the board to sit for the
24 examination, each applicant who has matriculated in a
25 chiropractic college after July 1, 1990, shall have been
26 granted a bachelor's degree, based upon 4 academic years of
27 study, by a college or university accredited by a regional
28 accrediting agency which is a member of the Commission on
29 Recognition of Postsecondary Accreditation.

30 2. Effective July 1, 2000, completed, prior to
31 matriculation in a chiropractic college, at least 3 years of

1 residence college work, consisting of a minimum of 90 semester
2 hours leading to a bachelor's degree in a liberal arts college
3 or university accredited by an accrediting agency recognized
4 and approved by the United States Department of Education.
5 However, prior to being certified by the board to sit for the
6 examination, each applicant who has matriculated in a
7 chiropractic college after July 1, 2000, shall have been
8 granted a bachelor's degree from an institution holding
9 accreditation for that degree from a regional accrediting
10 agency which is recognized by the United States Department of
11 Education. The applicant's chiropractic degree must consist
12 of credits earned in the chiropractic program and may not
13 include academic credit for courses from the bachelor's
14 degree.

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

29 (e)(f) Successfully completed the National Board of
30 Chiropractic Examiners certification examination in parts I
31 and II and clinical competency, with a score approved by the

1 board, within 10 years immediately preceding application to
2 the department for licensure.

3 ~~(f)(g)~~ Submitted to the department a set of
4 fingerprints on a form and under procedures specified by the
5 department, along with payment in an amount equal to the costs
6 incurred by the Department of Health for the criminal
7 background check of the applicant.

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

10 460.407 Renewal of license.--

11 (1) The department shall renew a license upon receipt
12 of the renewal application and the fee set by the board not to
13 exceed \$500. An applicant for a renewed license must also
14 submit the information required under s. 455.565 to the
15 department on a form and under procedures specified by the
16 department, along with payment in an amount equal to the costs
17 incurred by the Department of Health for the statewide
18 criminal background check of the applicant. An ~~The~~ applicant
19 for a renewed license who received an initial license in this
20 state after January 1, 1992, must submit a set of fingerprints
21 to the Department of Health on a form and under procedures
22 specified by the department, along with payment in an amount
23 equal to the costs incurred by the department for a national
24 criminal background check of the applicant for the initial
25 renewal of his or her license after January 1, 2000. If the
26 applicant fails to submit either the information required
27 under s. 455.565 or a set of fingerprints to the department as
28 required by this section, the department shall issue a notice
29 of noncompliance, and the applicant will be given 30
30 additional days to comply. If the applicant fails to comply
31 within 30 days after the notice of noncompliance is issued,

1 the department or board, as appropriate, may issue a citation
2 to the applicant and may fine the applicant up to \$50 for each
3 day that the applicant is not in compliance with the
4 requirements of s. 455.565. The citation must clearly state
5 that the applicant may choose, in lieu of accepting the
6 citation, to follow the procedure under s. 455.621. If the
7 applicant disputes the matter in the citation, the procedures
8 set forth in s. 455.621 must be followed. However, if the
9 applicant does not dispute the matter in the citation with the
10 department within 30 days after the citation is served, the
11 citation becomes a final order and constitutes discipline.
12 Service of a citation may be made by personal service or
13 certified mail, restricted delivery, to the subject at the
14 applicant's last known address. The department may not delay
15 renewing a license due to the processing of a statewide
16 criminal history check or a national criminal background
17 check. If an applicant has received an initial license to
18 practice in this state after January 1, 1992, and has
19 submitted fingerprints to the department for a national
20 criminal history check ~~upon initial licensure~~ and is renewing
21 his or her license ~~for the first time~~, then the applicant need
22 only submit the information and fee required for a statewide
23 criminal history check.

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

27 460.413 Grounds for disciplinary action; action by the
28 board.--

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

1 (p) Prescribing, dispensing, or administering any
2 medicinal drug except as authorized by s. 460.403(9)(c)2.~~s.~~
3 ~~460.403(8)(c)2.~~, performing any surgery, or practicing
4 obstetrics.

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

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

10 (d) Imposition of an administrative fine not to exceed
11 \$10,000~~\$2,000~~ for each count or separate offense.

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

21 Section 45. Section 460.4165, Florida Statutes, is
22 amended to read:

23 460.4165 Certified chiropractic physician's
24 assistants.--

25 (1) LEGISLATIVE INTENT.--The purpose of this section
26 is to encourage the more effective utilization of the skills
27 of chiropractic physicians by enabling them to delegate health
28 care tasks to qualified assistants when such delegation is
29 consistent with the patient's health and welfare and to allow
30 for innovative development of programs for the education of
31 physician's assistants.

1 (2) PERFORMANCE BY CERTIFIED CHIROPRACTIC PHYSICIAN'S
2 ASSISTANT.--Notwithstanding any other provision of law, a
3 certified chiropractic physician's assistant may perform
4 chiropractic services in the specialty area or areas for which
5 the certified chiropractic physician's assistant is trained or
6 experienced when such services are rendered under the
7 supervision of a licensed chiropractic physician or group of
8 chiropractic physicians certified by the board. Any certified
9 chiropractic physician's assistant certified under this
10 section to perform services may perform those services only:

11 (a) In the office of the chiropractic physician to
12 whom the certified chiropractic physician's assistant has been
13 assigned, in which office such physician maintains her or his
14 primary practice;

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

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

20 (d) On calls outside of the ~~said~~ office of the
21 chiropractic physician to whom she or he is assigned, on the
22 direct order of the chiropractic physician to whom she or he
23 is assigned.

24 (3) THIRD-PARTY PAYORS.--This chapter does not prevent
25 third-party payors from reimbursing employers of chiropractic
26 physicians' assistants for covered services rendered by
27 certified chiropractic physicians' assistants.

28 (4)~~(3)~~ PERFORMANCE BY TRAINEES.--Notwithstanding any
29 other provision of law, a trainee may perform chiropractic
30 services when such services are rendered within the scope of
31 an approved program.

1 ~~(5)(4)~~ PROGRAM APPROVAL.--The department shall issue
 2 certificates of approval for programs for the education and
 3 training of certified chiropractic physician's assistants
 4 which meet board standards. Any basic program curriculum
 5 certified by the board shall cover a period of 24 months. The
 6 curriculum must consist of at least 200 didactic classroom
 7 hours during those 24 months.

8 (a) In developing criteria for program approval, the
 9 board shall give consideration to, and encourage, the
 10 utilization of equivalency and proficiency testing and other
 11 mechanisms whereby full credit is given to trainees for past
 12 education and experience in health fields.

13 (b) The board shall create groups of specialty
 14 classifications of training for certified chiropractic
 15 physician's assistants. These classifications shall reflect
 16 the training and experience of the certified chiropractic
 17 physician's assistant. The certified chiropractic physician's
 18 assistant may receive training in one or more such
 19 classifications, which shall be shown on the certificate
 20 issued.

21 (c) The board shall adopt and publish standards to
 22 ensure that such programs operate in a manner which does not
 23 endanger the health and welfare of the patients who receive
 24 services within the scope of the program. The board shall
 25 review the quality of the curricula, faculties, and facilities
 26 of such programs; issue certificates of approval; and take
 27 whatever other action is necessary to determine that the
 28 purposes of this section are being met.

29 ~~(6)(5)~~ APPLICATION APPROVAL.--Any person desiring to
 30 be licensed as a certified chiropractic physician's assistant
 31 must apply to the department. The department shall issue a

1 certificate to any person certified by the board as having met
2 the following requirements:

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

4 (b) Is a graduate of an approved program or its
5 equivalent and is fully certified by reason of experience and
6 education, as defined by board rule, to perform chiropractic
7 services under the responsible supervision of a licensed
8 chiropractic physician and when the board is satisfied that
9 the public will be adequately protected by the arrangement
10 proposed in the application.

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

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

17 2. A sworn statement of any prior felony conviction in
18 any jurisdiction.

19 3. A sworn statement of any previous revocation or
20 denial of licensure or certification in any state or
21 jurisdiction.

22 ~~(a) The board shall adopt rules for the consideration~~
23 ~~of applications by a licensed chiropractic physician or a~~
24 ~~group of licensed chiropractic physicians to supervise~~
25 ~~certified chiropractic physician's assistants. Each~~
26 ~~application made by a chiropractic physician or group of~~
27 ~~chiropractic physicians shall include all of the following:~~

28 ~~1. The qualifications, including related experience,~~
29 ~~of the certified chiropractic physician's assistant intended~~
30 ~~to be employed.~~

31

1 ~~2. The professional background and specialty of the~~
2 ~~chiropractic physician or the group of chiropractic~~
3 ~~physicians.~~

4 ~~3. A description by the chiropractic physician of her~~
5 ~~or his practice, or by the chiropractic physicians of their~~
6 ~~practice, and of the way in which the assistant or assistants~~
7 ~~are to be utilized.~~

8
9 ~~The board shall certify an application by a licensed~~
10 ~~chiropractic physician to supervise a certified chiropractic~~
11 ~~physician's assistant when the proposed assistant is a~~
12 ~~graduate of an approved program or its equivalent and is fully~~
13 ~~qualified by reason of experience and education to perform~~
14 ~~chiropractic services under the responsible supervision of a~~
15 ~~licensed chiropractic physician and when the board is~~
16 ~~satisfied that the public will be adequately protected by the~~
17 ~~arrangement proposed in the application.~~

18 ~~(b) The board shall certify no more than two certified~~
19 ~~chiropractic physician's assistants for any chiropractic~~
20 ~~physician practicing alone; no more than four chiropractic~~
21 ~~physician's assistants for two chiropractic physicians~~
22 ~~practicing together formally or informally; or no more than a~~
23 ~~ratio of two certified chiropractic physician's assistants to~~
24 ~~three chiropractic physicians in any group of chiropractic~~
25 ~~physicians practicing together formally or informally.~~

26 (7)~~(6)~~ PENALTY.--Any person who has not been certified
27 by the board and approved by the department and who represents
28 herself or himself as a certified chiropractic physician's
29 assistant or who uses any other term in indicating or implying
30 that she or he is a certified chiropractic physician's
31 assistant is guilty of a felony of the third degree,

1 punishable as provided in s. 775.082 or s. 775.084 or by a
2 fine not exceeding \$5,000.

3 (8)~~(7)~~ REVOCATION OF APPROVAL.--The certificate of
4 approval to supervise a certified chiropractic physician's
5 assistant held by any chiropractic physician or group of
6 chiropractic physicians may be revoked when the board
7 determines that the intent of this section is not being
8 carried out.

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

10 (a) A fee not to exceed \$100 set by the board shall
11 accompany the application by a chiropractic physician for
12 authorization to supervise a certified chiropractic
13 physician's assistant.

14 (b) Upon approval of an application for certification
15 of a certified chiropractic physician's assistant in a
16 specialty area, the applicant shall be charged an initial
17 certification fee for the first biennium not to exceed \$250;
18 and a biennial renewal fee not to exceed \$250 shall accompany
19 each application for renewal of the certified chiropractic
20 physician's assistant certificate.

21 (10)~~(9)~~ EXISTING PROGRAMS.--Nothing in this section
22 shall be construed to eliminate or supersede existing laws
23 relating to other paramedical professions or services. It is
24 the intent of this section to supplement all such existing
25 programs relating to the certification and the practice of
26 paramedical professions as may be authorized by law.

27 (11)~~(10)~~ LIABILITY.--Each chiropractic physician or
28 group of chiropractic physicians utilizing certified
29 chiropractic physician's assistants shall be liable for any
30 act or omission of any physician's assistant acting under her
31 or his or its supervision and control.

1 (12) SUPERVISION OF REGISTERED CHIROPRACTIC
2 ASSISTANT.--A certified chiropractic physician's assistant may
3 directly supervise a registered chiropractic assistant and
4 other persons who are not licensed as chiropractic physicians
5 who are employed or supervised by the chiropractic physician
6 to whom the certified chiropractic physician's assistant is
7 assigned.

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

10 (a) Each renewal must include:

11 1. A renewal fee as set by board pursuant to this
12 section.

13 2. A sworn statement of no felony convictions in the
14 previous 2 years in any jurisdiction.

15 (b) Each certified chiropractic physician's assistant
16 shall biennially complete 24 hours of continuing education
17 courses sponsored by chiropractic colleges accredited by the
18 Council on Chiropractic Education and approved by the board.
19 The board shall approve those courses that build upon the
20 basic courses required for the practice of chiropractic
21 medicine, and the board may also approve courses in adjunctive
22 modalities. The board may make exception from the requirements
23 of this section in emergency or hardship cases. The board may
24 adopt rules within the requirements of this section which are
25 necessary for its implementation.

26 (c) Upon employment as a certified chiropractic
27 physician's assistant, a certified chiropractic physician's
28 assistant must notify the department in writing within 30 days
29 after such employment or any change of the supervising
30 chiropractic physician. The notification must include the full
31

1 name, Florida chiropractic medical license number, specialty,
2 and address of the supervising chiropractic physician.

3 Section 46. Persons holding certificates as certified
4 chiropractic physicians' assistants on the effective date of
5 this act need not reapply for certification, but must comply
6 with biennial renewal requirements as provided in section
7 460.4165(6), Florida Statutes. The requirement for completion
8 of the continuing education requirements for biennial renewal
9 of the certificate shall not take effect until the beginning
10 of the next biennial renewal period following the effective
11 date of this act.

12 Section 47. Section 460.4166, Florida Statutes, 1998
13 Supplement, is amended to read:

14 460.4166 Registered chiropractic assistants.--

15 (1) DEFINITION.--As used in this section, "registered
16 chiropractic assistant" means a professional, multiskilled
17 person dedicated to assisting in all aspects of chiropractic
18 medical practice under the direct supervision and
19 responsibility of a chiropractic physician or certified
20 chiropractic physician's assistant. A registered chiropractic
21 assistant assists with patient care management, executes
22 administrative and clinical procedures, and often performs
23 managerial and supervisory functions. Competence in the field
24 also requires that a registered chiropractic assistant adhere
25 to ethical and legal standards of professional practice,
26 recognize and respond to emergencies, and demonstrate
27 professional characteristics.

