

Bill No. HB 2125, 2nd Eng.

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Clary moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause,

and insert:

Section 1. The Department of Children and Family Services and the Agency for Health Care Administration shall, by October 1, 1999, develop a system to allow unborn children of Medicaid-eligible mothers to be issued a Medicaid number that shall be used for billing purposes and for monitoring of care for the child beginning with the child's date of birth.

Section 2. Paragraphs (e) and (f) of subsection (3) and paragraphs (a) and (b) of subsection (7) of section 20.43, Florida Statutes, 1998 Supplement, are amended, and paragraphs (h), (i), and (j) are added to subsection (3) of that section, to read:

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

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

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1 (e) Division of Children's Medical Services Network.

2 (f) Division of Emergency Medical Services and
3 Community Health Resources ~~Local Health Planning, Education,~~
4 ~~and Workforce Development.~~

5 (h) Division of Children's Medical Services Prevention
6 and Intervention.

7 (i) Division of Information Resource Management.

8 (j) Division of Health Awareness and Tobacco.

9 (7) To protect and improve the public health, the
10 department may use state or federal funds to:

11 (a) Provide incentives, including, but not limited to,
12 the promotional items listed in paragraph (b), food and
13 including food coupons, and or payment for travel expenses,
14 for encouraging healthy lifestyle and disease prevention
15 behaviors and patient compliance with medical treatment, such
16 as tuberculosis therapy and smoking cessation programs. Such
17 incentives shall be intended to cause individuals to take
18 action to improve their health. Any incentive for food, food
19 coupons, or travel expenses may not exceed the limitations in
20 s. 112.061.

21 (b) Plan and conduct health education campaigns for
22 the purpose of protecting or improving public health. The
23 department may purchase promotional items, such as, but not
24 limited to, t-shirts, hats, sports items such as water bottles
25 and sweat bands, calendars, nutritional charts, baby bibs,
26 growth charts, and other items printed with health-promotion
27 messages, and advertising, such as space on billboards or in
28 publications or radio or television time, for health
29 information and promotional messages that recognize that the
30 following behaviors, among others, are detrimental to public
31 health: unprotected sexual intercourse, other than with one's

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1 spouse; cigarette and cigar smoking, use of smokeless tobacco
2 products, and exposure to environmental tobacco smoke; alcohol
3 consumption or other substance abuse during pregnancy; alcohol
4 abuse or other substance abuse; lack of exercise and poor diet
5 and nutrition habits; and failure to recognize and address a
6 genetic tendency to suffer from sickle-cell anemia, diabetes,
7 high blood pressure, cardiovascular disease, or cancer. For
8 purposes of activities under this paragraph, the Department of
9 Health may establish requirements for local matching funds or
10 in-kind contributions to create and distribute advertisements,
11 in either print or electronic format, which are concerned with
12 each of the targeted behaviors, establish an independent
13 evaluation and feedback system for the public health
14 communication campaign, and monitor and evaluate the efforts
15 to determine which of the techniques and methodologies are
16 most effective.

17 Section 3. Paragraphs (l), (p), and (s) of subsection
18 (2) of section 110.205, Florida Statutes, are amended to read:

19 110.205 Career service; exemptions.--

20 (2) EXEMPT POSITIONS.--The exempt positions which are
21 not covered by this part include the following, provided that
22 no position, except for positions established for a limited
23 period of time pursuant to paragraph (h), shall be exempted if
24 the position reports to a position in the career service:

25 (1) All assistant division director, deputy division
26 director, and bureau chief positions in any department, and
27 those positions determined by the department to have
28 managerial responsibilities comparable to such positions,
29 which positions include, but are not limited to, positions in
30 the Department of Health, the Department of Children and
31 Family Services, and Rehabilitative Services and the

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1 Department of Corrections that are assigned primary duties of
2 serving as the superintendent of an institution; positions in
3 the Department of Transportation that are assigned primary
4 duties of serving as regional toll managers and managers of
5 offices as defined in s. 20.23(3)(d)3. and (4)(d); positions
6 in the Department of Environmental Protection that are
7 assigned the duty of an Environmental Administrator or program
8 administrator; and positions in the Department of Health ~~and~~
9 ~~Rehabilitative Services~~ that are assigned the duties ~~duty~~ of
10 ~~an~~ Environmental Administrator, Assistant County Health
11 Department Director, and County Health Department Financial
12 Administrator. Unless otherwise fixed by law, the department
13 shall set the salary and benefits of these positions in
14 accordance with the rules established for the Selected Exempt
15 Service.

16 (p) The staff directors, assistant staff directors,
17 district program managers, district program coordinators,
18 district subdistrict administrators, district administrative
19 services directors, district attorneys, ~~county health~~
20 ~~department directors, county health department administrators,~~
21 and the Deputy Director of Central Operations Services of the
22 Department of Children and Family Health and Rehabilitative
23 Services and the county health department directors and county
24 health department administrators of the Department of Health.
25 Unless otherwise fixed by law, the department shall establish
26 the salary range and benefits for these positions in
27 accordance with the rules of the Selected Exempt Service.

28 (s) The executive director of each board or commission
29 established within the Department of Business and Professional
30 Regulation or the Department of Health. Unless otherwise fixed
31 by law, the department shall establish the salary and benefits

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1 for these positions in accordance with the rules established
2 for the Selected Exempt Service.

3 Section 4. Subsection (15) of section 120.80, Florida
4 Statutes, 1998 Supplement, is amended to read:

5 120.80 Exceptions and special requirements;
6 agencies.--

7 (15) DEPARTMENT OF HEALTH.--Notwithstanding s.
8 120.57(1)(a), formal hearings may not be conducted by the
9 Secretary of Health, the director of the Agency for Health
10 Care Administration, or a board or member of a board within
11 the Department of Health or the Agency for Health Care
12 Administration for matters relating to the regulation of
13 professions, as defined by part II of chapter 455.
14 Notwithstanding s. 120.57(1)(a), hearings conducted within the
15 Department of Health in execution of the Special Supplemental
16 Nutrition Program for Women, Infants, and Children; Child Care
17 Food Program; Children's Medical Services Program; and the
18 exemption from disqualification reviews for certified nurse
19 assistants program need not be conducted by an administrative
20 law judge assigned by the division. The Department of Health
21 may contract with the Department of Children and Family
22 Services for a hearing officer in these matters.

23 Section 5. Subsection (1) of section 154.504, Florida
24 Statutes, 1998 Supplement, is amended to read:

25 154.504 Eligibility and benefits.--

26 (1) Any county or counties may apply for a primary
27 care for children and families challenge grant to provide
28 primary health care services to children and families with
29 incomes of up to 150 percent of the federal poverty level.
30 Participants shall pay no monthly premium for participation,
31 but shall be required to pay a copayment at the time a service

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1 is provided. Copayments may be paid from sources other than
2 the participant, including, but not limited to, the child's or
3 parent's employer, or other private sources. Providers may
4 enter into contracts pursuant to ~~As used in s. 766.1115,~~
5 provided copayments, ~~the term "copayment"~~ may not be
6 considered and may not be used as compensation for services to
7 health care providers, and all funds generated from copayments
8 shall be used by the governmental contractor and all other
9 provisions in s. 766.1115 are met.

10 Section 6. Subsection (3) is added to section 287.155,
11 Florida Statutes, to read:

12 287.155 Motor vehicles; purchase by Division of
13 Universities, Department of Health and Rehabilitative
14 Services, Department of Juvenile Justice, and Department of
15 Corrections.--

16 (3) The Department of Health is authorized, subject to
17 the approval of the Department of Management Services, to
18 purchase automobiles, trucks, and other automotive equipment
19 for use by county health departments.

20 Section 7. Subsection (3) of section 372.6672, Florida
21 Statutes, 1998 Supplement, is amended to read:

22 372.6672 Alligator management and trapping program
23 implementation; commission authority.--

24 (3) The powers and duties of the commission hereunder
25 shall not be construed so as to supersede the regulatory
26 authority or lawful responsibility of the ~~Department of Health~~
27 ~~and Rehabilitative Services,~~ the Department of Agriculture and
28 Consumer Services, or any local governmental entity regarding
29 the processing or handling of food products, but shall be
30 deemed supplemental thereto.

