

By the Committee on Health Care Licensing & Regulation and Representative Boyd

1 A bill to be entitled
2 An act relating to regulation of professions
3 and occupations; amending s. 455.564, F.S.;
4 authorizing the Department of Health, if there
5 is no regulatory board, to adopt rules to
6 establish the criteria for continuing education
7 courses required for renewal of a license;
8 amending s. 455.624, F.S.; providing penalties
9 for violation of continuing education
10 requirements; amending ss. 464.015 and 464.016,
11 F.S.; prohibiting persons from using the name
12 or title of "nurse" unless licensed or
13 certified as such; providing penalties;
14 amending ss. 455.557 and 455.565, F.S.;
15 exempting resident physicians, interns, and
16 fellows, whether registered or applying for
17 registration, from credentialing and profiling
18 requirements; providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsection (8) of section 455.564, Florida
23 Statutes, 1998 Supplement, is amended to read:

24 455.564 Department; general licensing provisions.--
25 (8) Any board that currently requires continuing
26 education for renewal of a license, or the department if there
27 is no board, shall adopt rules to establish the criteria for
28 continuing education courses. The rules may provide that up
29 to a maximum of 25 percent of the required continuing
30 education hours can be fulfilled by the performance of pro
31 bono services to the indigent or to underserved populations or

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

18 Section 2. Subsections (3), (4), and (5) of section
19 455.624, Florida Statutes, are renumbered as subsections (4),
20 (5), and (6), respectively, and a new subsection (3) is added
21 to said section, to read:

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

24 (3) Notwithstanding subsection (2), if the ground for
25 disciplinary action is the first-time failure of the licensee
26 to satisfy continuing education requirements established by
27 the board, or the department if there is no board, the board
28 or department, as applicable, shall issue a citation in
29 accordance with s. 455.617 and assess a fine, as determined by
30 the board or department by rule. In addition, the board or
31 department, as applicable, may require the licensee to take 1

1 additional hour of continuing education for each hour not
2 completed or completed late.

3 Section 3. Subsection (6) of section 464.015, Florida
4 Statutes, is amended to read:

5 464.015 Titles and abbreviations; restrictions;
6 penalty.--

7 (6) No person shall practice or advertise as, or
8 assume the title of, nurse, registered nurse, licensed
9 practical nurse, or advanced registered nurse practitioner or
10 use the abbreviation "R.N.," "L.P.N.," or "A.R.N.P." or take
11 any other action that would lead the public to believe that
12 person was certified as such or is performing nursing services
13 pursuant to the exception set forth in s. 464.022(8), unless
14 that person is licensed or certified to practice as such.

15 (7) A violation of this section is a misdemeanor of
16 the first degree, punishable as provided in s. 775.082 or s.
17 775.083.

18 Section 4. Paragraph (a) of subsection (2) of section
19 464.016, Florida Statutes, is amended to read:

20 464.016 Violations and penalties.--

21 (2) Each of the following acts constitutes a
22 misdemeanor of the first degree, punishable as provided in s.
23 775.082 or s. 775.083:

24 (a) Using the name or title "Nurse," "Registered
25 Nurse," "Licensed Practical Nurse," "Advanced Registered Nurse
26 Practitioner," or any other name or title which implies that a
27 person was licensed or certified as same, unless such person
28 is duly licensed or certified.

29 Section 5. Paragraph (k) of subsection (2) of section
30 455.557, Florida Statutes, 1998 Supplement, is amended to
31 read:

1 455.557 Standardized credentialing for health care
2 practitioners.--
3 (2) DEFINITIONS.--As used in this section, the term:
4 (k) "Health care practitioner" means any person
5 licensed, or, for credentialing purposes only, any person
6 applying for licensure, under chapter 458, chapter 459,
7 chapter 460, or chapter 461 or any person licensed or applying
8 for licensure under a chapter subsequently made subject to
9 this section by the department with the approval of the
10 applicable board, except a person registered or applying for
11 registration pursuant to s. 458.345 or s. 459.021.

12 Section 6. Subsection (1) of section 455.565, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 455.565 Designated health care professionals;
15 information required for licensure.--

16 (1) Each person who applies for initial licensure as a
17 physician under chapter 458, chapter 459, chapter 460, or
18 chapter 461, except a person applying for registration
19 pursuant to s. 458.345 or s. 459.021, must, at the time of
20 application, and each physician who applies for license
21 renewal under chapter 458, chapter 459, chapter 460, or
22 chapter 461, except a person registered pursuant to s. 458.345
23 or s. 459.021, must, in conjunction with the renewal of such
24 license and under procedures adopted by the Department of
25 Health, and in addition to any other information that may be
26 required from the applicant, furnish the following information
27 to the Department of Health:

28 (a)1. The name of each medical school that the
29 applicant has attended, with the dates of attendance and the
30 date of graduation, and a description of all graduate medical
31 education completed by the applicant, excluding any coursework

1 taken to satisfy medical licensure continuing education
2 requirements.

3 2. The name of each hospital at which the applicant
4 has privileges.

5 3. The address at which the applicant will primarily
6 conduct his or her practice.

7 4. Any certification that the applicant has received
8 from a specialty board that is recognized by the board to
9 which the applicant is applying.

10 5. The year that the applicant began practicing
11 medicine.

12 6. Any appointment to the faculty of a medical school
13 which the applicant currently holds and an indication as to
14 whether the applicant has had the responsibility for graduate
15 medical education within the most recent 10 years.

16 7. A description of any criminal offense of which the
17 applicant has been found guilty, regardless of whether
18 adjudication of guilt was withheld, or to which the applicant
19 has pled guilty or nolo contendere. A criminal offense
20 committed in another jurisdiction which would have been a
21 felony or misdemeanor if committed in this state must be
22 reported. If the applicant indicates that a criminal offense
23 is under appeal and submits a copy of the notice for appeal of
24 that criminal offense, the department must state that the
25 criminal offense is under appeal if the criminal offense is
26 reported in the applicant's profile. If the applicant
27 indicates to the department that a criminal offense is under
28 appeal, the applicant must, upon disposition of the appeal,
29 submit to the department a copy of the final written order of
30 disposition.

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

21 (b) In addition to the information required under
22 paragraph (a), each applicant who seeks licensure under
23 chapter 458, chapter 459, or chapter 461, and who has
24 practiced previously in this state or in another jurisdiction
25 or a foreign country must provide the information required of
26 licensees under those chapters pursuant to s. 455.697. An
27 applicant for licensure under chapter 460 who has practiced
28 previously in this state or in another jurisdiction or a
29 foreign country must provide the same information as is
30 required of licensees under chapter 458, pursuant to s.
31 455.697.

1 Section 7. This act shall take effect July 1, 1999.
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