28 (2) DUTIES.--Under the direct supervision and
29 responsibility of a licensed chiropractic physician or
30 certified chiropractic physician's assistant, a registered
31 chiropractic assistant may:

- 1 (a) Perform clinical procedures, which include:
2 1. Preparing patients for the chiropractic physician's
3 care.
4 2. Taking vital signs.
5 3. Observing and reporting patients' signs or
6 symptoms.
7 (b) Administer basic first aid.
8 (c) Assist with patient examinations or treatments
9 other than manipulations or adjustments.
10 (d) Operate office equipment.
11 (e) Collect routine laboratory specimens as directed
12 by the chiropractic physician or certified chiropractic
13 physician's assistant.
14 (f) Administer nutritional supplements as directed by
15 the chiropractic physician or certified chiropractic
16 physician's assistant.
17 (g) Perform office procedures required by the
18 chiropractic physician or certified chiropractic physician's
19 assistant under direct supervision of the chiropractic
20 physician or certified chiropractic physician's assistant.
21 (3) REGISTRATION.--Registered chiropractic assistants
22 may be registered by the board for a biennial fee not to
23 exceed \$25.
24 Section 48. Section 461.003, Florida Statutes, 1998
25 Supplement, is amended to read:
26 461.003 Definitions.--As used in this chapter:
27 ~~(1) "Department" means the Department of Health.~~
28 (1)(2) "Board" means the Board of Podiatric Medicine
29 as created in this chapter.
30 (2) "Certified podiatric X-ray assistant" means a
31 person who is employed by and under the direct supervision of

1 a licensed podiatric physician to perform only those
2 radiographic functions that are within the scope of practice
3 of a podiatric physician licensed under this chapter. For
4 purposes of this subsection, the term "direct supervision"
5 means supervision whereby a podiatric physician orders the X
6 ray, remains on the premises while the X ray is being
7 performed and exposed, and approves the work performed before
8 dismissal of the patient.

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

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

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

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

1 relate specifically to the scope of practice authorized
2 herein.

3 Section 49. Paragraph (d) of subsection (1) of section
4 461.006, Florida Statutes, 1998 Supplement, is amended to
5 read:

6 461.006 Licensure by examination.--

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

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

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

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

1 years as are required of podiatric physicians licensed in this
2 state.

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

5 461.007 Renewal of license.--

6 (1) The department shall renew a license upon receipt
7 of the renewal application and a fee not to exceed \$350 set by
8 the board, and evidence that the applicant has actively
9 practiced podiatric medicine or has been on the active
10 teaching faculty of an accredited school of podiatric medicine
11 for at least 2 years of the immediately preceding 4 years. If
12 the licensee has not actively practiced podiatric medicine for
13 at least 2 years of the immediately preceding 4 years, the
14 board shall require that the licensee successfully complete a
15 board-approved course prior to renewal of the license. For
16 purposes of this subsection, "actively practiced podiatric
17 medicine" means the licensed practice of podiatric medicine as
18 defined in s. 461.003(5) by podiatric physicians, including
19 podiatric physicians employed by any governmental entity, on
20 the active teaching faculty of an accredited school of
21 podiatric medicine, or practicing administrative podiatric
22 medicine. An applicant for a renewed license must also submit
23 the information required under s. 455.565 to the department on
24 a form and under procedures specified by the department, along
25 with payment in an amount equal to the costs incurred by the
26 Department of Health for the statewide criminal background
27 check of the applicant. An ~~The~~ applicant for a renewed license
28 who received an initial license in this state after January 1,
29 1992, must submit a set of fingerprints to the Department of
30 Health on a form and under procedures specified by the
31 department, along with payment in an amount equal to the costs

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

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

4 461.013 Grounds for disciplinary action; action by the
5 board; investigations by department.--

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

9 (bb) Failing to comply with the requirements of ss.
10 381.026 and 381.0261 to provide patients with information
11 about their patient rights and how to file a patient
12 complaint.

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

16 (a) Refusal to certify to the department an
17 application for licensure.

18 (b) Revocation or suspension of a license.

19 (c) Restriction of practice.

20 (d) Imposition of an administrative fine not to exceed
21 ~~\$10,000~~~~\$1,000~~ for each count or separate offense.

22 (e) Issuance of a reprimand.

23 (f) Placing the podiatric physician on probation for a
24 period of time and subject to such conditions as the board may
25 specify, including requiring the podiatric physician to submit
26 to treatment, to attend continuing education courses, to
27 submit to reexamination, and to work under the supervision of
28 another podiatric physician.

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

31

1 Section 52. Section 461.0135, Florida Statutes, is
2 created to read:

3 461.0135 Operation of X-ray machines by podiatric
4 X-ray assistants.--A licensed podiatric physician may utilize
5 an X-ray machine, expose X-ray films, and interpret or read
6 such films. The provision of part IV of chapter 468 to the
7 contrary notwithstanding, a licensed podiatric physician may
8 authorize or direct a certified podiatric X-ray assistant to
9 operate such equipment and expose such films under the
10 licensed podiatric physician's direction and supervision,
11 pursuant to rules adopted by the board in accordance with s.
12 461.004, which ensures that such certified podiatric X-ray
13 assistant is competent to operate such equipment in a safe and
14 efficient manner by reason of training, experience, and
15 passage of a board-approved course which includes an
16 examination. The board shall issue a certificate to an
17 individual who successfully completes the board-approved
18 course and passes the examination to be administered by the
19 training authority upon completion of such course.

20 Section 53. Subsection (3) is added to section
21 464.008, Florida Statutes, to read:

22 464.008 Licensure by examination.--

23 (3) Any applicant who fails the examination three
24 consecutive times, regardless of the jurisdiction in which the
25 examination is taken, shall be required to complete a
26 board-approved remedial course before the applicant will be
27 approved for reexamination. After taking the remedial course,
28 the applicant may be approved to retake the examination up to
29 three additional times before the applicant is required to
30 retake remediation. The applicant shall apply for
31 reexamination within 6 months after completion of remediation.

1 The board shall by rule establish guidelines for remedial
2 courses.

3 Section 54. Subsection (13) is added to section
4 464.022, Florida Statutes, to read:

5 464.022 Exceptions.--No provision of this chapter
6 shall be construed to prohibit:

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

9 Section 55. Subsection (12) of section 465.003,
10 Florida Statutes, is amended, subsections (4) through (14) of
11 said section are renumbered as subsections (5) through (15),
12 respectively, and a new subsection (4) is added to said
13 section, to read:

14 465.003 Definitions.--As used in this chapter, the
15 term:

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

20 (13)(12) "Practice of the profession of pharmacy"
21 includes compounding, dispensing, and consulting concerning
22 contents, therapeutic values, and uses of any medicinal drug;
23 and consulting concerning therapeutic values and interactions
24 of patent or proprietary preparations, whether pursuant to
25 prescriptions or in the absence and entirely independent of
26 such prescriptions or orders; and other pharmaceutical
27 services. For purposes of this subsection, "other
28 pharmaceutical services" means the monitoring of the patient's
29 drug therapy and assisting the patient in the management of
30 his or her drug therapy, and includes review of the patient's
31 drug therapy and communication with the patient's prescribing

1 health care provider as licensed under chapter 458, chapter
 2 459, chapter 461, or chapter 466, or similar statutory
 3 provision in another jurisdiction, or such provider's agent or
 4 such other persons as specifically authorized by the patient,
 5 regarding the drug therapy. However, nothing in this
 6 subsection may be interpreted to permit an alteration of a
 7 prescriber's directions, the diagnosis or treatment of any
 8 disease, the initiation of any drug therapy, the practice of
 9 medicine, or the practice of osteopathic medicine, unless
 10 otherwise permitted by law."Practice of the profession of
 11 pharmacy"~~The phrase~~ also includes any other act, service,
 12 operation, research, or transaction incidental to, or forming
 13 a part of, any of the foregoing acts, requiring, involving, or
 14 employing the science or art of any branch of the
 15 pharmaceutical profession, study, or training, and shall
 16 expressly permit a pharmacist to transmit information from
 17 persons authorized to prescribe medicinal drugs to their
 18 patients.

19 Section 56. Paragraph (1) of subsection (1) and
 20 paragraph (c) of subsection (2) of section 465.016, Florida
 21 Statutes, are amended, and paragraph (q) is added to
 22 subsection (1) of that section, to read:

23 465.016 Disciplinary actions.--

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

26 (1) Placing in the stock of any pharmacy any part of
 27 any prescription compounded or dispensed which is returned by
 28 a patient; however, in a hospital, nursing home, correctional
 29 facility, or extended care facility in which unit-dose
 30 medication is dispensed to inpatients, each dose being
 31 individually sealed and the individual unit dose or unit-dose

1 system labeled with the name of the drug, dosage strength,
2 manufacturer's control number, and expiration date, if any,
3 the unused unit dose of medication may be returned to the
4 pharmacy for redispensing. Each pharmacist shall maintain
5 appropriate records for any unused or returned medicinal
6 drugs.

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

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

12 (c) Imposition of an administrative fine not to exceed
13 \$5,000~~\$1,000~~ for each count or separate offense.

14 Section 57. Section 465.014, Florida Statutes, is
15 amended to read:

16 465.014 Pharmacy technician.--No person other than a
17 licensed pharmacist or pharmacy intern may engage in the
18 practice of the profession of pharmacy, except that a licensed
19 pharmacist may delegate to nonlicensed pharmacy technicians
20 those duties, tasks, and functions which do not fall within
21 the purview of s. 465.003(13)~~(12)~~. All such delegated acts
22 shall be performed under the direct supervision of a licensed
23 pharmacist who shall be responsible for all such acts
24 performed by persons under his or her supervision. A pharmacy
25 technician, under the supervision of a pharmacist, may
26 initiate or receive communications with a practitioner or his
27 or her agent, on behalf of a patient, regarding refill
28 authorization requests. No licensed pharmacist shall
29 supervise more than one pharmacy technician unless otherwise
30 permitted by the guidelines adopted by the board. The board
31 shall establish guidelines to be followed by licensees or

1 permittees in determining the circumstances under which a
2 licensed pharmacist may supervise more than one but not more
3 than three pharmacy technicians.

4 Section 58. Paragraph (c) of subsection (2) of section
5 465.015, Florida Statutes, is amended to read:

6 465.015 Violations and penalties.--

7 (2) It is unlawful for any person:

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

11 Section 59. Section 465.0196, Florida Statutes, is
12 amended to read:

13 465.0196 Special pharmacy permits.--Any person
14 desiring a permit to operate a pharmacy which does not fall
15 within the definitions set forth in s. 465.003~~(11)~~~~(10)~~(a)1.,
16 2., and 3. shall apply to the department for a special
17 pharmacy permit. If the board certifies that the application
18 complies with the applicable laws and rules of the board
19 governing the practice of the profession of pharmacy, the
20 department shall issue the permit. No permit shall be issued
21 unless a licensed pharmacist is designated to undertake the
22 professional supervision of the compounding and dispensing of
23 all drugs dispensed by the pharmacy. The licensed pharmacist
24 shall be responsible for maintaining all drug records and for
25 providing for the security of the area in the facility in
26 which the compounding, storing, and dispensing of medicinal
27 drugs occurs. The permittee shall notify the department
28 within 10 days of any change of the licensed pharmacist
29 responsible for such duties.

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

1 468.812 Exemptions from licensure.--

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

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

19 499.003 Definitions of terms used in ss.

20 499.001-499.081.--As used in ss. 499.001-499.081, the term:

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

27 Section 62. (1) There is created within the
28 Department of Health a Task Force for the Study of
29 Collaborative Drug Therapy Management. The department shall
30 provide staff support for the task force. The task force shall
31 consist of not more than 13 members nominated by the

1 associations and entities named in this section and appointed
2 by the Secretary of Health. Members of the task force shall
3 not receive compensation, per diem, or reimbursement for
4 travel expenses for service on the task force. Participation
5 in the task force is optional and at the discretion of each
6 identified group or entity. The task force shall include:

7 (a) One representative from each of the following
8 associations:

- 9 1. Florida Society of Health-System Pharmacists.
- 10 2. Florida Pharmacy Association.
- 11 3. Florida Medical Association.
- 12 4. Florida Osteopathic Medical Association.
- 13 5. Florida Retail Federation.
- 14 6. Florida Nurses Association.
- 15 7. Florida Academy of Family Physicians.
- 16 8. Pharmaceutical Research Manufacturing Association.
- 17 9. American Society of Consultant Pharmacists.
- 18 10. American Society of Health-System Pharmacists.

19 (b) One representative from each of the following
20 entities:

- 21 1. Department of Health.
- 22 2. Board of Medicine, which representative must be a
23 member of the board who is licensed under chapter 458, Florida
24 Statutes.
- 25 3. Board of Osteopathic Medicine, which representative
26 must be a member of the board who is licensed under chapter
27 459, Florida Statutes.
- 28 4. Board of Pharmacy, which representative must be a
29 member of the board who is licensed under chapter 465, Florida
30 Statutes.
- 31 5. Agency for Health Care Administration.

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

8 (3) The task force shall be charged with the
9 responsibility to:

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

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

17 (c) Determine the efficacy of collaborative drug
18 therapy management in improving health care outcomes of
19 patients.

20 Section 63. Section 466.021, Florida Statutes, is
21 amended to read:

22 466.021 Employment of unlicensed persons by dentist;
23 penalty.--Every duly licensed dentist who uses the services of
24 any unlicensed person for the purpose of constructing,
25 altering, repairing, or duplicating any denture, partial
26 denture, bridge splint, or orthodontic or prosthetic appliance
27 shall be required to furnish such unlicensed person with a
28 written work order in such form as prescribed ~~shall be~~
29 ~~approved by rule of the board department.~~ ~~This form shall be~~
30 ~~supplied to the dentist by the department at a cost not to~~
31 ~~exceed that of printing and handling. The work order blanks~~

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

1 work is requested or otherwise authorized in written form
2 which clearly identifies the name and address of the
3 requesting dentist and which sets forth the work to be
4 performed.