31 Section 8. Paragraph (h) of subsection (3) of section

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1 381.004, Florida Statutes, 1998 Supplement, is amended to
2 read:

3 381.004 Testing for human immunodeficiency virus.--

4 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
5 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

6 (h) Notwithstanding the provisions of paragraph (a),
7 informed consent is not required:

8 1. When testing for sexually transmissible diseases is
9 required by state or federal law, or by rule including the
10 following situations:

11 a. HIV testing pursuant to s. 796.08 of persons
12 convicted of prostitution or of procuring another to commit
13 prostitution.

14 b. Testing for HIV by a medical examiner in accordance
15 with s. 406.11.

16 2. Those exceptions provided for blood, plasma,
17 organs, skin, semen, or other human tissue pursuant to s.
18 381.0041.

19 3. For the performance of an HIV-related test by
20 licensed medical personnel in bona fide medical emergencies
21 when the test results are necessary for medical diagnostic
22 purposes to provide appropriate emergency care or treatment to
23 the person being tested and the patient is unable to consent,
24 as supported by documentation in the medical record.
25 Notification of test results in accordance with paragraph (c)
26 is required.

27 4. For the performance of an HIV-related test by
28 licensed medical personnel for medical diagnosis of acute
29 illness where, in the opinion of the attending physician,
30 obtaining informed consent would be detrimental to the
31 patient, as supported by documentation in the medical record,

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1 and the test results are necessary for medical diagnostic
2 purposes to provide appropriate care or treatment to the
3 person being tested. Notification of test results in
4 accordance with paragraph (c) is required if it would not be
5 detrimental to the patient. This subparagraph does not
6 authorize the routine testing of patients for HIV infection
7 without informed consent.

8 5. When HIV testing is performed as part of an autopsy
9 for which consent was obtained pursuant to s. 872.04.

10 6. For the performance of an HIV test upon a defendant
11 pursuant to the victim's request in a prosecution for any type
12 of sexual battery where a blood sample is taken from the
13 defendant voluntarily, pursuant to court order for any
14 purpose, or pursuant to the provisions of s. 775.0877, s.
15 951.27, or s. 960.003; however, the results of any HIV test
16 performed shall be disclosed solely to the victim and the
17 defendant, except as provided in ss. 775.0877, 951.27, and
18 960.003.

19 7. When an HIV test is mandated by court order.

20 8. For epidemiological research pursuant to s.
21 381.0032, for research consistent with institutional review
22 boards created by 45 C.F.R. part 46, or for the performance of
23 an HIV-related test for the purpose of research, if the
24 testing is performed in a manner by which the identity of the
25 test subject is not known and may not be retrieved by the
26 researcher.

27 9. When human tissue is collected lawfully without the
28 consent of the donor for corneal removal as authorized by s.
29 732.9185 or enucleation of the eyes as authorized by s.
30 732.919.

31 10. For the performance of an HIV test upon an

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1 individual who comes into contact with medical personnel in
2 such a way that a significant exposure has occurred during the
3 course of employment or within the scope of practice and where
4 a blood sample is available that was taken from that
5 individual voluntarily by medical personnel for other
6 purposes. "Medical personnel" includes a licensed or
7 certified health care professional; an employee of a health
8 care professional, health care facility, or blood bank; and a
9 paramedic or emergency medical technician as defined in s.
10 401.23.

11 a. Prior to performance of an HIV test on a
12 voluntarily obtained blood sample, the individual from whom
13 the blood was obtained shall be requested to consent to the
14 performance of the test and to the release of the results.
15 The individual's refusal to consent and all information
16 concerning the performance of an HIV test and any HIV test
17 result shall be documented only in the medical personnel's
18 record unless the individual gives written consent to entering
19 this information on the individual's medical record.

20 b. Reasonable attempts to locate the individual and to
21 obtain consent shall be made and all attempts must be
22 documented. If the individual cannot be found, an HIV test may
23 be conducted on the available blood sample. If the individual
24 does not voluntarily consent to the performance of an HIV
25 test, the individual shall be informed that an HIV test will
26 be performed, and counseling shall be furnished as provided in
27 this section. However, HIV testing shall be conducted only
28 after a licensed physician documents, in the medical record of
29 the medical personnel, that there has been a significant
30 exposure and that, in the physician's medical judgment, the
31 information is medically necessary to determine the course of

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1 treatment for the medical personnel.

2 c. Costs of any HIV test of a blood sample performed
3 with or without the consent of the individual, as provided in
4 this subparagraph, shall be borne by the medical personnel or
5 the employer of the medical personnel. However, costs of
6 testing or treatment not directly related to the initial HIV
7 tests or costs of subsequent testing or treatment shall not be
8 borne by the medical personnel or the employer of the medical
9 personnel.

10 d. In order to utilize the provisions of this
11 subparagraph, the medical personnel must either be tested for
12 HIV pursuant to this section or provide the results of an HIV
13 test taken within 6 months prior to the significant exposure
14 if such test results are negative.

15 e. A person who receives the results of an HIV test
16 pursuant to this subparagraph shall maintain the
17 confidentiality of the information received and of the persons
18 tested. Such confidential information is exempt from s.
19 119.07(1).

20 f. If the source of the exposure will not voluntarily
21 submit to HIV testing and a blood sample is not available, the
22 medical personnel or the employer of such person acting on
23 behalf of the employee may seek a court order directing the
24 source of the exposure to submit to HIV testing. A sworn
25 statement by a physician licensed under chapter 458 or chapter
26 459 that a significant exposure has occurred and that, in the
27 physician's medical judgment, testing is medically necessary
28 to determine the course of treatment constitutes probable
29 cause for the issuance of an order by the court. The results
30 of the test shall be released to the source of the exposure
31 and to the person who experienced the exposure.

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1 11. For the performance of an HIV test upon an
2 individual who comes into contact with medical personnel in
3 such a way that a significant exposure has occurred during the
4 course of employment or within the scope of practice of the
5 medical personnel while the medical personnel provides
6 emergency medical treatment to the individual; or who comes
7 into contact with nonmedical personnel in such a way that a
8 significant exposure has occurred while the nonmedical
9 personnel provides emergency medical assistance during a
10 medical emergency. For the purposes of this subparagraph, a
11 medical emergency means an emergency medical condition outside
12 of a hospital or health care facility that provides physician
13 care. The test may be performed only during the course of
14 treatment for the medical emergency.

15 a. An individual who is capable of providing consent
16 shall be requested to consent to an HIV test prior to the
17 testing. The individual's refusal to consent, and all
18 information concerning the performance of an HIV test and its
19 result, shall be documented only in the medical personnel's
20 record unless the individual gives written consent to entering
21 this information on the individual's medical record.

22 b. HIV testing shall be conducted only after a
23 licensed physician documents, in the medical record of the
24 medical personnel or nonmedical personnel, that there has been
25 a significant exposure and that, in the physician's medical
26 judgment, the information is medically necessary to determine
27 the course of treatment for the medical personnel or
28 nonmedical personnel.

29 c. Costs of any HIV test performed with or without the
30 consent of the individual, as provided in this subparagraph,
31 shall be borne by the medical personnel or the employer of the

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1 medical personnel or nonmedical personnel. However, costs of
2 testing or treatment not directly related to the initial HIV
3 tests or costs of subsequent testing or treatment shall not be
4 borne by the medical personnel or the employer of the medical
5 personnel or nonmedical personnel.

6 d. In order to utilize the provisions of this
7 subparagraph, the medical personnel or nonmedical personnel
8 shall be tested for HIV pursuant to this section or shall
9 provide the results of an HIV test taken within 6 months prior
10 to the significant exposure if such test results are negative.

11 e. A person who receives the results of an HIV test
12 pursuant to this subparagraph shall maintain the
13 confidentiality of the information received and of the persons
14 tested. Such confidential information is exempt from s.
15 119.07(1).