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

8 468.1155 Provisional license; requirements.--

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

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

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

31 2. Six semester hours in audiology.

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

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

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

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

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

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

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

10 Section 65. Section 468.1215, Florida Statutes, is
11 amended to read:

12 468.1215 Speech-language pathology assistant and
13 audiology assistant; certification.--

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

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

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

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

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

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

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

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

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

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

17 468.307 Certificate; issuance; possession; display.--

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

24 Section 67. Section 468.506, Florida Statutes, 1998
25 Supplement, is amended to read:

26 468.506 Dietetics and Nutrition Practice
27 Council.--There is created the Dietetics and Nutrition
28 Practice Council under the supervision of the board. The
29 council shall consist of four persons licensed under this part
30 and one consumer who is 60 years of age or older. Council
31 members shall be appointed by the board. Licensed members

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

25 Section 68. Section 468.701, Florida Statutes, 1998
26 Supplement, is amended to read:

27 468.701 Definitions.--As used in this part, the term:

28 (1) "Athlete" means a person who participates in an
29 athletic activity.

30 (2) "Athletic activity" means the participation in an
31 activity, conducted by an educational institution, a

1 professional athletic organization, or an amateur athletic
2 organization, involving exercises, sports, games, or
3 recreation requiring any of the physical attributes of
4 strength, agility, flexibility, range of motion, speed, and
5 stamina.

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

9 (4) "Athletic trainer" means a person licensed under
10 this part.

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

13 (6) "~~Board Council~~" means the Board Council of
14 Athletic Training.

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

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

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

20 ~~(9)(10)~~ "Supervision" means the easy availability of
21 the supervisor to the athletic trainer, which includes the
22 ability to communicate by telecommunications.

23 Section 69. Section 468.703, Florida Statutes, 1998
24 Supplement, is amended to read:

25 468.703 Board Council of Athletic Training.--

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

30 (2) Five ~~Four~~ members of the board must ~~council shall~~
31 be licensed athletic trainers. One member of the board must

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

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

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

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

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

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

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

22 (6) The board shall maintain its official headquarters
23 in Tallahassee.

24 ~~(3) The council shall advise and assist the department~~
25 ~~in:~~

26 ~~(a) Developing rules relating to licensure~~
27 ~~requirements, the licensure examination, continuing education~~
28 ~~requirements, fees, records and reports to be filed by~~
29 ~~licensees, and any other requirements necessary to regulate~~
30 ~~the practice of athletic training.~~

31

1 ~~(b) Monitoring the practice of athletic training in~~
2 ~~other jurisdictions.~~

3 ~~(c) Educating the public about the role of athletic~~
4 ~~trainers.~~

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

7 ~~(e) Addressing concerns and problems of athletic~~
8 ~~trainers in order to promote improved safety in the practice~~
9 ~~of athletic training.~~

10 ~~(4) Members of the council shall be entitled to~~
11 ~~compensation and reimbursement for expenses in the same manner~~
12 ~~as board members are compensated and reimbursed under s.~~
13 ~~455.534.~~

14 Section 70. Section 468.705, Florida Statutes, 1998
15 Supplement, is amended to read:

16 468.705 Rulemaking authority.--The board ~~department~~ is
17 authorized to adopt rules pursuant to ss. 120.536(1) and
18 120.54 to implement provisions of this part conferring duties
19 upon it. Such rules shall include, but not be limited to, the
20 allowable scope of practice regarding the use of equipment,
21 procedures, and medication, and requirements for a written
22 protocol between the athletic trainer and a supervising
23 physician, licensure requirements, licensure examination,
24 continuing education requirements, fees, records, and reports
25 to be filed by licensees, protocols, and any other
26 requirements necessary to regulate the practice of athletic
27 training.

28 Section 71. Section 468.707, Florida Statutes, 1998
29 Supplement, is amended to read:

30 468.707 Licensure by examination; requirements.--
31

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

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

5 1. Has completed the application form and remitted the
6 required fees.

7 2. Is at least 21 years of age.

8 3. Has obtained a baccalaureate degree from a college
9 or university accredited by an accrediting agency recognized
10 and approved by the United States Department of Education or
11 the Commission on Recognition of Postsecondary Accreditation,
12 or approved by the board ~~department~~.

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

22 5. Has current certification in standard first aid and
23 cardiovascular pulmonary resuscitation from the American Red
24 Cross or an equivalent certification as determined by the
25 board ~~department~~.

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

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

3 (b) The department shall also license each applicant
4 who:

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

7 2. Is at least 21 years of age.

8 3. Has current certification in standard first aid and
9 cardiovascular pulmonary resuscitation from the American Red
10 Cross or an equivalent certification as determined by the
11 board ~~department~~.

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

14 b. Is currently certified by the National Athletic
15 Trainers' Association or a comparable national athletic
16 standards organization.

17 (2) Pursuant to the requirements of s. 455.607
18 ~~455.604~~, each applicant shall complete a continuing education
19 course on human immunodeficiency virus and acquired immune
20 deficiency syndrome as part of initial licensure.

21 Section 72. Section 468.709, Florida Statutes, is
22 amended to read:

23 468.709 Fees.--

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

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

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

28 (c) An initial licensure fee, not to exceed \$200.

29 (d) A biennial renewal fee, not to exceed \$200.

30 (e) An inactive fee, not to exceed \$100.

31 (f) A delinquent fee, not to exceed \$100.

1 (g) A reactivation fee, not to exceed \$100.

2 (h) A voluntary inactive fee, not to exceed \$100.

3 (2) The board ~~department~~ shall establish fees at a
4 level, not to exceed the statutory fee cap, that is adequate
5 to ensure the continued operation of the regulatory program
6 under this part. The board ~~department~~ shall neither set nor
7 maintain the fees at a level that will substantially exceed
8 this need.

9 Section 73. Subsections (2) and (3) of section
10 468.711, Florida Statutes, 1998 Supplement, are amended to
11 read:

12 468.711 Renewal of license; continuing education.--

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

20 (3) Pursuant to the requirements of s. 455.607
21 ~~455.604~~, each licensee shall complete a continuing education
22 course on human immunodeficiency virus and acquired immune
23 deficiency syndrome as part of biennial relicensure.

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

26 468.719 Disciplinary actions.--

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

31

1 Section 75. Section 468.721, Florida Statutes, is
2 amended to read:

3 468.721 Saving clause.--

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

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

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

23 Section 76. Paragraph (g) of subsection (3) of section
24 20.43, Florida Statutes, 1998 Supplement, is amended to read:

25 20.43 Department of Health.--There is created a
26 Department of Health.

27 (3) The following divisions of the Department of
28 Health are established:

29 (g) Division of Medical Quality Assurance, which is
30 responsible for the following boards and professions
31 established within the division:

- 1 1. Nursing assistants, as provided under s. 400.211.
- 2 2. Health care services pools, as provided under s.
- 3 402.48.
- 4 3. The Board of Acupuncture, created under chapter
- 5 457.
- 6 4. The Board of Medicine, created under chapter 458.
- 7 5. The Board of Osteopathic Medicine, created under
- 8 chapter 459.
- 9 6. The Board of Chiropractic Medicine, created under
- 10 chapter 460.
- 11 7. The Board of Podiatric Medicine, created under
- 12 chapter 461.
- 13 8. Naturopathy, as provided under chapter 462.
- 14 9. The Board of Optometry, created under chapter 463.
- 15 10. The Board of Nursing, created under chapter 464.
- 16 11. The Board of Pharmacy, created under chapter 465.
- 17 12. The Board of Dentistry, created under chapter 466.
- 18 13. Midwifery, as provided under chapter 467.
- 19 14. The Board of Speech-Language Pathology and
- 20 Audiology, created under part I of chapter 468.
- 21 15. The Board of Nursing Home Administrators, created
- 22 under part II of chapter 468.
- 23 16. The Board of Occupational Therapy, created under
- 24 part III of chapter 468.
- 25 17. Respiratory therapy, as provided under part V of
- 26 chapter 468.
- 27 18. Dietetics and nutrition practice, as provided
- 28 under part X of chapter 468.
- 29 19. The Board of Athletic Training ~~trainers~~, created
- 30 ~~as provided~~ under part XIII of chapter 468.
- 31

1 20. The Board of Orthotists and Prosthetists, created
2 under part XIV of chapter 468.

3 21. Electrolysis, as provided under chapter 478.

4 22. The Board of Massage Therapy, created under
5 chapter 480.

6 23. The Board of Clinical Laboratory Personnel,
7 created under part III of chapter 483.

8 24. Medical physicists, as provided under part IV of
9 chapter 483.

10 25. The Board of Opticianry, created under part I of
11 chapter 484.

12 26. The Board of Hearing Aid Specialists, created
13 under part II of chapter 484.

14 27. The Board of Physical Therapy Practice, created
15 under chapter 486.

16 28. The Board of Psychology, created under chapter
17 490.

18 29. School psychologists, as provided under chapter
19 490.

20 30. The Board of Clinical Social Work, Marriage and
21 Family Therapy, and Mental Health Counseling, created under
22 chapter 491.

23

24 The department may contract with the Agency for Health Care
25 Administration who shall provide consumer complaint,
26 investigative, and prosecutorial services required by the
27 Division of Medical Quality Assurance, councils, or boards, as
28 appropriate.

29 Section 77. The Council of Athletic Training and the
30 terms of all council members are terminated on July 1, 1999.
31 However, such termination in no way precludes the Governor

1 from considering any former council member for appointment to
2 the Board of Athletic Training created by this act.

3 Section 78. Section 468.805, Florida Statutes, is
4 amended to read:

5 468.805 Grandfathering ~~Licensure without examination;~~
6 ~~provisional licensure.--~~

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

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

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

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

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

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

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

1 an examination fee and the actual per applicant cost to the
2 department for purchase or development of the examination.

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

9 (5)(4) This section is repealed July 1, 2002.

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

12 468.806 Biennial renewal of license.--

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

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

21 478.42 Definitions.--As used in this chapter, the
22 term:

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

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

3 Section 81. Section 483.041, Florida Statutes, is
4 amended to read:

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

6 (1) "Agency" means the Agency for Health Care
7 Administration.

8 (2) "Clinical laboratory" means the physical location
9 in which one or more of the following services ~~a laboratory~~
10 ~~where examinations are performed on materials or specimens~~
11 ~~taken from the human body~~ to provide information or materials
12 for use in the diagnosis, prevention, or treatment of a
13 disease or the identification or assessment of a medical or
14 physical condition.

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

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

19 (c) Cytology laboratory services are the examinations
20 of cells from individual tissues or fluid taken from the human
21 body.

22 (3) "Clinical laboratory examination" means a
23 procedure performed to deliver the services defined in
24 subsection (2), including the oversight or interpretation
25 thereof.

26 (4)~~(3)~~ "Clinical laboratory proficiency testing
27 program" means a program approved by the agency for evaluating
28 the performance of clinical laboratories.

29 (5)~~(4)~~ "Collection station" or "branch office" means a
30 facility operated by a clinical laboratory where materials or
31 specimens are withdrawn or collected from patients or

1 assembled after being withdrawn or collected from patients
2 elsewhere, for subsequent delivery to another location for
3 examination.

4 ~~(6)(5)~~ "Hospital laboratory" means a laboratory
5 located in a hospital licensed under chapter 395 that provides
6 services solely to that hospital and that is owned by the
7 hospital and governed by the hospital medical staff or
8 governing board.

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

18 ~~(8)(7)~~ "Person" means the State of Florida or any
19 individual, firm, partnership, association, corporation,
20 county, municipality, political subdivision, or other entity,
21 whether organized for profit or not.

22 ~~(9)(8)~~ "Validation inspection" means an inspection of
23 a clinical laboratory by the agency to assess whether a review
24 by an accrediting organization has adequately evaluated the
25 clinical laboratory according to state standards.

26 ~~(10)(9)~~ "Waived test" means a test that the federal
27 Health Care Financing Administration has determined qualifies
28 for a certificate of waiver under the federal Clinical
29 Laboratory Improvement Amendments of 1988, and the federal
30 rules adopted thereunder.

31

1 Section 82. Subsections (2), (3), and (7) of section
2 483.803, Florida Statutes, are amended to read:

3 483.803 Definitions.--As used in this part, the term:

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

6 (3) "Clinical laboratory examination" means a clinical
7 laboratory examination as defined in s. 483.041 ~~an examination~~
8 ~~performed on materials or specimens of the human body to~~
9 ~~provide information or materials for use in the diagnosis,~~
10 ~~prevention, or treatment of a disease or the identification or~~
11 ~~assessment of a medical or physical condition.~~

12 (7) "Licensed practitioner of the healing arts" means
13 a physician licensed under ~~pursuant to~~ chapter 458, chapter
14 459, or chapter 460, or chapter 461; a dentist licensed under
15 ~~pursuant to~~ chapter 466; or a person licensed under ~~pursuant~~
16 ~~to chapter 461 or chapter 462.~~

17
18
19 Section 83. Subsection (9) of section 483.807, Florida
20 Statutes, 1998 Supplement, is amended to read:

21 483.807 Fees; establishment; disposition.--

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

25 Section 84. Subsections (2) and (3) of section
26 483.809, Florida Statutes, are amended to read:

27 483.809 Licensure; examinations; registration of
28 trainees; approval of curricula.--

29 (2) EXAMINATIONS.--The department shall conduct
30 examinations required by board rules to determine in part the
31 qualification of clinical laboratory personnel for licensure.

1 The board by rule may designate a ~~An approved~~ national
 2 certification examination that may be accepted in lieu of
 3 state examination for clinical laboratory personnel or public
 4 health scientists.

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

11 Section 85. Section 483.812, Florida Statutes, is
 12 amended to read:

13 483.812 Public health laboratory scientists;
 14 licensure.--

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

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

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

1 technologist may work in a public health microbiology
2 laboratory.

3 (b) A technologist applicant for licensure in the
4 category of public health chemistry, with a baccalaureate
5 degree in one of the chemical, biological, or physical
6 sciences from an accredited institution, may use the National
7 Registry of Clinical Chemistry Certification to qualify for a
8 technologist license in public health chemistry. Such a
9 technologist may work in a public health chemistry laboratory.

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

20 ~~(4)(3)~~ A person licensed by the Board of Clinical
21 Laboratory Personnel may work in a public health laboratory at
22 the appropriate level and specialty.

23 Section 86. Section 483.813, Florida Statutes, is
24 amended to read:

25 483.813 Clinical laboratory personnel license.--A
26 person may not conduct a clinical laboratory examination or
27 report the results of such examination unless such person is
28 licensed under this part to perform such procedures. However,
29 this provision does not apply to any practitioner of the
30 healing arts authorized to practice in this state or to
31 persons engaged in testing performed by laboratories regulated

1 under s. 483.035(1) or exempt from regulation under s.
2 483.031(2). The department may grant a temporary license to
3 any candidate it deems properly qualified, for a period not to
4 exceed 1 year, ~~or a conditional license for a period not to~~
5 ~~exceed 3 years.~~

6 Section 87. Subsection (3) is added to section
7 483.821, Florida Statutes, to read:

8 483.821 Periodic demonstration of competency;
9 continuing education or reexamination.--

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

13 Section 88. Section 483.824, Florida Statutes, is
14 amended to read:

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

21 (1) Be a physician licensed under chapter 458 or
22 chapter 459;

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

26 (3) For the subspecialty of oral pathology, be a
27 physician licensed under chapter 458 or chapter 459 or a
28 dentist licensed under chapter 466.

29 Section 89. Section 483.825, Florida Statutes, is
30 amended to read:

31

1 483.825 Grounds for disciplinary action.--The
2 following acts constitute grounds for which disciplinary
3 actions specified in s. 483.827 may be taken against
4 applicants, registrants, and licensees under this part:

5 (1) Attempting to obtain, obtaining, or renewing a
6 license or registration under this part by bribery, by
7 fraudulent misrepresentation, or through an error of the
8 department or the board.

9 (2) Engaging in or attempting to engage in, or
10 representing herself or himself as entitled to perform, any
11 clinical laboratory procedure or category of procedures not
12 authorized pursuant to her or his license.

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

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

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

30 (6) Having been adjudged mentally or physically
31 incompetent.

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

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

5 (9) Knowingly advertising false services or
6 credentials.

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

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

21 (12) Being unable to perform or report clinical
22 laboratory examinations with reasonable skill and safety to
23 patients by reason of illness or use of alcohol, drugs,
24 narcotics, chemicals, or any other type of material or as a
25 result of any mental or physical condition. In enforcing this
26 subsection, the department shall have, upon a finding of the
27 secretary or his or her designee that probable cause exists to
28 believe that the licensee is unable to practice because of the
29 reasons stated in this subsection, the authority to issue an
30 order to compel a licensee to submit to a mental or physical
31 examination by physicians designated by the department. If

1 the licensee refuses to comply with such order, the
2 department's order directing such examination may be enforced
3 by filing a petition for enforcement in the circuit court
4 where the licensee resides or does business. The department
5 shall be entitled to the summary procedure provided in s.
6 51.011. A licensee affected under this subsection shall at
7 reasonable intervals be afforded an opportunity to demonstrate
8 that he or she can resume competent practice with reasonable
9 skill and safety to patients.

10 (13) Delegating professional responsibilities to a
11 person when the licensee delegating such responsibilities
12 knows, or has reason to know, that such person is not
13 qualified by training, experience, or licensure to perform
14 them.

15 (14) Violating a previous order of the board entered
16 in a disciplinary proceeding.

17 (15) Failing to report to the department a person or
18 other licensee who the licensee knows is in violation of this
19 chapter or the rules of the department or board adopted
20 hereunder.

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

30 (17) Paying or receiving any commission, bonus,
31 kickback, or rebate, or engaging in any split-fee arrangement

1 in any form whatsoever with a physician, organization, agency,
2 or person, either directly or indirectly for patients referred
3 to providers of health care goods and services including, but
4 not limited to, hospitals, nursing homes, clinical
5 laboratories, ambulatory surgical centers, or pharmacies. The
6 provisions of this subsection shall not be construed to
7 prevent a clinical laboratory professional from receiving a
8 fee for professional consultation services.

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

15 (19) Practicing or offering to practice beyond the
16 scope permitted by law or rule, or accepting or performing
17 professional services or responsibilities which the licensee
18 knows or has reason to know that he or she is not competent to
19 perform.

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

23 (21) Improperly interfering with an investigation or
24 any disciplinary proceeding.

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

31

1 Section 90. Paragraph (g) of subsection (4) and
2 subsections (6) and (8) of section 483.901, Florida Statutes,
3 1998 Supplement, are amended to read:

4 483.901 Medical physicists; definitions; licensure.--

5 (4) COUNCIL.--The Advisory Council of Medical
6 Physicists is created in the Department of Health to advise
7 the department in regulating the practice of medical physics
8 in this state.

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

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

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

29 (b) In order to apply for a medical physicist license
30 in one or more specialties, a person must file an individual
31 application for each specialty with the department. The

1 application must be on a form prescribed by the department and
2 must be accompanied by a nonrefundable application fee for
3 each specialty.

4 (c) The department may issue a license to an eligible
5 applicant if the applicant meets all license requirements. At
6 any time before the department issues a license, the applicant
7 may request in writing that the application be withdrawn. To
8 reapply, the applicant must submit a new application and an
9 additional nonrefundable application fee and must meet all
10 current licensure requirements.

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

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

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

18 a. Earned from an accredited college or university a
19 doctoral degree in physics, medical physics, biophysics,
20 radiological physics, medical health physics, or nuclear
21 engineering and has at least 2 years' experience in the
22 practice of the medical physics specialty for which
23 application is made.

24 b. Earned from an accredited college or university a
25 master's degree in physics, medical physics, biophysics,
26 radiological physics, medical health physics, or nuclear
27 engineering and has at least 3 years' experience in the
28 practice of the medical physics specialty for which
29 application is made.

30 c. Earned from an accredited college or university a
31 bachelor's degree in physics and has at least 5 years'

1 experience in the practice of the medical physics specialty
2 for which application is made.

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

7 e. Is board certified in the medical physics specialty
8 in which the applicant applies to practice by the American
9 Board of Radiology for diagnostic radiological physics,
10 therapeutic radiological physics, or medical nuclear
11 radiological physics; by the American Board of Medical Physics
12 or the Canadian Board of Medical Physics for diagnostic
13 radiological physics, therapeutic radiological physics, or
14 medical nuclear radiological physics; or by the American Board
15 of Health Physics or an equivalent certifying body approved by
16 the agency.

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

27 (f) A licensee shall:

28 1. Display the license in a place accessible to the
29 public; and

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

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

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

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

8 3. Being convicted or found guilty of, or entering a
9 plea of nolo contendere to, regardless of adjudication, a
10 crime in any jurisdiction which relates to the practice of, or
11 the ability to practice, the profession of medical physics.

12 4. Willfully failing to file a report or record
13 required for medical physics or willfully impeding or
14 obstructing the filing of a report or record required by this
15 section or inducing another person to do so.

16 5. Making misleading, deceptive, or fraudulent
17 representations in or related to the practice of medical
18 physics.

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

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

23 8. Failing to perform any statutory or legal
24 obligation placed upon a licensee.

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

28 10. Delegating or contracting for the performance of
29 professional responsibilities by a person when the licensee
30 delegating or contracting such responsibilities knows, or has
31

1 reason to know, such person is not qualified by training,
2 experience, and authorization to perform them.

3 11. Practicing or offering to practice beyond the
4 scope permitted by law or accepting and performing
5 professional responsibilities the licensee knows, or has
6 reason to know, the licensee is not competent to perform.

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

9 13. Judicially determined mental incompetency.

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

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

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

29 c. With respect to any proceeding under this
30 subparagraph, the record of proceedings or the orders entered

31

1 by the department may not be used against a licensee in any
2 other proceeding.

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

8 1. Deny the application for licensure.

9 2. Revoke or suspend the license.

10 3. Impose an administrative fine for each count or
11 separate offense.

12 4. Place the licensee on probation for a specified
13 time and subject the licensee to such conditions as the
14 department determines necessary, including requiring
15 treatment, continuing education courses, or working under the
16 monitoring or supervision of another licensee.

17 5. Restrict a licensee's practice.

18 6. Issue a reprimand to the licensee.

19 (i) The department may not issue or reinstate a
20 license to a person it has deemed unqualified until it is
21 satisfied that such person has complied with the terms and
22 conditions of the final order and that the licensee can safely
23 practice medical physics.

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

27 (j)~~(k)~~ Upon receipt of a complete application and the
28 fee set forth by rule, the department may issue a
29 physicist-in-training certificate to a person qualified to
30 practice medical physics under direct supervision. The
31 department may establish by rule requirements for initial

1 certification and renewal of a physicist-in-training
2 certificate.

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

6 Section 91. Paragraph (d) of subsection (1) of section
7 484.007, Florida Statutes, is amended to read:

8 484.007 Licensure of opticians; permitting of optical
9 establishments.--

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

14 (d)1. Has received an associate degree, or its
15 equivalent, in opticianry from an educational institution the
16 curriculum of which is accredited by an accrediting agency
17 recognized and approved by the United States Department of
18 Education or the Council on Postsecondary Education or
19 approved by the board;

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

27 3. Is an individual who has actively practiced in
28 another state, territory, or jurisdiction of the United States
29 for more than 5 years immediately preceding application and
30 who provides tax or business records, affidavits, or other
31

1 satisfactory documentation of such practice and who meets the
2 examination qualifications as provided in this subsection; or
3 4. Has registered as an apprentice with the department
4 and paid a registration fee not to exceed \$60, as set by rule
5 of the board. The apprentice shall complete 6,240 hours of
6 training under the supervision of an optician licensed in this
7 state for at least 1 year or of~~a physician~~~~or an~~
8 optometrist licensed under the laws of this state. These
9 requirements must be met within 5 years after the date of
10 registration. However, any time spent in a recognized school
11 may be considered as part of the apprenticeship program
12 provided herein. The board may establish administrative
13 processing fees sufficient to cover the cost of administering
14 apprentice rules as promulgated by the board.

15 Section 92. Subsection (3) is added to section
16 484.0512, Florida Statutes, to read:

17 484.0512 Thirty-day trial period; purchaser's right to
18 cancel; notice; refund; cancellation fee.--

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

22 Section 93. Section 484.053, Florida Statutes, is
23 amended to read:

24 484.053 Prohibitions; penalties.--

25 (1) A person may not:

26 (a) Practice dispensing hearing aids unless the person
27 is a licensed hearing aid specialist;

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

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

31

1 (d) Give false, incomplete, or forged evidence to the
2 board or a member thereof for the purposes of obtaining a
3 license;

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

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

9 (g) Knowingly conceal information relative to
10 violations of this part.

11 (2) Any person who violates any of the provisions of
12 this section is guilty of a felony ~~misdemeanor~~ of the third
13 ~~second degree~~, punishable as provided in s. 775.082 or s.
14 775.083.

15 (3) If a person licensed under this part allows the
16 sale of a hearing aid by an unlicensed person not registered
17 as a trainee or fails to comply with the requirements of s.
18 484.0445(2) relating to supervision of trainees, the board
19 shall, upon determination of that violation, order the full
20 refund of moneys paid by the purchaser upon return of the
21 hearing aid to the seller's place of business.

22 Section 94. Paragraph (a) of subsection (1) of section
23 484.056, Florida Statutes, 1998 Supplement, is amended to
24 read:

25 484.056 Disciplinary proceedings.--

26 (1) The following acts relating to the practice of
27 dispensing hearing aids shall be grounds for both disciplinary
28 action against a hearing aid specialist as set forth in this
29 section and cease and desist or other related action by the
30 department as set forth in s. 455.637 against any person

31

1 owning or operating a hearing aid establishment who engages
2 in, aids, or abets any such violation:

3 (a) Violation of any provision of s. 455.624(1), s.
4 484.0512, or s. 484.053.

5 Section 95. Section 486.041, Florida Statutes, is
6 amended to read:

7 486.041 Physical therapist; application for license;
8 ~~fee; temporary permit.--~~

9 ~~(1)~~ A person who desires to be licensed as a physical
10 therapist shall apply to the department in writing on a form
11 furnished by the department. She or he shall embody in that
12 application evidence under oath, satisfactory to the board, of
13 possession of the qualifications preliminary to examination
14 required by s. 486.031. The applicant shall pay to the
15 department at the time of filing the application a fee not to
16 exceed \$100, as fixed by the board.

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

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

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

28 Section 96. Section 486.081, Florida Statutes, is
29 amended to read:

30
31

1 486.081 Physical therapist; issuance of license
2 without examination to person passing examination of another
3 authorized examining board; ~~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 satisfactory to the board of having passed
7 the American Registry Examination prior to 1971 or an
8 examination in physical therapy before a similar lawfully
9 authorized examining board of another state, the District of
10 Columbia, a territory, or a foreign country, if the standards
11 for licensure in physical therapy in such other state,
12 district, territory, or foreign country are determined by the
13 board to be as high as those of this state, as established by
14 rules adopted pursuant to this chapter. Any person who holds a
15 license pursuant to this section may use the words "physical
16 therapist" or "physiotherapist," or the letters "P.T.," in
17 connection with her or his name or place of business to denote
18 her or his licensure hereunder.

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

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

29 Section 97. Section 486.103, Florida Statutes, is
30 amended to read:

31

1 486.103 Physical therapist assistant; application for
2 license; ~~fee; temporary permit.--~~

3 (1) A person who desires to be licensed as a physical
4 therapist assistant shall apply to the department in writing
5 on a form furnished by the department. She or he shall embody
6 in that application evidence under oath, satisfactory to the
7 board, of possession of the qualifications preliminary to
8 examination required by s. 486.104. The applicant shall pay to
9 the department at the time of filing the application a fee not
10 to exceed \$100, as fixed by the board.