16 f. If the source of the exposure will not voluntarily
17 submit to HIV testing and a blood sample was not obtained
18 during treatment for the medical emergency, the medical
19 personnel, the employer of the medical personnel acting on
20 behalf of the employee, or the nonmedical personnel may seek a
21 court order directing the source of the exposure to submit to
22 HIV testing. A sworn statement by a physician licensed under
23 chapter 458 or chapter 459 that a significant exposure has
24 occurred and that, in the physician's medical judgment,
25 testing is medically necessary to determine the course of
26 treatment constitutes probable cause for the issuance of an
27 order by the court. The results of the test shall be released
28 to the source of the exposure and to the person who
29 experienced the exposure.

30 12. For the performance of an HIV test by the medical
31 examiner or attending physician upon an ~~a deceased~~ individual

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1 ~~who is the source of a significant exposure to medical~~
2 ~~personnel or nonmedical personnel who provided emergency~~
3 ~~medical assistance and who expired or could not be~~
4 ~~resuscitated while receiving during treatment for the medical~~
5 ~~emergency medical assistance or care and who was the source of~~
6 ~~a significant exposure to medical or nonmedical personnel~~
7 ~~providing such assistance or care.~~

8 a. HIV testing may be conducted only after a licensed
9 physician documents in the medical record of the medical
10 personnel or nonmedical personnel that there has been a
11 significant exposure and that, in the physician's medical
12 judgment, the information is medically necessary to determine
13 the course of treatment for the medical personnel or
14 nonmedical personnel.

15 b. Costs of any HIV test performed under this
16 subparagraph may not be charged to the deceased or to the
17 family of the deceased person.

18 c. For the provisions of this subparagraph to be
19 applicable, the medical personnel or nonmedical personnel must
20 be tested for HIV under this section or must provide the
21 results of an HIV test taken within 6 months before the
22 significant exposure if such test results are negative.

23 d. A person who receives the results of an HIV test
24 pursuant to this subparagraph shall comply with paragraph (e).

25 13. For the performance of an HIV-related test
26 medically indicated by licensed medical personnel for medical
27 diagnosis of a hospitalized infant as necessary to provide
28 appropriate care and treatment of the infant when, after a
29 reasonable attempt, a parent cannot be contacted to provide
30 consent. The medical records of the infant shall reflect the
31 reason consent of the parent was not initially obtained. Test

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1 results shall be provided to the parent when the parent is
2 located.

3 14. For the performance of HIV testing conducted to
4 monitor the clinical progress of a patient previously
5 diagnosed to be HIV positive.

6 15. For the performance of repeated HIV testing
7 conducted to monitor possible conversion from a significant
8 exposure.

9 Section 9. Subsection (7) is added to section
10 381.0051, Florida Statutes, to read:

11 381.0051 Family planning.--

12 (7) RULES.--The Department of Health may adopt rules
13 to implement this section.

14 Section 10. Subsection (16) is added to section
15 381.006, Florida Statutes, 1998 Supplement, to read:

16 381.006 Environmental health.--The department shall
17 conduct an environmental health program as part of fulfilling
18 the state's public health mission. The purpose of this program
19 is to detect and prevent disease caused by natural and manmade
20 factors in the environment. The environmental health program
21 shall include, but not be limited to:

22 (16) A group-care-facilities function, where a
23 group-care facility means any public or private school,
24 housing, building or buildings, section of a building, or
25 distinct part of a building or other place, whether operated
26 for profit or not, which undertakes, through its ownership or
27 management, to provide one or more personal services, care,
28 protection, and supervision to persons who require such
29 services and who are not related to the owner or
30 administrator. The department may adopt rules necessary to
31 protect the health and safety of residents, staff, and patrons

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1 of group-care facilities, such as child care facilities,
2 family day-care homes, assisted-living facilities, adult
3 day-care centers, adult family-care homes, hospices,
4 residential treatment facilities, crisis-stabilization units,
5 pediatric extended-care centers, intermediate-care facilities
6 for the developmentally disabled, group-care homes, and,
7 jointly with the Department of Education, private and public
8 schools. These rules may include provisions relating to
9 operation and maintenance of facilities, buildings, grounds,
10 equipment, furnishings, and occupant-space requirements;
11 lighting; heating, cooling, and ventilation; water supply,
12 plumbing; sewage; sanitary facilities; insect and rodent
13 control; garbage; safety; personnel health, hygiene, and work
14 practices; and other matters the department finds are
15 appropriate or necessary to protect the safety and health of
16 the residents, staff, or patrons. The department may not adopt
17 rules that conflict with rules adopted by the licensing or
18 certifying agency. The department may enter and inspect at
19 reasonable hours to determine compliance with applicable
20 statutes or rules. In addition to any sanctions that the
21 department may impose for violations of rules adopted under
22 this section, the department shall also report such violations
23 to any agency responsible for licensing or certifying the
24 group-care facility. The licensing or certifying agency may
25 also impose any sanction based solely on the findings of the
26 department.

27
28 The department may adopt rules to carry out the provisions of
29 this section.

30 Section 11. Subsection (1) of section 381.0061,
31 Florida Statutes, is amended to read:

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1 381.0061 Administrative fines.--

2 (1) In addition to any administrative action
3 authorized by chapter 120 or by other law, the department may
4 impose a fine, which shall not exceed \$500 for each violation,
5 for a violation of s. 381.006(16), s. 381.0065, s. 381.0066,
6 s. 381.0072, or part III of chapter 489, for a violation of
7 any rule adopted under this chapter, or for a violation of any
8 of the provisions of chapter 386. Notice of intent to impose
9 such fine shall be given by the department to the alleged
10 violator. Each day that a violation continues may constitute
11 a separate violation.

12 Section 12. Subsections (2), (3), (4), and (5) of
13 section 381.0062, Florida Statutes, 1998 Supplement, are
14 amended to read:

15 381.0062 Supervision; private and certain public water
16 systems.--

17 (2) DEFINITIONS.--As used in this section:

18 (a) "Contaminant" means any physical, biological,
19 chemical, or radiological substance or matter in water.

20 (b) "Department" means the Department of Health,
21 including the county health departments.

22 (c) "Florida Safe Drinking Water Act" means part VI of
23 chapter 403.

24 (d) "Health hazard" means any condition, contaminant,
25 device, or practice in a water system or its operation which
26 will create or has the potential to create an acute or chronic
27 threat to the health and well-being of the water consumer.

28 (e) "Limited use commercial public water system" means
29 a public water system not covered or included in the Florida
30 Safe Drinking Water Act, which serves one or more
31 nonresidential establishments and provides piped water.

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1 (f) "Limited use community public water system" means
2 a public water system not covered or included in the Florida
3 Safe Drinking Water Act, which serves five or more ~~private~~
4 residences or two or more rental residences, and provides
5 piped water.

6 (g) "Maximum contaminant level" means the maximum
7 permissible level of a contaminant in potable water delivered
8 to consumers.

9 (h) "Multi-family water system" means a water system
10 that provides piped water to three or four residences, one of
11 which may be a rental residence.

12 (i)~~(h)~~ "Person" means an individual, public or private
13 corporation, company, association, partnership, municipality,
14 agency of the state, district, federal, or any other legal
15 entity, or its legal representative, agent, or assignee.

16 (j)~~(i)~~ "Potable water" means water that is
17 satisfactory for human consumption, dermal contact, culinary
18 purposes, or dishwashing as approved by the department.

19 (k)~~(j)~~ "Private water system" means a water system
20 that provides piped water for one or two ~~no more than four~~
21 ~~nonrental~~ residences, one of which may be a rental residence.

22 (l)~~(k)~~ "Public consumption" means oral ingestion or
23 physical contact with water by a person for any purpose other
24 than cleaning work areas or simple handwashing. Examples of
25 public consumption include, when making food or beverages
26 available to the general public, water used for washing food,
27 cooking utensils, or food service areas and water used for
28 preparing food or beverages; washing surfaces accessed by
29 children as in a child care center or similar setting; washing
30 medical instruments or surfaces accessed by a patient; any
31 water usage in health care facilities; emergency washing

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1 devices such as eye washing sinks; washing in food processing
2 plants or establishments like slaughterhouses and
3 packinghouses; and water used in schools.