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

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

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

22 Section 98. Section 486.107, Florida Statutes, is
23 amended to read:

24 486.107 Physical therapist assistant; issuance of
25 license without examination to person licensed in another
26 jurisdiction; ~~temporary permit; fee.--~~

27 (1) The board may cause a license to be issued through
28 the department without examination to any applicant who
29 presents evidence to the board, under oath, of licensure in
30 another state, the District of Columbia, or a territory, if
31 the standards for registering as a physical therapist

1 assistant or licensing of a physical therapist assistant, as
2 the case may be, in such other state are determined by the
3 board to be as high as those of this state, as established by
4 rules adopted pursuant to this chapter. Any person who holds a
5 license pursuant to this section may use the words "physical
6 therapist assistant," or the letters "P.T.A.," in connection
7 with her or his name to denote licensure hereunder.

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

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

18 Section 99. Paragraph (b) of subsection (1) of section
19 490.005, Florida Statutes, 1998 Supplement, is amended to
20 read:

21 490.005 Licensure by examination.--

22 (1) Any person desiring to be licensed as a
23 psychologist shall apply to the department to take the
24 licensure examination. The department shall license each
25 applicant who the board certifies has:

26 (b) Submitted proof satisfactory to the board that the
27 applicant has:

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

30 2. Received the equivalent of a doctoral-level
31 psychological education, as defined in s. 490.003(3), from a

1 program at a school or university located outside the United
2 States of America and Canada, which was officially recognized
3 by the government of the country in which it is located as an
4 institution or program to train students to practice
5 professional psychology. The burden of establishing that the
6 requirements of this provision have been met shall be upon the
7 applicant;

8 3. Received and submitted to the board, prior to July
9 1, 1999, certification of an augmented doctoral-level
10 psychological education from the program director of a
11 doctoral-level psychology program accredited by a programmatic
12 agency recognized and approved by the United States Department
13 of Education; or

14 4. Received and submitted to the board, prior to
15 August 31, 2001 ~~July 1, 2001~~, certification of a
16 doctoral-level program that at the time the applicant was
17 enrolled and graduated maintained a standard of education and
18 training comparable to the standard of training of programs
19 accredited by a programmatic agency recognized and approved by
20 the United States Department of Education, ~~as such~~
21 ~~comparability was determined by the Board of Psychological~~
22 ~~Examiners immediately prior to the amendment of s. 490.005,~~
23 ~~Florida Statutes, 1994 Supplement, by s. 5, chapter 95-279,~~
24 ~~Laws of Florida.~~ Such certification of comparability shall be
25 provided by the program director of a doctoral-level
26 psychology program accredited by a programmatic agency
27 recognized and approved by the United States Department of
28 Education.

29 Section 100. Subsection (1) of section 490.006,
30 Florida Statutes, is amended to read:

31 490.006 Licensure by endorsement.--

1 (1) The department shall license a person as a
2 psychologist or school psychologist who, upon applying to the
3 department and remitting the appropriate fee, demonstrates to
4 the department or, in the case of psychologists, to the board
5 that the applicant:

6 (a) Holds a valid license or certificate in another
7 state to practice psychology or school psychology, as
8 applicable, provided that, when the applicant secured such
9 license or certificate, the requirements were substantially
10 equivalent to or more stringent than those set forth in this
11 chapter at that time; and, if no Florida law existed at that
12 time, then the requirements in the other state must have been
13 substantially equivalent to or more stringent than those set
14 forth in this chapter at the present time; ~~or~~

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

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

22 Section 101. Subsection (2) of section 490.0085,
23 Florida Statutes, is amended to read:

24 490.0085 Continuing education; approval of providers,
25 programs, and courses; proof of completion.--

26 (2) The department or, in the case of psychologists,
27 the board has the authority to set a fee not to exceed \$500
28 for each applicant who applies for or renews provider status.

29 Such fees shall be deposited into the Medical Quality
30 Assurance ~~Health Care~~ Trust Fund.

31

1 Section 102. Section 490.0148, Florida Statutes, is
2 amended to read:

3 490.0148 Psychologist and school psychologist
4 records.--Each psychologist and school psychologist who
5 provides services as defined in this chapter shall maintain
6 records. The board or, in the case of a school psychologist,
7 the department may adopt rules defining the minimum
8 requirements for such records, including content, length of
9 time such records shall be maintained, and transfer of such
10 records or of a summary of such records, or both, to a
11 subsequent treating practitioner or other individual with the
12 written consent of the client or clients. A patient's
13 psychological report may be released to an employer or
14 carrier, or the attorney for either, pursuant to s. 440.13.

15 Section 103. Section 491.0045, Florida Statutes, is
16 amended to read:

17 491.0045 Intern registration; requirements.--

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

30 (2) The department shall register as a clinical social
31 worker intern, marriage and family therapist intern, or mental

1 health counselor intern each applicant who the board certifies
2 has:

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

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

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

14 (c) Identified a qualified supervisor.

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

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

26 (5) Individuals who have commenced the experience
27 requirement as specified in s. 491.005(1)(c), (3)(c), or
28 (4)(c) but failed to register as required by subsection (1)
29 shall register with the department before January 1, 2000.
30 Individuals who fail to comply with this subsection shall not
31 be granted a license, and any time spent by the individual

1 completing the experience requirement prior to registering as
2 an intern shall not count toward completion of such
3 requirement.

4 Section 104. Subsections (1) and (2) of section
5 491.0046, Florida Statutes, are amended to read:

6 491.0046 Provisional license; requirements.--

7 (1) An individual applying for licensure by
8 examination who has satisfied the clinical experience
9 requirements of s. 491.005 or an individual applying for
10 licensure by endorsement pursuant to s. 491.006 intending to
11 provide clinical social work, marriage and family therapy, or
12 mental health counseling services in Florida while satisfying
13 coursework or examination requirements for licensure must be
14 provisionally licensed in the profession for which he or she
15 is seeking licensure prior to beginning practice.

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

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

23 ~~(b) Earned a graduate degree in social work, a~~
24 ~~graduate degree with a major emphasis in marriage and family~~
25 ~~therapy or a closely related field, or a graduate degree in a~~
26 ~~major related to the practice of mental health counseling;~~
27 ~~and, and satisfied the clinical experience requirements for~~
28 ~~licensure pursuant to s. 491.005; or~~

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

31

1 (c) Has met the following minimum coursework
2 requirements:

3 1. For clinical social work, a minimum of 15 semester
4 hours or 22 quarter hours of the coursework required by s.
5 491.005(1)(b)2.b.

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

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

13 Section 105. Section 491.005, Florida Statutes, is
14 amended to read:

15 491.005 Licensure by examination.--

16 (1) CLINICAL SOCIAL WORK.--Upon verification of
17 documentation and payment of a fee not to exceed \$200, as set
18 by board rule, plus the actual per applicant cost to the
19 department for purchase of the examination from the American
20 Association of State Social Worker's Boards or a similar
21 national organization, the department shall issue a license as
22 a clinical social worker to an applicant who the board
23 certifies:

24 (a) Has made application therefor and paid the
25 appropriate fee.

26 (b)1. Has received a doctoral degree in social work
27 from a graduate school of social work which at the time the
28 applicant graduated was accredited by an accrediting agency
29 recognized by the United States Department of Education or has
30 received a master's degree in social work from a graduate
31

1 school of social work which at the time the applicant
2 graduated:
3 a. Was accredited by the Council on Social Work
4 Education;
5 b. Was accredited by the Canadian Association of
6 Schools of Social Work; or
7 c. Has been determined to have been a program
8 equivalent to programs approved by the Council on Social Work
9 Education by the Foreign Equivalency Determination Service of
10 the Council on Social Work Education. An applicant who
11 graduated from a program at a university or college outside of
12 the United States or Canada must present documentation of the
13 equivalency determination from the council in order to
14 qualify.

15 2. The applicant's graduate program must have
16 emphasized direct clinical patient or client health care
17 services, including, but not limited to, coursework in
18 clinical social work, psychiatric social work, medical social
19 work, social casework, psychotherapy, or group therapy. The
20 applicant's graduate program must have included all of the
21 following coursework:

22 a. A supervised field placement which was part of the
23 applicant's advanced concentration in direct practice, during
24 which the applicant provided clinical services directly to
25 clients.

26 b. Completion of 24 semester hours or 32 ~~37~~ quarter
27 hours in theory of human behavior and practice methods as
28 courses in clinically oriented services, including a minimum
29 of one course in psychopathology, and no more than one course
30 in research, taken in a school of social work accredited or
31 approved pursuant to subparagraph 1.

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

6 (c) Has had not less than 2 years of clinical social
7 work experience, which took place subsequent to completion of
8 a graduate degree in social work at an institution meeting the
9 accreditation requirements of this section, under the
10 supervision of a licensed clinical social worker or the
11 equivalent who is a qualified supervisor as determined by the
12 board. An individual who intends to practice in Florida to
13 satisfy clinical experience requirements must register
14 pursuant to s. 491.0045 prior to commencing practice. If the
15 applicant's graduate program was not a program which
16 emphasized direct clinical patient or client health care
17 services as described in subparagraph (b)2.s. 491.003, the
18 supervised experience requirement must take place after the
19 applicant has completed a minimum of 15 semester hours or 22
20 quarter hours of the coursework required. A doctoral
21 internship may be applied toward the clinical social work
22 experience requirement. The experience requirement may be met
23 by work performed on or off the premises of the supervising
24 clinical social worker or the equivalent, provided the
25 off-premises work is not the independent private practice
26 rendering of clinical social work that does not have a
27 licensed mental health professional, as determined by the
28 board, on the premises at the same time the intern is
29 providing services.

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

1 (e) Has demonstrated, in a manner designated by rule
2 of the board, knowledge of the laws and rules governing the
3 practice of clinical social work, marriage and family therapy,
4 and mental health counseling.

5 (2) CLINICAL SOCIAL WORK.--

6 (a) Notwithstanding the provisions of paragraph
7 (1)(b), coursework which was taken at a baccalaureate level
8 shall not be considered toward completion of education
9 requirements for licensure unless an official of the graduate
10 program certifies in writing on the graduate school's
11 stationery that a specific course, which students enrolled in
12 the same graduate program were ordinarily required to complete
13 at the graduate level, was waived or exempted based on
14 completion of a similar course at the baccalaureate level. If
15 this condition is met, the board shall apply the baccalaureate
16 course named toward the education requirements.

17 (b) An applicant from a master's or doctoral program
18 in social work which did not emphasize direct patient or
19 client services may complete the clinical curriculum content
20 requirement by returning to a graduate program accredited by
21 the Council on Social Work Education or the Canadian
22 Association of Schools of Social Work, or to a clinical social
23 work graduate program with comparable standards, in order to
24 complete the education requirements for examination. However,
25 a maximum of 6 semester or 9 quarter hours of the clinical
26 curriculum content requirement may be completed by credit
27 awarded for independent study coursework as defined by board
28 rule.

29 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification
30 of documentation and payment of a fee not to exceed \$200, as
31 set by board rule, plus the actual cost to the department for

1 the purchase of the examination from the Association of
2 Marital and Family Therapy Regulatory Board, or similar
3 national organization, the department shall issue a license as
4 a marriage and family therapist to an applicant who the board
5 certifies:

6 (a) Has made application therefor and paid the
7 appropriate fee.

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

11 a. Twenty-seven semester hours or 41 quarter hours of
12 graduate coursework, which must include a minimum of 2
13 semester hours or 3 quarter hours of graduate-level course
14 credits in each of the following nine areas: dynamics of
15 marriage and family systems; marriage therapy and counseling
16 theory and techniques; family therapy and counseling theory
17 and techniques; individual human development theories
18 throughout the life cycle; personality theory;
19 psychopathology; human sexuality theory and counseling
20 techniques; general counseling theory and techniques; and
21 psychosocial theory. Content may be combined, provided no more
22 than two of the nine content areas are included in any one
23 graduate-level course and the applicant can document that the
24 equivalent of 2 semester hours of coursework was devoted to
25 each content area. Courses in research, evaluation, appraisal,
26 assessment, or testing theories and procedures; thesis or
27 dissertation work; or practicums, internships, or fieldwork
28 may not be applied toward this requirement.

29 b. A minimum of one graduate-level course of 2
30 semester hours or 3 quarter hours in legal, ethical, and
31 professional standards issues in the practice of marriage and

1 family therapy or a course determined by the board to be
2 equivalent.

3 c. A minimum of one graduate-level course of 2
4 semester hours or 3 quarter hours in diagnosis, appraisal,
5 assessment, and testing for individual or interpersonal
6 disorder or dysfunction; and a minimum of one 2-semester-hour
7 or 3-quarter-hour graduate-level course in behavioral research
8 which focuses on the interpretation and application of
9 research data as it applies to clinical practice. Credit for
10 thesis or dissertation work, practicums, internships, or
11 fieldwork may not be applied toward this requirement.

12 d. A minimum of one supervised clinical practicum,
13 internship, or field experience in a marriage and family
14 counseling setting, during which the student provided 180
15 direct client contact hours of marriage and family therapy
16 services under the supervision of an individual who met the
17 requirements for supervision under paragraph (c). This
18 requirement may be met by a supervised practice experience
19 which took place outside the academic arena, but which is
20 certified as equivalent to a graduate-level practicum or
21 internship program which required a minimum of 180 direct
22 client contact hours of marriage and family therapy services
23 currently offered within an academic program of a college or
24 university accredited by an accrediting agency approved by the
25 United States Department of Education, or an institution which
26 is publicly recognized as a member in good standing with the
27 Association of Universities and Colleges of Canada or a
28 training institution accredited by the Commission on
29 Accreditation for Marriage and Family Therapy Education
30 recognized by the United States Department of Education.

31

1 Certification shall be required from an official of such
2 college, university, or training institution.

3 2. If the course title which appears on the
4 applicant's transcript does not clearly identify the content
5 of the coursework, the applicant shall be required to provide
6 additional documentation, including, but not limited to, a
7 syllabus or catalog description published for the course.