4 (m)~~(l)~~ "Public water system" means a water system that
5 is not included or covered under the Florida Safe Drinking
6 Water Act, provides piped water to the public, and is not a
7 private or multi-family water system. For purposes of this
8 section, public water systems are classified as limited use
9 community or limited use commercial.

10 (n)~~(m)~~ "Supplier of water" means the person, company,
11 or corporation that owns or operates a limited use community
12 or limited use commercial public water system, a multi-family
13 water system, or a private water system.

14 (o)~~(n)~~ "Variance" means a sanction from the department
15 affording a supplier of water an extended time to correct a
16 maximum contaminant level violation caused by the raw water or
17 to deviate from construction standards established by rule of
18 the department.

19 (3) SUPERVISION.--The department and its agents shall
20 have general supervision and control over all private water
21 systems, multi-family water systems, and public water systems
22 not covered or included in the Florida Safe Drinking Water Act
23 (part VI of chapter 403), and over those aspects of the public
24 water supply program for which it has the duties and
25 responsibilities provided for in part VI of chapter 403. The
26 department shall:

27 (a) Administer and enforce the provisions of this
28 section and all rules and orders adopted or issued under this
29 section, including water quality and monitoring standards.

30 (b) Require any person wishing to construct, modify,
31 or operate a limited use community or limited use commercial

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1 public water system or a multi-family ~~private~~ water system to
2 first make application to and obtain approval from the
3 department on forms adopted by rule of the department.

4 (c) Review and act upon any application for the
5 construction, modification, operation, or change of ownership
6 of, and conduct surveillance, enforcement, and compliance
7 investigations of, limited use community and limited use
8 commercial public water systems, and multi-family ~~private~~
9 water systems.

10 (d) Require a fee from the supplier of water in an
11 amount sufficient to cover the costs of reviewing and acting
12 upon any application for the construction, modification, or
13 operation of a limited use community and limited use
14 commercial public water system, of not less than \$10 or more
15 than \$90 annually.

16 (e) Require a fee from the supplier of water in an
17 amount sufficient to cover the costs of reviewing and acting
18 upon any application for the construction or change of
19 ownership of a multi-family ~~private~~ water system ~~servicing more~~
20 ~~than one residence~~, of not less than \$10 or more than \$90.

21 (f) Require a fee from the supplier of water in an
22 amount sufficient to cover the costs of sample collection,
23 review of analytical results, health-risk interpretations, and
24 coordination with other agencies when such work is not
25 included in paragraphs (b) and (c) and is requested by the
26 supplier of water, of not less than \$10 or more than \$90.

27 (g) Require suppliers of water to collect samples of
28 water, to submit such samples to a department-certified
29 drinking water laboratory for contaminant analysis, and to
30 keep sampling records as required by rule of the department.

31 (h) Require all fees collected by the department in

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1 accordance with the provisions of this section to be deposited
2 in an appropriate trust fund of the department, and used
3 exclusively for the payment of costs incurred in the
4 administration of this section.

5 (i) Prohibit any supplier of water from, intentionally
6 or otherwise, introducing any contaminant which poses a health
7 hazard into a drinking water system.

8 (j) Require suppliers of water to give public notice
9 of water problems and corrective measures under the conditions
10 specified by rule of the department.

11 (k) Require a fee to cover the cost of reinspection of
12 any system regulated under this section, which may not be less
13 than \$25 or more than \$40.

14 (4) RIGHT OF ENTRY.--For purposes of this section,
15 department personnel may enter, at any reasonable time and if
16 they have reasonable cause to believe a violation of this
17 section is occurring or about to occur, upon any and all parts
18 of the premises of such limited use public and multi-family
19 ~~private~~ drinking water systems ~~servicing more than one~~
20 ~~residence~~, to make an examination and investigation to
21 determine the sanitary and safety conditions of such systems.
22 Any person who interferes with, hinders, or opposes any
23 employee of the department in the discharge of his or her
24 duties pursuant to the provisions of this section is subject
25 to the penalties provided in s. 381.0025.

26 (5) ENFORCEMENT AND PENALTIES.--

27 (a) Any person who constructs, modifies, or operates a
28 limited use community or limited use commercial public water
29 system, a multi-family water system, or a private water
30 system, without first complying with the requirements of this
31 section, who operates a water system in violation of

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1 department order, or who maintains or operates a water system
2 after revocation of the permit is guilty of a misdemeanor of
3 the second degree, punishable as provided in s. 775.082 or s.
4 775.083.

5 (b) This section and rules adopted pursuant to this
6 section may be enforced by injunction or restraining order
7 granted by a circuit court as provided in s. 381.0012(2).

8 (c) Additional remedies available to county health
9 department staff through any county or municipal ordinance may
10 be applied, over and above the penalties set forth in this
11 section, to any violation of this section or the rules adopted
12 pursuant to this section.

13 Section 13. Subsections (3) and (7) of section 381.90,
14 Florida Statutes, are amended to read:

15 381.90 Health Information Systems Council; legislative
16 intent; creation, appointment, duties.--

17 (3) The council shall be composed of the following
18 members or their senior executive-level designees:

19 (a) The secretary of the Department of Health;

20 (b) The secretary of the Department of Business and
21 Professional Regulation;

22 (c) The secretary of the Department of Children and
23 Family Services;

24 (d) The director of the Agency for Health Care
25 Administration;

26 (e) The secretary of the Department of Corrections;

27 (f) The Attorney General;

28 (g) The executive director of the Correctional Medical
29 Authority;

30 (h) Two members representing county health
31 departments, one from a small county and one from a large

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1 county, appointed by the Governor; ~~and~~
 2 (i) A representative from the Florida Association of
 3 Counties;—
 4 (j) The State Treasurer and Insurance Commissioner;
 5 (k) A representative from the Florida Healthy Kids
 6 Corporation;
 7 (l) A representative from a school of public health
 8 chosen by the Board of Regents;
 9 (m) The Commissioner of Education;
 10 (n) The Secretary of the Department of Elderly
 11 Affairs; and
 12 (o) The Secretary of the Department of Juvenile
 13 Justice.
 14
 15 Representatives of the Federal Government may serve without
 16 voting rights.
 17 (7) The council's duties and responsibilities include,
 18 but are not limited to, the following:
 19 (a) By March 1 of each year, to develop and approve a
 20 strategic plan pursuant to the requirements set forth in s.
 21 186.022(9). Copies of the plan shall be transmitted
 22 electronically or in writing to the Executive Office of the
 23 Governor, the Speaker of the House of Representatives, and the
 24 President of the Senate.
 25 (b) To develop a mission statement, goals, and plan of
 26 action, based on the guiding principles specified in s.
 27 282.3032, for the identification, collection, standardization,
 28 sharing, and coordination of health-related data across
 29 federal, state, and local government and private-sector
 30 entities.
 31 (c) To develop a review process to ensure cooperative

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1 planning among agencies that collect or maintain
 2 health-related data. The council shall submit a report on the
 3 implementation of this requirement to the Executive Office of
 4 the Governor, the President of the Senate, and the Speaker of
 5 the House of Representatives by January 1, 2000.

6 (d)(c) To create ad hoc issue-oriented technical
 7 workgroups, on an as-needed basis, to make recommendations to
 8 the council.

9 Section 14. Subsection (10) of section 382.003,
 10 Florida Statutes, is amended, and subsection (11) is added to
 11 that section, to read:

12 382.003 Powers and duties of the department.--The
 13 department may:

14 (10) Adopt, promulgate, and enforce rules necessary
 15 for the creation, issuance, recording, ~~rescinding,~~
 16 maintenance, and processing of vital records and for carrying
 17 out the provisions of ss. 382.004-382.014 and ss.
 18 382.016-382.019.

19 (11) By rule require that forms, documents, and
 20 information submitted to the department in the creation or
 21 amendment of a vital record be under oath.

22 Section 15. Subsection (3) of section 382.004, Florida
 23 Statutes, is amended to read:

24 382.004 Reproduction and destruction of records.--

25 (3) Photographs, microphotographs, or reproductions of
 26 any record in the form of film, prints, or electronically
 27 produced certifications made in compliance with the provisions
 28 of this chapter and certified by the department shall have the
 29 same force and effect as the originals thereof, shall be
 30 treated as originals for the purpose of their admissibility ~~in~~
 31 ~~any court or case,~~ and shall be prima facie evidence ~~in all~~

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1 ~~courts and cases~~ of the facts stated therein.