8
9 The required master's degree must have been received in an
10 institution of higher education which at the time the
11 applicant graduated was: fully accredited by a regional
12 accrediting body recognized by the Commission on Recognition
13 of Postsecondary Accreditation; publicly recognized as a
14 member in good standing with the Association of Universities
15 and Colleges of Canada; or an institution of higher education
16 located outside the United States and Canada, which at the
17 time the applicant was enrolled and at the time the applicant
18 graduated maintained a standard of training substantially
19 equivalent to the standards of training of those institutions
20 in the United States which are accredited by a regional
21 accrediting body recognized by the Commission on Recognition
22 of Postsecondary Accreditation. Such foreign education and
23 training must have been received in an institution or program
24 of higher education officially recognized by the government of
25 the country in which it is located as an institution or
26 program to train students to practice as professional marriage
27 and family therapists or psychotherapists. The burden of
28 establishing that the requirements of this provision have been
29 met shall be upon the applicant, and the board shall require
30 documentation, such as, but not limited to, an evaluation by a
31 foreign equivalency determination service, as evidence that

1 the applicant's graduate degree program and education were
2 equivalent to an accredited program in this country. An
3 applicant with a master's degree from a program which did not
4 emphasize marriage and family therapy may complete the
5 coursework requirement in a training institution fully
6 accredited by the Commission on Accreditation for Marriage and
7 Family Therapy Education recognized by the United States
8 Department of Education.

9 (c) Has had not less than 2 years of clinical
10 experience during which 50 percent of the applicant's clients
11 were receiving marriage and family therapy services, which
12 must be at the post-master's level under the supervision of a
13 licensed marriage and family therapist with at least 5 years
14 of experience, or the equivalent, who is a qualified
15 supervisor as determined by the board. An individual who
16 intends to practice in Florida to satisfy the clinical
17 experience requirements must register pursuant to s. 491.0045
18 prior to commencing practice. If a graduate has a master's
19 degree with a major emphasis in marriage and family therapy or
20 a closely related field that did not include all the
21 coursework required under sub-subparagraphs (b)1.a.-c., credit
22 for the post-master's level clinical experience shall not
23 commence until the applicant has completed a minimum of 10 of
24 the courses required under sub-subparagraphs (b)1.a.-c., as
25 determined by the board, and at least 6 semester hours or 9
26 quarter hours of the course credits must have been completed
27 in the area of marriage and family systems, theories, or
28 techniques. Within the 3 years of required experience, the
29 applicant shall provide direct individual, group, or family
30 therapy and counseling, to include the following categories of
31 cases: unmarried dyads, married couples, separating and

1 divorcing couples, and family groups including children. A
2 doctoral internship may be applied toward the clinical
3 experience requirement. The clinical experience requirement
4 may be met by work performed on or off the premises of the
5 supervising marriage and family therapist or the equivalent,
6 provided the off-premises work is not the independent private
7 practice rendering of marriage and family therapy services
8 that does not have a licensed mental health professional, as
9 determined by the board, on the premises at the same time the
10 intern is providing services.

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

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

17 (f) For the purposes of dual licensure, the department
18 shall license as a marriage and family therapist any person
19 who meets the requirements of s. 491.0057. Fees for dual
20 licensure shall not exceed those stated in this subsection.

21 (4) MENTAL HEALTH COUNSELING.--Upon verification of
22 documentation and payment of a fee not to exceed \$200, as set
23 by board rule, plus the actual per applicant cost to the
24 department for purchase of the examination from the
25 Professional Examination Service for the National Academy of
26 Certified Clinical Mental Health Counselors or a similar
27 national organization, the department shall issue a license as
28 a mental health counselor to an applicant who the board
29 certifies:

30 (a) Has made application therefor and paid the
31 appropriate fee.

1 (b)1. Has received a minimum of an earned master's
2 degree with a major related to the practice of mental health
3 counseling, and has completed all of the following
4 requirements:

5 a. Twenty-one semester hours or 32 quarter hours of
6 graduate coursework, which must include a minimum of 2
7 semester hours or 3 quarter hours of graduate-level coursework
8 in each of the following seven content areas: counseling
9 theories and practice; human development theories; personality
10 theory; psychopathology or abnormal psychology; human
11 sexuality theories; group theories and practice; and
12 individual evaluation and assessment. Content may be
13 combined, provided no more than two of the seven content areas
14 are included in any one graduate-level course and the
15 applicant can document that the equivalent of 2 semester hours
16 of content was devoted to each content area. Courses in
17 research, thesis or dissertation work, practicums,
18 internships, or fieldwork may not be applied toward this
19 requirement.

20 b. A minimum of one 2-semester-hour or 3-quarter-hour
21 graduate-level course in research or in career or vocational
22 counseling. Credit for thesis or dissertation work,
23 practicums, internships, or fieldwork may not be applied
24 toward this requirement.

25 c. A minimum of 2 semester hours or 3 quarter hours of
26 graduate-level coursework in legal, ethical, and professional
27 standards issues in the practice of mental health counseling,
28 which includes goals and objectives of professional counseling
29 organizations, codes of ethics, legal considerations,
30 standards of preparation, certifications and licensing, and
31 the role identity of counselors. Courses in research, thesis

1 or dissertation work, practicums, internships, or fieldwork
2 may not be applied toward this requirement.

3 d. A minimum of one supervised practicum, internship,
4 or field experience in a counseling setting. This requirement
5 may be met by a supervised practice experience which takes
6 place outside the academic arena, but which is certified as
7 equivalent to a graduate-level practicum in a clinical mental
8 health counseling setting currently offered within an academic
9 program of a college or university accredited by an
10 accrediting agency approved by the United States Department of
11 Education. Such certification shall be required from an
12 official of such college or university.

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

18
19 Except as provided in sub-subparagraph 1.d., education and
20 training in mental health counseling must have been received
21 in an institution of higher education which at the time the
22 applicant graduated was: fully accredited by a regional
23 accrediting body recognized by the Commission on Recognition
24 of Postsecondary Accreditation; publicly recognized as a
25 member in good standing with the Association of Universities
26 and Colleges of Canada; or an institution of higher education
27 located outside the United States and Canada, which at the
28 time the applicant was enrolled and at the time the applicant
29 graduated maintained a standard of training substantially
30 equivalent to the standards of training of those institutions
31 in the United States which are accredited by a regional

1 accrediting body recognized by the Commission on Recognition
2 of Postsecondary Accreditation. Such foreign education and
3 training must have been received in an institution or program
4 of higher education officially recognized by the government of
5 the country in which it is located as an institution or
6 program to train students to practice as mental health
7 counselors. The burden of establishing that the requirements
8 of this provision have been met shall be upon the applicant,
9 and the board shall require documentation, such as, but not
10 limited to, an evaluation by a foreign equivalency
11 determination service, as evidence that the applicant's
12 graduate degree program and education were equivalent to an
13 accredited program in this country.

14 (c) Has had not less than 2 years of clinical
15 experience in mental health counseling, which must be at the
16 post-master's level under the supervision of a licensed mental
17 health counselor or the equivalent who is a qualified
18 supervisor as determined by the board. An individual who
19 intends to practice in Florida to satisfy the clinical
20 experience requirements must register pursuant to s. 491.0045
21 prior to commencing practice. If a graduate has a master's
22 degree with a major related to the practice of mental health
23 counseling which did not include all the coursework required
24 under sub-subparagraphs (b)1.a.-c., credit for the
25 post-master's level clinical experience shall not commence
26 until the applicant has completed a minimum of seven of the
27 courses required under sub-subparagraphs (b)1.a.-c., as
28 determined by the board, one of which must be a course in
29 psychopathology or abnormal psychology. A doctoral internship
30 may be applied toward the clinical experience requirement. The
31 clinical experience requirement may be met by work performed

1 on or off the premises of the supervising mental health
2 counselor or the equivalent, provided the off-premises work is
3 not the independent private practice rendering of services
4 that does not have a licensed mental health professional, as
5 determined by the board, on the premises at the same time the
6 intern is providing services.

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

9 (e) Has demonstrated, in a manner designated by rule
10 of the board, knowledge of the laws and rules governing the
11 practice of clinical social work, marriage and family therapy,
12 and mental health counseling.

13 (5) INTERNSHIP.--An individual who is registered as an
14 intern and has satisfied all of the educational requirements
15 for the profession for which the applicant seeks licensure
16 shall be certified as having met the educational requirements
17 for licensure under this section.

18 (6) RULES.--The board may adopt rules necessary to
19 implement any education or experience requirement of this
20 section for licensure as a clinical social worker, marriage
21 and family therapist, or mental health counselor.

22 Section 106. Effective January 1, 2001, paragraph (b)
23 of subsection (4) of section 491.005, Florida Statutes, as
24 amended by section 13 of chapter 97-198 and section 205 of
25 chapter 97-264, Laws of Florida, and as amended by this act,
26 is amended, and subsection (6) of that section, as created by
27 this act, is reenacted, to read:

28 491.005 Licensure by examination.--

29 (4) MENTAL HEALTH COUNSELING.--Upon verification of
30 documentation and payment of a fee not to exceed \$200, as set
31 by board rule, plus the actual per applicant cost to the

1 department for purchase of the examination from the
 2 Professional Examination Service for the National Academy of
 3 Certified Clinical Mental Health Counselors or a similar
 4 national organization, the department shall issue a license as
 5 a mental health counselor to an applicant who the board
 6 certifies:

7 (b)1. Has a minimum of an earned master's degree from
 8 a mental health counseling program accredited by the Council
 9 for the Accreditation of Counseling and Related Educational
 10 Programs that consists of at least 60 semester hours or 80
 11 quarter hours of clinical and didactic instruction, including
 12 a course in human sexuality and a course in substance abuse.
 13 If the master's degree is earned from a program related to the
 14 practice of mental health counseling that is not accredited by
 15 the Council for the Accreditation of Counseling and Related
 16 Educational Programs, then the coursework and practicum,
 17 internship, or fieldwork must consist of at least 60 semester
 18 hours or 80 quarter hours and meet the following requirements:

19 a. Thirty-three ~~Thirty-six~~ semester hours or 44 ~~48~~
 20 quarter hours of graduate coursework, which must include a
 21 minimum of 3 semester hours or 4 quarter hours of
 22 graduate-level coursework in each of the following 11 ~~12~~
 23 content areas: counseling theories and practice; human growth
 24 and development; diagnosis and treatment of psychopathology;
 25 human sexuality; group theories and practice; individual
 26 evaluation and assessment; career and lifestyle assessment;
 27 research and program evaluation; social and cultural
 28 foundations; ~~foundations of mental health counseling;~~
 29 counseling in community settings; and substance abuse. Courses
 30 in research, thesis or dissertation work, practicums,
 31

1 internships, or fieldwork may not be applied toward this
2 requirement.

3 b. A minimum of 3 semester hours or 4 quarter hours of
4 graduate-level coursework in legal, ethical, and professional
5 standards issues in the practice of mental health counseling,
6 which includes goals, objectives, and practices of
7 professional counseling organizations, codes of ethics, legal
8 considerations, standards of preparation, certifications and
9 licensing, and the role identity and professional obligations
10 of mental health counselors. Courses in research, thesis or
11 dissertation work, practicums, internships, or fieldwork may
12 not be applied toward this requirement.

13 c. The equivalent, as determined by the board, of at
14 least 1,000 hours of university-sponsored supervised clinical
15 practicum, internship, or field experience as required in the
16 accrediting standards of the Council for Accreditation of
17 Counseling and Related Educational Programs for mental health
18 counseling programs. ~~If the academic practicum, internship, or~~
19 ~~field experience was less than 1,000 hours, experience gained~~
20 ~~outside the academic arena in clinical mental health settings~~
21 ~~under the supervision of a qualified supervisor as determined~~
22 ~~by the board may be applied.~~ This experience may not be used
23 to satisfy the post-master's clinical experience requirement.

24 2. If the course title which appears on the
25 applicant's transcript does not clearly identify the content
26 of the coursework, the applicant shall be required to provide
27 additional documentation, including, but not limited to, a
28 syllabus or catalog description published for the course.

29
30 Education and training in mental health counseling must have
31 been received in an institution of higher education which at

1 the time the applicant graduated was: fully accredited by a
2 regional accrediting body recognized by the Commission on
3 Recognition of Postsecondary Accreditation; publicly
4 recognized as a member in good standing with the Association
5 of Universities and Colleges of Canada; or an institution of
6 higher education located outside the United States and Canada,
7 which at the time the applicant was enrolled and at the time
8 the applicant graduated maintained a standard of training
9 substantially equivalent to the standards of training of those
10 institutions in the United States which are accredited by a
11 regional accrediting body recognized by the Commission on
12 Recognition of Postsecondary Accreditation. Such foreign
13 education and training must have been received in an
14 institution or program of higher education officially
15 recognized by the government of the country in which it is
16 located as an institution or program to train students to
17 practice as mental health counselors. The burden of
18 establishing that the requirements of this provision have been
19 met shall be upon the applicant, and the board shall require
20 documentation, such as, but not limited to, an evaluation by a
21 foreign equivalency determination service, as evidence that
22 the applicant's graduate degree program and education were
23 equivalent to an accredited program in this country.

24 (6) RULES.--The board may adopt rules necessary to
25 implement any education or experience requirement of this
26 section for licensure as a clinical social worker, marriage
27 and family therapist, or mental health counselor.

28 Section 107. Paragraph (b) of subsection (1) of
29 section 491.006, Florida Statutes, is amended to read:

30 491.006 Licensure or certification by endorsement.--

31

1 (1) The department shall license or grant a
2 certificate to a person in a profession regulated by this
3 chapter who, upon applying to the department and remitting the
4 appropriate fee, demonstrates to the board that he or she:

5 (b)1. Holds an active valid license to practice and
6 has actively practiced the profession for which licensure is
7 applied in another state for 3 of the last 5 years immediately
8 preceding licensure.

9 2. Meets the education requirements of this chapter
10 for the profession for which licensure is applied.

11 3. Has passed a substantially equivalent licensing
12 examination in another state or has passed the licensure
13 examination in this state in the profession for which the
14 applicant seeks licensure.

15 4. Holds a license in good standing, is not under
16 investigation for an act which would constitute a violation of
17 this chapter, and has not been found to have committed any act
18 which would constitute a violation of this chapter.