2 Section 16. Subsection (1) of section 382.008, Florida
3 Statutes, 1998 Supplement, is amended to read:

4 382.008 Death and fetal death registration.--

5 (1) A certificate for each death and fetal death which
6 occurs in this state shall be filed on a form prescribed by
7 the department with the local registrar of the district in
8 which the death occurred within 5 days after such death and
9 prior to final disposition, and shall be registered by such
10 registrar if it has been completed and filed in accordance
11 with this chapter or adopted rules. The certificate shall
12 include the decedent's social security number, if available.
13 ~~Disclosure of social security numbers obtained through this~~
14 ~~requirement shall be limited to the purpose of administration~~
15 ~~of the Title IV-D program for child support enforcement and as~~
16 ~~otherwise provided by law.~~In addition, each certificate of
17 death or fetal death:

18 (a) If requested by the informant, shall include
19 aliases or "also known as" (AKA) names of a decedent in
20 addition to the decedent's name of record. Aliases shall be
21 entered on the face of the death certificate in the space
22 provided for name if there is sufficient space. If there is
23 not sufficient space, aliases may be recorded on the back of
24 the certificate and shall be considered part of the official
25 record of death;

26 (b) If the place of death is unknown, shall be
27 registered in the registration district in which the dead body
28 or fetus is found within 5 days after such occurrence; and

29 (c) If death occurs in a moving conveyance, shall be
30 registered in the registration district in which the dead body
31 was first removed from such conveyance.

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1 Section 17. Subsections (1), (2), and (4) of section
2 382.013, Florida Statutes, 1998 Supplement, are amended to
3 read:

4 382.013 Birth registration.--A certificate for each
5 live birth that occurs in this state shall be filed within 5
6 days after such birth with the local registrar of the district
7 in which the birth occurred and shall be registered by the
8 local registrar if the certificate has been completed and
9 filed in accordance with this chapter and adopted rules. The
10 information regarding registered births shall be used for
11 comparison with information in the state case registry, as
12 defined in chapter 61.

13 (1) FILING.--

14 (a) If a birth occurs in a hospital, birth center, or
15 other health care facility, or en route thereto, the person in
16 charge of the facility shall be responsible for preparing the
17 certificate, certifying the facts of the birth, and filing the
18 certificate with the local registrar. Within 48 hours after
19 the birth, the physician, midwife, or person in attendance
20 during or immediately after the delivery shall provide the
21 facility with the medical information required by the birth
22 certificate.

23 (b) If a birth occurs outside a facility and a
24 physician licensed in this state, a certified nurse midwife, a
25 midwife licensed in this state, or a public health nurse
26 employed by the department was in attendance during or
27 immediately after the delivery, that person shall prepare and
28 file the certificate.

29 (c) If a birth occurs outside a facility and the
30 delivery is not attended by one of the persons described in
31 paragraph (b), the person in attendance, the mother, or the

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1 father shall report the birth to the registrar and provide
2 proof of the facts of birth. The department may require such
3 documents to be presented and such proof to be filed as it
4 deems necessary and sufficient to establish the truth of the
5 facts to be recorded by the certificate and may withhold
6 registering the birth until its requirements are met.~~the~~
7 ~~child is not taken to the facility within 3 days after~~
8 ~~delivery, the certificate shall be prepared and filed by one~~
9 ~~of the following persons in the indicated order of priority:~~

10 1. ~~The physician or midwife in attendance during or~~
11 ~~immediately after the birth.~~

12 2. ~~In the absence of persons described in subparagraph~~
13 ~~1., any other person in attendance during or immediately after~~
14 ~~the birth.~~

15 3. ~~In the absence of persons described in subparagraph~~
16 ~~2., the father or mother.~~

17 4. ~~In the absence of the father and the inability of~~
18 ~~the mother, the person in charge of the premises where the~~
19 ~~birth occurred.~~

20 (d)(e) If a birth occurs in a moving conveyance and
21 the child is first removed from the conveyance in this state,
22 the birth shall be filed and registered in this state and the
23 place to which the child is first removed shall be considered
24 the place of birth.

25 (e)(d) The mother or the father ~~At least one of the~~
26 ~~parents~~ of the child shall attest to the accuracy of the
27 personal data entered on the certificate in time to permit the
28 timely registration of the certificate.

29 (f)(e) If a certificate of live birth is incomplete,
30 the local registrar shall immediately notify the health care
31 facility or person filing the certificate and shall require

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1 the completion of the missing items of information if they can
2 be obtained prior to issuing certified copies of the birth
3 certificate.

4 (g)~~(f)~~ Regardless of any plan to place a child for
5 adoption after birth, the information on the birth certificate
6 as required by this section must be as to the child's birth
7 parents unless and until an application for a new birth record
8 is made under s. 63.152.

9 (2) PATERNITY.--

10 (a) If the mother is married at the time of birth, the
11 name of the husband shall be entered on the birth certificate
12 as the father of the child, unless paternity has been
13 determined otherwise by a court of competent jurisdiction.

14 (b) Notwithstanding paragraph (a), if the husband of
15 the mother dies while the mother is pregnant but before the
16 birth of the child, the name of the deceased husband shall be
17 entered on the birth certificate as the father of the child,
18 unless paternity has been determined otherwise by a court of
19 competent jurisdiction.

20 (c) If the mother is not married at the time of birth,
21 the name of the father may not be entered on the birth
22 certificate without the execution of a consenting affidavit
23 signed by both the mother and the person to be named as the
24 father. After giving notice orally or through the use of
25 video or audio equipment, and in writing, of the alternatives
26 to, the legal consequences of, and the rights, including, if
27 one parent is a minor, any rights afforded due to minority
28 status, and responsibilities that arise from signing an
29 acknowledgment of paternity, the facility shall provide the
30 mother and the person to be named as the father with the
31 affidavit, as well as information provided by the Title IV-D

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1 agency established pursuant to s. 409.2557, regarding the
2 benefits of voluntary establishment of paternity. Upon request
3 of the mother and the person to be named as the father, the
4 facility shall assist in the execution of the affidavit.

5 (d) If the paternity of the child is determined by a
6 court of competent jurisdiction as provided under s. 382.015,
7 the name of the father and the surname of the child shall be
8 entered on the certificate in accordance with the finding and
9 order of the court. If the court fails to specify a surname
10 for the child, the surname shall be entered in accordance with
11 subsection (3).

12 (e) If the father is not named on the certificate, no
13 other information about the father shall be entered on the
14 certificate.

15 (4) UNDETERMINED PARENTAGE.--The person having custody
16 of a child of undetermined parentage shall register a birth
17 certificate shall be registered for every child of
18 undetermined parentage showing all known or approximate facts
19 relating to the birth. To assist in later determination,
20 information concerning the place and circumstances under which
21 the child was found shall be included on the portion of the
22 birth certificate relating to marital status and medical
23 details. In the event the child is later identified ~~to the~~
24 ~~satisfaction of the department~~, a new birth certificate shall
25 be prepared which shall bear the same number as the original
26 birth certificate, and the original certificate shall be
27 sealed and filed, shall be confidential and exempt from the
28 provisions of s. 119.07(1), and shall not be opened to
29 inspection by, nor shall certified copies of the same be
30 issued except by court order to, any person other than the
31 registrant if of legal age.

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1 Section 18. Section 382.015, Florida Statutes, is
2 amended to read:

3 382.015 New certificates of live birth; duty of clerks
4 of court and department.--The clerk of the court in which any
5 proceeding for adoption, annulment of an adoption, affirmation
6 of parental status, or determination of paternity is to be
7 registered, shall within 30 days after the final disposition,
8 forward to the department a certified ~~court-certified~~ copy of
9 the court order ~~decree~~, or a report of the proceedings upon a
10 form to be furnished by the department, together with
11 sufficient information to identify the original birth
12 certificate and to enable the preparation of a new birth
13 certificate.