19 Section 108. Section 491.0085, Florida Statutes, is
20 amended to read:

21 491.0085 Continuing education and laws and rules
22 courses; approval of providers, programs, and courses; proof
23 of completion.--

24 (1) Continuing education providers, programs, and
25 courses and laws and rules courses and their providers and
26 programs shall be approved by the department or the board.

27 (2) The department or the board has the authority to
28 set a fee not to exceed \$200 for each applicant who applies
29 for or renews provider status. Such fees shall be deposited
30 into the Medical Quality Assurance ~~Health Care~~ Trust Fund.

31

1 (3) Proof of completion of the required number of
2 hours of continuing education and completion of the laws and
3 rules course shall be submitted to the department or the board
4 in the manner and time specified by rule and on forms provided
5 by the department or the board.

6 (4) The department or the board shall adopt rules and
7 guidelines to administer and enforce the provisions of this
8 section.

9 Section 109. Paragraph (d) of subsection (4) of
10 section 491.014, Florida Statutes, 1998 Supplement, is amended
11 to read:

12 491.014 Exemptions.--

13 (4) No person shall be required to be licensed,
14 provisionally licensed, registered, or certified under this
15 chapter who:

16 (d) Is not a resident of this state but offers
17 services in this state, provided:

18 1. Such services are performed for no more than ~~5 days~~
19 ~~in any month and no more than~~ 15 days in any calendar year;
20 and

21 2. Such nonresident is licensed or certified to
22 practice the services provided by a state or territory of the
23 United States or by a foreign country or province.

24 Section 110. Paragraph (a) of subsection (1) and
25 subsection (5) of section 499.012, Florida Statutes, 1998
26 Supplement, are amended to read:

27 499.012 Wholesale distribution; definitions; permits;
28 general requirements.--

29 (1) As used in this section, the term:
30
31

1 (a) "Wholesale distribution" means distribution of
2 prescription drugs to persons other than a consumer or
3 patient, but does not include:

4 1. Any of the following activities, which is not a
5 violation of s. 499.005(21) if such activity is conducted in
6 accordance with s. 499.014:

7 a. The purchase or other acquisition by a hospital or
8 other health care entity that is a member of a group
9 purchasing organization of a prescription drug for its own use
10 from the group purchasing organization or from other hospitals
11 or health care entities that are members of that organization.

12 b. The sale, purchase, or trade of a prescription drug
13 or an offer to sell, purchase, or trade a prescription drug by
14 a charitable organization described in s. 501(c)(3) of the
15 Internal Revenue Code of 1986, as amended and revised, to a
16 nonprofit affiliate of the organization to the extent
17 otherwise permitted by law.

18 c. The sale, purchase, or trade of a prescription drug
19 or an offer to sell, purchase, or trade a prescription drug
20 among hospitals or other health care entities that are under
21 common control. For purposes of this section, "common control"
22 means the power to direct or cause the direction of the
23 management and policies of a person or an organization,
24 whether by ownership of stock, by voting rights, by contract,
25 or otherwise.

26 d. The sale, purchase, trade, or other transfer of a
27 prescription drug from or for any federal, state, or local
28 government agency or any entity eligible to purchase
29 prescription drugs at public health services prices pursuant
30 to s. 602 of Pub. L. No. 102-585 to a contract provider or its
31

1 subcontractor for eligible patients of the agency or entity
2 under the following conditions:

3 (I) The agency or entity must obtain written
4 authorization for the sale, purchase, trade, or other transfer
5 of a prescription drug under this sub-subparagraph from the
6 Secretary of Health or his or her designee.

7 (II) The contract provider or subcontractor must be
8 authorized by law to administer or dispense prescription
9 drugs.

10 (III) In the case of a subcontractor, the agency or
11 entity must be a party to and execute the subcontract.

12 (IV) A contract provider or subcontractor must
13 maintain separate and apart from other prescription drug
14 inventory any prescription drugs of the agency or entity in
15 its possession.

16 (V) The contract provider and subcontractor must
17 maintain and produce immediately for inspection all records of
18 movement or transfer of all the prescription drugs belonging
19 to the agency or entity, including, but not limited to, the
20 records of receipt and disposition of prescription drugs.
21 Each contractor and subcontractor dispensing or administering
22 these drugs must maintain and produce records documenting the
23 dispensing or administration. Records that are required to be
24 maintained include, but are not limited to, a perpetual
25 inventory itemizing drugs received and drugs dispensed by
26 prescription number or administered by patient identifier,
27 which must be submitted to the agency or entity quarterly.

28 (VI) The contract provider or subcontractor may
29 administer or dispense the prescription drugs only to the
30 eligible patients of the agency or entity or must return the
31 prescription drugs for or to the agency or entity. The

1 contract provider or subcontractor must require proof from
2 each person seeking to fill a prescription or obtain treatment
3 that the person is an eligible patient of the agency or entity
4 and must, at a minimum, maintain a copy of this proof as part
5 of the records of the contractor or subcontractor required
6 under sub-sub-subparagraph (V).

7 (VII) The prescription drugs transferred pursuant to
8 this sub-subparagraph may not be billed to Medicaid.

9 (VIII) In addition to the departmental inspection
10 authority set forth in s. 499.051, the establishment of the
11 contract provider and subcontractor and all records pertaining
12 to prescription drugs subject to this sub-subparagraph shall
13 be subject to inspection by the agency or entity. All records
14 relating to prescription drugs of a manufacturer under this
15 sub-subparagraph shall be subject to audit by the manufacturer
16 of those drugs, without identifying individual patient
17 information.

18 2. Any of the following activities, which is not a
19 violation of s. 499.005(21) if such activity is conducted in
20 accordance with rules established by the department:

21 a. The sale, purchase, or trade of a prescription drug
22 among federal, state, or local government health care entities
23 that are under common control and are authorized to purchase
24 such prescription drug.

25 b. The sale, purchase, or trade of a prescription drug
26 or an offer to sell, purchase, or trade a prescription drug
27 for emergency medical reasons. ~~For purposes of this~~
28 sub-subparagraph ~~subparagraph~~, the term "emergency medical
29 reasons" includes transfers of prescription drugs by a retail
30 pharmacy to another retail pharmacy to alleviate a temporary
31 shortage.

1 c. The transfer ~~purchase or acquisition~~ of a
2 prescription drug acquired by a medical director on behalf of
3 a licensed an emergency medical services provider to that
4 ~~medical director for use by~~ emergency medical services
5 provider and its transport vehicles for use in accordance with
6 the provider's license under ~~providers acting within the scope~~
7 ~~of their professional practice pursuant to~~ chapter 401.

8 d. The revocation of a sale or the return of a
9 prescription drug to the person's prescription drug wholesale
10 supplier.

11 e. The donation of a prescription drug by a health
12 care entity to a charitable organization that has been granted
13 an exemption under s. 501(c)(3) of the Internal Revenue Code
14 of 1986, as amended, and that is authorized to possess
15 prescription drugs.

16 f. The transfer of a prescription drug by a person
17 authorized to purchase or receive prescription drugs to a
18 person licensed or permitted to handle reverse distributions
19 or destruction under the laws of the jurisdiction in which the
20 person handling the reverse distribution or destruction
21 receives the drug.

22 ~~3. The dispensing of a prescription drug pursuant to a~~
23 ~~prescription.~~

24 ~~3.4.~~ The distribution of prescription drug samples by
25 manufacturers' representatives or distributors'
26 representatives conducted in accordance with s. 499.028. ~~or~~

27 ~~4.5.~~ The sale, purchase, or trade of blood and blood
28 components intended for transfusion. As used in this
29 subparagraph ~~section~~, the term "blood" means whole blood
30 collected from a single donor and processed either for
31 transfusion or further manufacturing, and the term "blood

1 components" means that part of the blood separated by physical
2 or mechanical means.

3 5. The lawful dispensing of a prescription drug in
4 accordance with chapter 465.

5 (5) The department may adopt rules governing the
6 recordkeeping, storage, and handling with respect to each of
7 the distributions of prescription drugs specified in
8 subparagraphs ~~(1)(a)1.-4.(1)(a)1., 2., 4., and 5.~~

9 Section 111. Subsection (6) is added to section
10 626.883, Florida Statutes, to read:

11 626.883 Administrator as intermediary; collections
12 held in fiduciary capacity; establishment of account;
13 disbursement; payments on behalf of insurer.--

14 (6) All payments to a health care provider by a fiscal
15 intermediary for noncapitated providers must include an
16 explanation of services being reimbursed which includes, at a
17 minimum, the patient's name, the date of service, the
18 procedure code, the amount of reimbursement, and the
19 identification of the plan on whose behalf the payment is
20 being made. For capitated providers, the statement of services
21 must include the number of patients covered by the contract,
22 the rate per patient, the total amount of the payment, and the
23 identification of the plan on whose behalf the payment is
24 being made.

25 Section 112. Paragraph (a) of subsection (2) of
26 section 641.316, Florida Statutes, 1998 Supplement, is amended
27 to read:

28 641.316 Fiscal intermediary services.--

29 (2)(a) The term "fiduciary" or "fiscal intermediary
30 services" means reimbursements received or collected on behalf
31 of health care professionals for services rendered, patient

1 and provider accounting, financial reporting and auditing,
2 receipts and collections management, compensation and
3 reimbursement disbursement services, or other related
4 fiduciary services pursuant to health care professional
5 contracts with health maintenance organizations. All payments
6 to a health care provider by a fiscal intermediary for
7 noncapitated providers must include an explanation of services
8 being reimbursed which includes, at a minimum, the patient's
9 name, the date of service, the procedure code, the amount of
10 reimbursement, and the identification of the plan on whose
11 behalf the payment is being made. For capitated providers, the
12 statement of services must include the number of patients
13 covered by the contract, the rate per patient, the total
14 amount of the payment, and the identification of the plan on
15 whose behalf the payment is being made.

16 Section 113. Task Force on Telehealth.--

17 (1) Because telecommunications technology has made it
18 possible to provide a wide range of health care services
19 across state lines between healthcare practitioners and
20 patients, it is the intent of the Legislature to protect the
21 health and safety of all patients in this state receiving
22 services by means of such technology and to ensure the
23 accountability of the healthcare profession with respect to
24 unsafe and incompetent practitioners using such technology to
25 provide health care services to patients in this state.

26 (2) The Secretary of Health shall appoint a task force
27 consisting of representatives from the affected medical and
28 allied health professions and other affected health care
29 industries.

30 (3) The task force shall address the following:

31

1 (a) Identification of various electronic
2 communications or telecommunications technologies currently
3 used within the state and by other states to provide
4 healthcare information.

5 (b) Identification of laws, regulations, and
6 reimbursement practices that serve as barriers to
7 implementation of electronic communications related to health
8 care.

9 (c) Recommendation of the appropriate level of
10 regulation of health care professionals necessary to protect
11 the health and safety of patients in this state, including
12 analysis of existing provisions governing in-state
13 professionals such as licensing, financial responsibility, and
14 medical malpractice insurance requirements.

15 (d) Potential preemption of state regulation by the
16 Commerce Clause of the United States Constitution.

17 (e) The effect of telehealth on access to health care
18 in rural and underserved areas.

19 (f) Potential antitrust concerns.

20 (g) The effect of regulations by other states or
21 jurisdictions on health care professionals in this state who
22 provide consultative services through telehealth to entities
23 and patients outside the state.

24 (h) Research on other public and private data and
25 initiatives related to telehealth.

26 (i) Any other issue affecting the health, safety, and
27 welfare of patients through telehealth identified by the task
28 force.

29 (4) The task force shall submit a report of its
30 findings and recommendations by January 1, 2000, to the
31

1 Governor, the President of the Senate, and the Speaker of the
2 House of Representatives.

3 Section 114. Subsection (1) of section 468.352,
4 Florida Statutes, is amended to read:

5 468.352 Definitions.--As used in this part, unless the
6 context otherwise requires, the term:

7 (1) "Board" means the Board of Respiratory Care
8 Medicine.

9 Section 115. Section 468.353, Florida Statutes, is
10 amended to read:

11 468.353 Board of Respiratory Care Medicine; powers and
12 duties.--

13 (1) ~~The board, with the assistance of the Advisory~~
14 ~~Council on Respiratory Care,~~is authorized to establish
15 minimum standards for the delivery of respiratory care
16 services and to adopt those rules necessary to administer this
17 part.

18 (2) The board may administer oaths, summon witnesses,
19 and take testimony in all matters relating to its duties under
20 this part.

21 (3) The board may adopt rules to administer this part,
22 including rules governing the investigation, inspection, and
23 review of schools and colleges that offer courses in
24 respiratory care in order to ascertain their compliance with
25 standards established by the board or appropriate accrediting
26 agencies ~~delegate such powers and duties to the council as it~~
27 ~~may deem proper.~~

28 Section 116. Section 468.354, Florida Statutes, is
29 amended to read:

30 468.354 Board of ~~Advisory Council on~~ Respiratory Care;
31 organization; function.--

1 (1) There is created within the department, the Board
2 of ~~Advisory Council on~~ Respiratory Care, composed of seven
3 members appointed by the Governor and confirmed by the Senate
4 ~~under the supervision of the board.~~

5 (2) The board council shall consist of five members
6 ~~appointed by the board and shall include:~~

7 (a) A registered respiratory therapist.

8 (b) A certified respiratory therapist care
9 ~~practitioner.~~

10 (c) A respiratory care professional from each of the
11 following areas:

12 1. Respiratory care education.

13 2. Respiratory care management and supervision.

14 3. Homecare/subacute cardiopulmonary diagnostics.

15 (d) Two consumer members, who are residents of this
16 state and have never been licensed as health care
17 practitioners.

18
19 ~~Each member of the council shall be a~~ respiratory care
20 professional on the board must have ~~who has~~ been actively
21 engaged in the delivery of respiratory care services in this
22 state for at least 4 consecutive years prior to appointment.

23 (3)(a) Except as provided in paragraph (b), the term
24 of office for each board council member shall be 4 years. No
25 member shall serve for more than two consecutive terms. Any
26 time there is a vacancy to be filled ~~on the council~~, all
27 professional organizations dealing with respiratory therapy
28 incorporated within the state as not for profit which register
29 their interest ~~with the board~~ shall recommend at least twice
30 as many persons to fill the vacancy ~~to the council~~ as the
31 number of vacancies to be filled, and the Governor board may

1 appoint from the submitted list, in his ~~its~~ discretion, any of
2 those persons so recommended. The Governor ~~board~~ shall,
3 insofar as possible, appoint persons from different
4 geographical areas.

5 (b) ~~In order~~ To achieve staggering of terms, within
6 120 days after July 1, 1999, ~~October 1, 1984~~, the Governor
7 ~~board~~ shall appoint the board members ~~of the council~~ as
8 follows:

9 1. Two members ~~One member~~ shall be appointed for terms
10 ~~a term~~ of 2 years.

11 2. Two members shall be appointed for terms of 3
12 years.

13 3. Three ~~Two~~ members shall be appointed for terms of 4
14 years.

15 (c) All provisions of part II of chapter 455, relating
16 to boards apply to this part.

17 (4)(a) The board ~~council~~ shall annually elect from
18 among its members a chair and vice chair.

19 (b) The board ~~council~~ shall meet at least twice a year
20 and shall hold ~~such~~ additional meetings as are deemed
21 necessary ~~by the board~~. Four ~~Three~~ members of the council
22 constitute a quorum.

23 (c) Unless otherwise provided by law, a board ~~council~~
24 member shall be compensated \$50 for each day he or she attends
25 an official board meeting ~~of the council~~ and for each day he
26 or she participates in any other board business ~~involving the~~
27 ~~council~~. A board ~~council~~ member shall also be entitled to
28 reimbursement for expenses pursuant to s. 112.061. Travel out
29 of the state shall require the prior approval of the secretary
30 of the department.

31

1 (5)(a) The board may ~~council shall~~ recommend to the
2 department a code of ethics for those persons licensed
3 pursuant to this part.

4 ~~(b) The council shall make recommendations to the~~
5 ~~department for the approval of continuing education courses.~~

6 Section 117. Section 468.355, Florida Statutes, is
7 amended to read:

8 468.355 Eligibility for licensure; temporary
9 licensure.--

10 (1) To be eligible for licensure by the board as a
11 respiratory care practitioner, an applicant must:

12 (a) Be at least 18 years old.

13 (b) Possess a high school diploma or a graduate
14 equivalency diploma.

15 (c) Meet at least one of the following criteria:

16 1. The applicant has successfully completed a training
17 program for respiratory therapy technicians or respiratory
18 therapists approved by the Commission on Accreditation of
19 Allied Health Education Programs, or the equivalent thereof,
20 as accepted by the board.

21 2. The applicant is currently a "Certified Respiratory
22 Therapy Technician" certified by the National Board for
23 Respiratory Care, or the equivalent thereof, as accepted by
24 the board.

25 3. The applicant is currently a "Registered
26 Respiratory Therapist" registered by the National Board for
27 Respiratory Care, or the equivalent thereof, as accepted by
28 the board.

29 ~~4. The applicant is currently employed in this state~~
30 ~~as a respiratory care practitioner or respiratory therapist on~~
31 ~~October 1, 1984.~~

1
2 The criteria set forth in subparagraphs 2. and 3.
3 notwithstanding, the board shall periodically ~~annually~~ review
4 the examinations and standards of the National Board for
5 Respiratory Care and may reject those examinations and
6 standards if they are deemed inappropriate.

7 (2) To be eligible for licensure by the board as a
8 respiratory therapist, an applicant must:

9 (a) Be at least 18 years old.

10 (b) Possess a high school diploma or a graduate
11 equivalency diploma.

12 (c) Meet at least one of the following criteria:

13 1. The applicant has successfully completed a training
14 program for respiratory therapists approved by the Commission
15 on Accreditation of Allied Health Education Programs, or the
16 equivalent thereof, as accepted by the board.

17 2. The applicant is currently a "Registered
18 Respiratory Therapist" registered by the National Board for
19 Respiratory Care, or the equivalent thereof, as accepted by
20 the board.

21
22 The criteria set forth in subparagraphs 1. and 2.
23 notwithstanding, the board shall periodically ~~annually~~ review
24 the examinations and standards of the National Board for
25 Respiratory Care and may reject those examinations and
26 standards if they are deemed inappropriate.

27 (3) With respect to the delivery of respiratory care
28 services, the board shall establish procedures for temporary
29 licensure of eligible individuals entering the state and
30 temporary licensure of those persons who have graduated from a
31

1 program approved by the board. Such temporary licensure shall
2 be for a period not to exceed 1 year.

3 Section 118. Section 468.357, Florida Statutes, is
4 amended to read:

5 468.357 Licensure by examination.--

6 (1) A person who desires to be licensed as a
7 respiratory care practitioner may submit an application ~~to the~~
8 ~~department~~ to take the examination, in accordance with board
9 rule to be administered by the department.

10 (a) ~~The department shall examine~~ Each applicant may
11 take the examination who is determined by the board to have:

12 1. Completed the application form and remitted the
13 applicable fee set by the board;

14 2. Submitted required documentation as required in s.
15 468.355; and

16 3. Remitted an examination fee set by the examination
17 provider board.

18 (b) ~~The department shall conduct~~ Examinations for
19 licensure of respiratory care practitioners must be conducted
20 no less than two times a year in such geographical locations
21 or by such methods as are deemed advantageous to the majority
22 of the applicants.

23 (c) The examination given for respiratory care
24 practitioners shall be the same as that given by the National
25 Board for Respiratory Care for entry-level certification of
26 respiratory therapy technicians. However, an equivalent
27 examination may be accepted by the board in lieu of that
28 examination.

29 (2) Each applicant who passes the examination shall be
30 entitled to licensure as a respiratory care practitioner, and
31 the department shall issue a license pursuant to this part to

1 any applicant who successfully completes the examination in
 2 accordance with this section. However, the department shall
 3 not issue a license to any applicant who is under
 4 investigation in another jurisdiction for an offense which
 5 would constitute a violation of this part. Upon completion of
 6 such an investigation, if the applicant is found guilty of
 7 such an offense, the applicable provisions of s. 468.365 will
 8 apply.

9 ~~(3) Any person who was employed in this state on or~~
 10 ~~before September 30, 1983, as a respiratory therapy technician~~
 11 ~~or respiratory therapist, and who has performed services in~~
 12 ~~such professional capacity for 4 years or more by October 1,~~
 13 ~~1987, under the supervision of a licensed physician or in a~~
 14 ~~hospital or licensed health care facility, shall be issued a~~
 15 ~~license without examination, if such person provides~~
 16 ~~acceptable documentation of performance of such services to~~
 17 ~~the board. Such documentation shall include certification by~~
 18 ~~a physician licensed pursuant to chapter 458 or chapter 459~~
 19 ~~who has direct knowledge of the practice of, or who has~~
 20 ~~supervised, the person. If such person is not determined to~~
 21 ~~have performed critical care respiratory services for at least~~
 22 ~~4 years, the board may limit the license of such person to the~~
 23 ~~performance of noncritical care respiratory services.~~

24 Section 119. Section 468.364, Florida Statutes, 1998
 25 Supplement, is amended to read:

26 468.364 Fees; establishment; disposition.--

27 (1) The board shall establish by rule fees for the
 28 following purposes:

29 (a) Application, a fee not to exceed \$50.

30 ~~(b) Examination, a fee not to exceed \$125 plus the~~
 31 ~~actual per applicant cost to the department for purchase of~~

1 ~~the examination from the National Board for Respiratory Care~~
2 ~~or a similar national organization.~~

3 (b)~~(c)~~ Initial licensure, a fee not to exceed \$200.

4 (c)~~(d)~~ Renewal of licensure, a fee not to exceed \$200
5 biennially.

6 (d)~~(e)~~ Renewal of inactive licensure, a fee not to
7 exceed \$50.

8 (e)~~(f)~~ Reactivation, a fee not to exceed \$50.

9 (2) The fees established pursuant to subsection (1)
10 shall be based upon the actual costs incurred by the
11 department in carrying out its responsibilities under this
12 part.

13 (3) All moneys collected by the department under this
14 part shall be deposited as required by s. 455.587.

15 Section 120. Paragraph (f) of subsection (1) of
16 section 468.365, Florida Statutes, 1998 Supplement, is amended
17 to read:

18 468.365 Disciplinary grounds and actions.--

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

21 (f) Unprofessional conduct, which includes, but is not
22 limited to, any departure from, or failure to conform to,
23 acceptable standards related to the delivery of respiratory
24 care services, as set forth by the board ~~and the Advisory~~
25 ~~Council on Respiratory Care~~ in rules adopted pursuant to this
26 part.

27 Section 121. Paragraph (a) of subsection (2) of
28 section 464.016, Florida Statutes, is amended to read:

29 464.016 Violations and penalties.--

30
31

1 (2) Each of the following acts constitutes a
2 misdemeanor of the first degree, punishable as provided in s.
3 775.082 or s. 775.083:

4 (a) Using the name or title "Nurse," "Registered
5 Nurse," "Licensed Practical Nurse," "Advanced Registered Nurse
6 Practitioner," or any other name or title which implies that a
7 person was licensed or certified as same, unless such person
8 is duly licensed or certified.

9 Section 122. Paragraphs (b) and (c) of subsection (1)
10 of section 458.3115, Florida Statutes, 1998 Supplement, are
11 amended to read:

12 458.3115 Restricted license; certain foreign-licensed
13 physicians; United States Medical Licensing Examination
14 (USMLE) or agency-developed examination; restrictions on
15 practice; full licensure.--

16 (1)

17 (b) A person who is eligible to take and elects to
18 take the USMLE who has previously passed part 1 or part 2 of
19 the previously administered FLEX shall not be required to
20 retake or pass the equivalent parts of the USMLE up to the
21 year 2002 ~~2000~~.

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

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

1 course; or can document to the department that he or she was
2 one of the persons who took and successfully completed the
3 Stanley H. Kaplan course that was approved by the Board of
4 Medicine and supervised by the University of Miami. At a
5 minimum, the documentation must include class attendance
6 records and the test score on the final course examination;

7 2. Applies to the agency and submits an application
8 fee that is nonrefundable and equivalent to the fee required
9 for full licensure;

10 3. Documents no less than 2 years of the active
11 practice of medicine in any ~~another~~ jurisdiction;

12 4. Submits an examination fee that is nonrefundable
13 and equivalent to the fee required for full licensure plus the
14 actual per-applicant cost to the agency to provide either
15 examination described in this section;

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

20 6. Is not under discipline, investigation, or
21 prosecution in this or any other jurisdiction for an act that
22 would constitute a violation of this chapter or part II of
23 chapter 455 and that substantially threatened or threatens the
24 public health, safety, or welfare.

25 Section 123. Subsection (2) of section 458.3124,
26 Florida Statutes, 1998 Supplement, is amended to read:

27 458.3124 Restricted license; certain experienced
28 foreign-trained physicians.--

29 (2) A person applying for licensure under this section
30 must submit to the Department of Health on or before December
31 31, 2000 ~~1998~~:

1 (a) A completed application and documentation required
2 by the Board of Medicine to prove compliance with subsection
3 (1); and

4 (b) A nonrefundable application fee not to exceed \$500
5 and a nonrefundable examination fee not to exceed \$300 plus
6 the actual cost to purchase and administer the examination.

7 Section 124. Effective upon this act becoming a law,
8 section 301 of chapter 98-166, Laws of Florida, is amended to
9 read:

10 Section 301. The sum of \$1.2 million from the
11 unallocated balance in the Medical Quality Assurance Trust
12 Fund is appropriated to the Department of Health to allow the
13 department to develop the examination required for foreign
14 licensed physicians in section 458.3115(1)(a), Florida
15 Statutes, through a contract with the University of South
16 Florida. The department shall charge examinees a fee not to
17 exceed 25 percent of the cost of the actual costs of the first
18 examination administered pursuant to section 458.3115, Florida
19 Statutes, 1998 Supplement, and a fee not to exceed 75 percent
20 of the actual costs for any subsequent examination
21 administered pursuant to that section.

22 Section 125. The Agency for Health Care
23 Administration, in conjunction with the Medicare Fraud
24 Division of the Office of the Attorney General, shall conduct
25 a detailed study and analysis of clinical laboratory services
26 for kidney dialysis patients in the State of Florida. The
27 study shall include, but not be limited to, an analysis of the
28 past and present utilization rates of clinical laboratory
29 services for dialysis patients, financial arrangements among
30 kidney dialysis centers, their medical directors, and any
31 business relationships and affiliations with clinical

1 laboratories, any self referral to clinical laboratories, the
2 quality and responsiveness of clinical laboratory services for
3 dialysis patients in Florida, and the average annual revenue
4 for dialysis patients for clinical laboratory services for the
5 past ten years. The agency shall report back to the President
6 of the Senate, Speaker of the House of Representatives, and
7 chairs of the appropriate substantive committees of the
8 Legislature on its findings no later than February 1, 2000.

9 Section 126. Subsection (3) is added to section
10 455.651, Florida Statutes, 1998 Supplement, to read:

11 455.651 Disclosure of confidential information.--

12 (1) No officer, employee, or person under contract
13 with the department, or any board therein, or any subject of
14 an investigation shall convey knowledge or information to any
15 person who is not lawfully entitled to such knowledge or
16 information about any public meeting or public record, which
17 at the time such knowledge or information is conveyed is
18 exempt from the provisions of s. 119.01, s. 119.07(1), or s.
19 286.011.

20 (2) Any person who willfully violates any provision of
21 this section is guilty of a misdemeanor of the first degree,
22 punishable as provided in s. 775.082 or s. 775.083, and may be
23 subject to discipline pursuant to s. 455.624, and, if
24 applicable, shall be removed from office, employment, or the
25 contractual relationship.

26 (3) Any person injured as a result of a violation of
27 this section shall have a civil cause of action for treble
28 damages, reasonable attorney fees, and costs.

29 Section 127. Except as otherwise provided in this act,
30 this act shall take effect July 1, 1999.

31