14 (1) ADOPTION AND ANNULMENT OF ADOPTION.--

15 (a) Upon receipt of the report or certified copy of an
16 adoption decree, together with the information necessary to
17 identify the original certificate of live birth, and establish
18 a new certificate, the department shall prepare and file a new
19 birth certificate, absent objection by the court decreeing the
20 adoption, the adoptive parents, or the adoptee if of legal
21 age. The certificate shall bear the same file number as the
22 original birth certificate. All names and identifying
23 information relating to the adoptive parents entered on the
24 new certificate shall refer to the adoptive parents, but
25 nothing in the certificate shall refer to or designate the
26 parents as being adoptive. All other items not affected by
27 adoption shall be copied as on the original certificate,
28 including the date of registration and filing.

29 (b) Upon receipt of the report or certified copy of an
30 annulment-of-adoption decree, together with the sufficient
31 information to identify the original certificate of live

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1 birth, the department shall, if a new certificate of birth was
2 filed following an adoption report or decree, remove the new
3 certificate and restore the original certificate to its
4 original place in the files, and the certificate so removed
5 shall be sealed by the department.

6 (c) Upon receipt of a report or certified copy of an
7 adoption decree or annulment-of-adoption decree for a person
8 born in another state, the department shall forward the report
9 or decree to the state of the registrant's birth. If the
10 adoptee was born in Canada, the department shall send a copy
11 of the report or decree to the appropriate birth registration
12 authority in Canada.

13 (2) DETERMINATION OF PATERNITY.--

14 ~~(a)~~ Upon receipt of the report or a certified copy of
15 a final decree of determination of paternity, ~~or upon written~~
16 ~~request and receipt of a consenting affidavit signed by both~~
17 ~~parents acknowledging the paternity of the registrant,~~
18 together with sufficient information to identify the original
19 certificate of live birth, the department shall prepare and
20 file a new birth certificate which shall bear the same file
21 number as the original birth certificate. ~~If paternity has~~
22 ~~been established pursuant to court order,~~The registrant's
23 name shall be entered as decreed by the court. ~~Otherwise, the~~
24 ~~surname of the registrant may be changed from that shown on~~
25 ~~the original birth certificate at the request of the parents~~
26 ~~or the registrant if of legal age.~~The names and identifying
27 information of the parents shall be entered as of the date of
28 the registrant's birth.

29 ~~(b)~~ ~~If the parents marry each other at any time after~~
30 ~~the registrant's birth, the department shall, upon request of~~
31 ~~the parents or registrant if of legal age and proof of the~~

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1 ~~marriage, amend the certificate with regard to the parent's~~
2 ~~marital status as though the parents were married at the time~~
3 ~~of birth.~~

4 ~~(c) If a father's name is already listed on the birth~~
5 ~~certificate, the birth certificate may only be amended to add~~
6 ~~a different father's name upon court order. If a change in~~
7 ~~the registrant's surname is also desired, such change must be~~
8 ~~included in the court order determining paternity or the name~~
9 ~~must be changed pursuant to s. 68.07.~~

10 (3) AFFIRMATION OF PARENTAL STATUS.--Upon receipt of
11 an order of affirmation of parental status issued pursuant to
12 s. 742.16, together with sufficient information to identify
13 the original certificate of live birth, the department shall
14 prepare and file a new birth certificate which shall bear the
15 same file number as the original birth certificate. The names
16 and identifying information of the registrant's parents
17 entered on the new certificate shall be the commissioning
18 couple, but the new certificate may not make reference to or
19 designate the parents as the commissioning couple.

20 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR
21 ORIGINAL.--When a new certificate of birth is prepared, the
22 department shall substitute the new certificate of birth for
23 the original certificate on file. All copies of the original
24 certificate of live birth in the custody of a local registrar
25 or other state custodian of vital records shall be forwarded
26 to the State Registrar. Thereafter, when a certified copy of
27 the certificate of birth ~~of such person~~ or portion thereof is
28 issued, it shall be a copy of the new certificate of birth or
29 portion thereof, except when a court order requires issuance
30 of a certified copy of the original certificate of birth. In
31 an adoption, change in paternity, affirmation of parental

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1 status, undetermined parentage, or court-ordered substitution,
2 the department shall place the original certificate of birth
3 and all papers pertaining thereto under seal, not to be broken
4 except by order of a court of competent jurisdiction or as
5 otherwise provided by law.

6 (5) FORM.--Except for certificates of foreign birth
7 which are registered as provided in s. 382.017, and delayed
8 certificates of birth which are registered as provided in ss.
9 382.019 and 382.0195, all original, new, or amended
10 certificates of live birth shall be identical in form,
11 regardless of the marital status of the parents or the fact
12 that the registrant is adopted or of undetermined parentage.

13 (6) RULES.--The department shall adopt and enforce all
14 rules necessary for carrying out the provisions of this
15 section.

16 Section 19. Subsections (3), (4), and (5) are added to
17 section 382.016, Florida Statutes, to read:

18 382.016 Amendment of records.--

19 (3) Upon written request and receipt of an affidavit
20 signed by the mother and father acknowledging the paternity of
21 a registrant born out of wedlock, together with sufficient
22 information to identify the original certificate of live
23 birth, the department shall prepare a new birth certificate,
24 which shall bear the same file number as the original birth
25 certificate. The names and identifying information of the
26 parents shall be entered as of the date of the registrant's
27 birth. The surname of the registrant may be changed from that
28 shown on the original birth certificate at the request of the
29 mother and father of the registrant, or the registrant if of
30 legal age. If the mother and father marry each other at any
31 time after the registrant's birth, the department shall, upon

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1 the request of the mother and father or registrant if of legal
2 age and proof of the marriage, amend the certificate with
3 regard to the parents' marital status as though the parents
4 were married at the time of birth.

5 (4) When a new certificate of birth is prepared
6 pursuant to subsection (3), the department shall substitute
7 the new certificate of birth for the original certificate on
8 file. All copies of the original certificate of live birth in
9 the custody of a local registrar or other state custodian of
10 vital records shall be forwarded to the State Registrar.
11 Thereafter, when a certified copy of the certificate of birth
12 or portion thereof is issued, it shall be a copy of the new
13 certificate of birth or portion thereof, except when a court
14 order requires issuance of a certified copy of the original
15 certificate of birth. The department shall place the original
16 certificate of birth and all papers pertaining thereto under
17 seal, not to be broken except by order of a court of competent
18 jurisdiction or as otherwise provided by law.

19 (5) If a father's name is listed on the birth
20 certificate, the birth certificate may only be amended to
21 remove the father's name or to add a different father's name
22 upon court order. If a change in the registrant's surname is
23 also desired, such change must be included in the court order
24 or the name must be changed pursuant to s. 68.07.

25 Section 20. Section 382.019, Florida Statutes, is
26 amended to read:

27 382.019 Delayed registration; administrative
28 procedures.--

29 (1) Registration after 1 year is a delayed
30 registration, and the department may, upon receipt of an
31 application and the fee required under s. 382.0255, and proof

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1 of the birth, death, or fetal death as prescribed by this
2 section or rule, register a delayed certificate if the
3 department does not already have a certificate of the birth,
4 death, or fetal death on file.

5 (2) The department may require such supporting
6 documents to be presented and such proof to be filed as it
7 deems necessary and sufficient to establish the truth of the
8 facts to be recorded by the certificate, and may withhold
9 registering the birth, death, or fetal death certificate until
10 its requirements are met.

11 (3) Certificates registered under this section are
12 admissible as prima facie evidence of the facts recited
13 therein with like force and effect as other vital records
14 received or admitted in evidence.

15 (4) A delayed certificate of birth filed under this
16 section shall include a summary statement of the evidence
17 submitted in support of the delayed registration.

18 (5) A delayed certificate of birth submitted for
19 registration under this section shall be signed before a
20 notarizing official by the registrant if of legal age, or by
21 the parent or guardian of a minor registrant.

22 (6) A person may not establish more than one birth
23 certificate, and a delayed certificate of birth may not be
24 registered for a deceased person.

25 (7) A delayed death or fetal death record shall be
26 registered on a certificate of death or fetal death and marked
27 "delayed."

28 (8) In addition to the rulemaking authority found at
29 s. 382.003(10), the department may, by rule, provide for the
30 dismissal of an application that is not pursued within 1 year.

31 Section 21. Subsections (1) and (2) of section

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1 382.025, Florida Statutes, are amended to read:

2 382.025 Certified copies of vital records;
3 confidentiality; research.--

4 (1) BIRTH RECORDS.--Except for birth records over 100
5 years old which are not under seal pursuant to court order,
6 all birth records of this state shall be confidential and are
7 exempt from the provisions of s. 119.07(1).

8 (a) Certified copies of the original birth certificate
9 or a new or amended certificate, or affidavits thereof, are
10 confidential and exempt from the provisions of s. 119.07(1)
11 and, upon receipt of a request and payment of the fee
12 prescribed in s. 382.0255, shall be issued only as authorized
13 by the department and in the form prescribed by the
14 department, and only:

15 1. To the registrant, if of legal age;

16 2. To the registrant's parent or guardian or other
17 legal representative;

18 3. Upon receipt of the registrant's death certificate,
19 to the registrant's spouse or to the registrant's child,
20 grandchild, or sibling, if of legal age, or to the legal
21 representative of any of such persons;

22 4. To any person if the birth record is over 100 years
23 old and not under seal pursuant to court order;

24 5. To a law enforcement agency for official purposes;

25 6. To any agency of the state or the United States for
26 official purposes upon approval of the department; or

27 7. Upon order of any court of competent jurisdiction.

28 (b) To protect the integrity of vital records and
29 prevent the fraudulent use of the birth certificates of
30 deceased persons, the department shall match birth and death
31 certificates and post the fact of death to the appropriate

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1 birth certificate. Except for a commemorative birth
2 certificate, any A certification of a birth certificate of a
3 deceased registrant shall be marked "deceased." In the case of
4 a commemorative birth certificate, such indication of death
5 shall be made on the back of the certificate.

6 (c) The department shall issue, upon request and upon
7 payment of an additional fee as prescribed under s. 382.0255,
8 a commemorative birth certificate representing that the birth
9 of the person named thereon is recorded in the office of the
10 registrar. The certificate issued under this paragraph shall
11 be in a form consistent with the need to protect the integrity
12 of vital records but shall be suitable for display. It may
13 bear the seal of the state printed thereon and may be signed
14 by the Governor.

15 (2) OTHER RECORDS.--

16 (a) The department shall authorize the issuance of a
17 certified copy of all or part of any marriage, dissolution of
18 marriage, or death or fetal death certificate, excluding that
19 portion which is confidential and exempt from the provisions
20 of s. 119.07(1) as provided under s. 382.008, to any person
21 requesting it upon receipt of a request and payment of the fee
22 prescribed by this section. A certification of the death or
23 fetal death certificate which includes the confidential
24 portions shall be issued only:

25 1. To the registrant's spouse or parent, or to the
26 registrant's child, grandchild, or sibling, if of legal age,
27 or to any person ~~family member~~ who provides a will that has
28 been executed pursuant to s. 732.502, insurance policy, or
29 other document that demonstrates his or her ~~the family~~
30 ~~member's~~ interest in the estate of the registrant, or to any
31 person who provides documentation that he or she is acting on

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1 behalf of any of them;

2 2. To any agency of the state or local government or
3 the United States for official purposes upon approval of the
4 department; or

5 3. Upon order of any court of competent jurisdiction.

6 (b) All portions of a certificate of death shall cease
7 to be exempt from the provisions of s. 119.07(1) 50 years
8 after the date of death.

9 (c) The department shall issue, upon request and upon
10 payment of an additional fee prescribed by this section, a
11 commemorative marriage license representing that the marriage
12 of the persons named thereon is recorded in the office of the
13 registrar. The certificate issued under this paragraph shall
14 be in a form consistent with the need to protect the integrity
15 of vital records but shall be suitable for display. It may
16 bear the seal of the state printed thereon and may be signed
17 by the Governor.

18 Section 22. Subsection (2) of section 382.0255,
19 Florida Statutes, is amended to read:

20 382.0255 Fees.--

21 (2) The fee charged for each request for a
22 certification of a birth record issued by the department or by
23 the local registrar shall be subject to an additional fee of
24 \$4 which shall be deposited in the appropriate departmental
25 trust fund. On a quarterly basis, the department shall
26 ~~transfer \$2 of this additional fee to the General Revenue Fund~~
27 ~~and \$1.50 to the Child Welfare Training Trust Fund created in~~
28 ~~s. 402.40. Fifty cents of the fee shall be available for~~
29 ~~appropriation to the department for administration of this~~
30 ~~chapter.~~

31 Section 23. Paragraph (e) of subsection (3) and

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1 subsection (5) of section 383.14, Florida Statutes, are
 2 amended to read:

3 383.14 Screening for metabolic disorders, other
 4 hereditary and congenital disorders, and environmental risk
 5 factors.--

6 (3) DEPARTMENT OF HEALTH; POWERS AND DUTIES.--The
 7 department shall administer and provide certain services to
 8 implement the provisions of this section and shall:

9 (e) Supply the necessary dietary treatment products
 10 where practicable for diagnosed cases of phenylketonuria and
 11 other metabolic diseases for as long as medically indicated
 12 when the products are not otherwise available. Provide
 13 nutrition education and supplemental foods to those families
 14 eligible for the Special Supplemental Nutrition Food Program
 15 for Women, Infants, and Children as provided in s. 383.011.

16
 17 All provisions of this subsection must be coordinated with the
 18 provisions and plans established under this chapter, chapter
 19 411, and Pub. L. No. 99-457.

20 (5) ADVISORY COUNCIL.--There is established a Genetics
 21 and Infant Screening Advisory Council made up of 12 members
 22 appointed by the Secretary of Health. The council shall be
 23 composed of two consumer members, three practicing
 24 pediatricians, at least one of whom must be a pediatric
 25 hematologist, one representative from each of the four medical
 26 schools in the state, the Secretary of Health or his or her
 27 designee, one representative from the Department of Health
 28 representing ~~Division of~~ Children's Medical Services, and one
 29 representative from the Developmental Services Program Office
 30 of the Department of Children and Family Services. All
 31 appointments shall be for a term of 4 years. The chairperson

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1 of the council shall be elected from the membership of the
2 council and shall serve for a period of 2 years. The council
3 shall meet at least semiannually or upon the call of the
4 chairperson. The council may establish ad hoc or temporary
5 technical advisory groups to assist the council with specific
6 topics which come before the council. Council members shall
7 serve without pay. Pursuant to the provisions of s. 112.061,
8 the council members are entitled to be reimbursed for per diem
9 and travel expenses. It is the purpose of the council to
10 advise the department about:

11 (a) Conditions for which testing should be included
12 under the screening program and the genetics program;

13 (b) Procedures for collection and transmission of
14 specimens and recording of results; and

15 (c) Methods whereby screening programs and genetics
16 services for children now provided or proposed to be offered
17 in the state may be more effectively evaluated, coordinated,
18 and consolidated.

19 Section 24. Subsection (4) of section 385.202, Florida
20 Statutes, is amended to read:

21 385.202 Statewide cancer registry.--

22 (4) Funds appropriated for this section shall be used
23 for establishing, administering, compiling, processing, and
24 providing biometric and statistical analyses to the reporting
25 facilities. Funds may also be used to ensure the quality and
26 accuracy of the information reported and to provide management
27 information to the reporting facilities. ~~Such reporting~~
28 ~~hospitals shall be reimbursed for reasonable costs.~~

29 Section 25. Section 385.203, Florida Statutes, is
30 amended to read:

31 385.203 Diabetes Advisory Council; creation; function;

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1 membership.--

2 (1) To guide a statewide comprehensive approach to
3 diabetes prevention, diagnosis, education, care, treatment,
4 impact, and costs thereof, there is created a Diabetes
5 Advisory Council that serves as the advisory unit to the
6 diabetes centers, the Board of Regents, and the Department of
7 Health, other governmental agencies, professional and other
8 organizations, and the general public. The council shall:

9 (a) Provide statewide leadership to continuously
10 improve the lives of Floridians with diabetes and reduce the
11 burden of diabetes.

12 (b) Serve as a forum for the discussion and study of
13 issues related to the public health approach for the delivery
14 of health care services to persons with diabetes.

15 ~~(b) Provide advice and consultation to the deans of~~
16 ~~the medical schools in which are located diabetes centers, and~~
17 ~~by June 30 of each year, the council shall submit written~~
18 ~~recommendations to the deans regarding the need for diabetes~~
19 ~~education, treatment, and research activities to promote the~~
20 ~~prevention and control of diabetes.~~

21 (c) By June 30 of each year, meet with the Secretary
22 of Health or ~~his or her~~ designee to make specific
23 recommendations regarding the public health aspects of the
24 prevention and control of diabetes.

25 (2) The members of the council shall be appointed by
26 the Governor with advice from nominations by the Board of
27 Regents, the Board of Trustees of the University of Miami, and
28 the Secretary of Health. Members shall serve 4-year terms or
29 until their successors are appointed or qualified.

30 (3) The council shall be composed of 25 ~~18~~ citizens of
31 the state who have knowledge of, or work in the area of

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1 diabetes mellitus as follows:

2 (a) Five interested citizens, three of whom are
3 affected by diabetes.

4 (b) Twenty members, who must include one
5 representative from each of the following areas: nursing with
6 diabetes-educator certification; dietary with diabetes
7 educator certification; podiatry; ophthalmology or optometry;
8 psychology; pharmacy; adult endocrinology; pediatric
9 endocrinology; the American Diabetes Association (ADA); the
10 Juvenile Diabetes Foundation (JDF); a community health center;
11 a county health department; an American Diabetes
12 Association-recognized community education program; each
13 medical school in the state; an osteopathic medical school;
14 the insurance industry; a Children's Medical Services diabetes
15 regional program; and an employer.

16 (c) One or more representatives from the Department of
17 Health, who shall serve on the council as ex officio members.
18 ~~four practicing physicians; one representative from each~~
19 ~~medical school; seven interested citizens, at least three of~~
20 ~~whom shall be persons who have or have had diabetes mellitus~~
21 ~~or who have a child with diabetes mellitus; the Secretary of~~
22 ~~Health or his or her designee; one representative from the~~
23 ~~Division of Children's Medical Services of the Department of~~
24 ~~Health; and one professor of nutrition.~~

25 (4)(a) The council shall annually elect from its
26 members a chair and vice chair ~~a secretary~~. The council shall
27 meet at the chair's discretion; however, at least three
28 meetings shall be held each year.

29 (b) In conducting its meetings, the council shall use
30 accepted rules of procedure. A majority of the members of the
31 council constitutes a quorum, and action by a majority of a

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1 quorum is necessary for the council to take any official
2 action. The Department of Health ~~secretary~~ shall keep a
3 complete record of the proceedings of each meeting. The
4 record shall show the names of the members present and the
5 actions taken. The records shall be kept on file with the
6 department, and these and other documents about matters within
7 the jurisdiction of the council may be inspected by members of
8 the council.

9 (5) Members of the council shall serve without
10 remuneration but may be reimbursed for per diem and travel
11 expenses as provided in s. 112.061, to the extent resources
12 are available.

13 (6) The department shall serve as an intermediary for
14 the council if the council coordinates, applies for, or
15 accepts any grants, funds, gifts, or services made available
16 to it by any agency or department of the Federal Government,
17 or any private agency or individual, for assistance in the
18 operation of the council ~~or the diabetes centers established~~
19 ~~in the various medical schools.~~

20 Section 26. Section 391.028, Florida Statutes, 1998
21 Supplement, is amended to read:

22 391.028 Administration.--The Children's Medical
23 Services program shall have a central office and area offices.

24 (1) The Director of ~~the Division of~~ Children's Medical
25 Services must be a physician licensed under chapter 458 or
26 chapter 459 who has specialized training and experience in the
27 provision of health care to children and who has recognized
28 skills in leadership and the promotion of children's health
29 programs. The ~~division~~ director shall be the deputy secretary
30 and the Deputy State Health Officer for Children's Medical
31 Services and is appointed by and reports to the secretary. The

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1 director may appoint division directors subject to the
 2 approval of the secretary.

3 (2) The ~~division~~ director shall designate Children's
 4 Medical Services area offices to perform operational
 5 activities, including, but not limited to:

6 (a) Providing case management services for the
 7 network.

8 (b) Providing local oversight of the program.

9 (c) Determining an individual's medical and financial
 10 eligibility for the program.

11 (d) Participating in the determination of a level of
 12 care and medical complexity for long-term care services.

13 (e) Authorizing services in the program and developing
 14 spending plans.

15 (f) Participating in the development of treatment
 16 plans.

17 (g) Taking part in the resolution of complaints and
 18 grievances from participants and health care providers.

19 (3) Each Children's Medical Services area office shall
 20 be directed by a physician licensed under chapter 458 or
 21 chapter 459 who has specialized training and experience in the
 22 provision of health care to children. The director of a
 23 Children's Medical Services area office shall be appointed by
 24 the ~~division~~ director from the active panel of Children's
 25 Medical Services physician consultants.

26 Section 27. Section 391.0315, Florida Statutes, 1998
 27 Supplement, is amended to read:

28 391.0315 Benefits.--Benefits provided under the
 29 program for children with special health care needs shall be
 30 the same benefits provided to children as specified in ss.
 31 409.905 and 409.906. The department may offer additional

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1 benefits for early intervention services, respite services,
2 genetic testing, genetic and nutritional counseling, and
3 parent support services, if such services are determined to be
4 medically necessary. No child or person determined eligible
5 for the program who is eligible under Title XIX or Title XXI
6 of the Social Security Act shall receive any service other
7 than an initial health care screening or treatment of an
8 emergency medical condition as defined in s. 395.002, until
9 such child or person is enrolled in Medicaid or a Title XXI
10 program.

11 Section 28. Subsection (3) of section 392.69, Florida
12 Statutes, is amended, and subsection (4) is added to that
13 section, to read:

14 392.69 Appropriation, sinking, and maintenance trust
15 funds; additional powers of the department.--

16 (3) In the execution of its public health program
17 functions, notwithstanding s. 216.292(5)(b), the department is
18 hereby authorized to use any sums of money which it may
19 heretofore have saved or which it may hereafter save from its
20 regular operating appropriation, or use any sums of money
21 acquired by gift or grant, or any sums of money it may acquire
22 by the issuance of revenue certificates of the hospital to
23 match or supplement any state or federal funds, or any moneys
24 received by said department by gift or otherwise, for the
25 construction or maintenance of additional facilities or
26 improvement to existing facilities, as the department deems
27 necessary.

28 (4) The department shall appoint an advisory board,
29 which shall meet quarterly to review and make recommendations
30 relating to patient care at A. G. Holley State Hospital.
31 Members shall be appointed for terms of 3 years, with such

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1 appointments being staggered so that terms of no more than two
2 members expire in any one year. Members shall serve without
3 compensation, but they are entitled to be reimbursed for per
4 diem and travel expenses under s. 112.061.

5 Section 29. Subsection (7) of section 401.25, Florida
6 Statutes, is added to read:

7 401.25 Licensure as a basic life support or an
8 advanced life support service.--

9 (7)(a) Each permitted basic life support ambulance not
10 specifically exempted from this part, when transporting a
11 person who is sick, injured, wounded, incapacitated, or
12 helpless, must be occupied by at least two persons: one
13 patient attendant who is a certified emergency medical
14 technician, certified paramedic, or licensed physician; and
15 one ambulance driver who meets the requirements of s. 401.281.
16 This paragraph does not apply to interfacility transfers
17 governed by s. 401.252(1).

18 (b) Each permitted advanced life support ambulance not
19 specifically exempted from this part, when transporting a
20 person who is sick, injured, wounded, incapacitated, or
21 helpless must be occupied by at least two persons: one who is
22 a certified paramedic or licensed physician; and one who is a
23 certified emergency medical technician, certified paramedic,
24 or licensed physician who also meets the requirements of s.
25 401.281 for drivers. The person with the highest medical
26 certifications shall be in charge of patient care. This
27 paragraph does not apply to interfacility transfers governed
28 by s. 401.252(1).

29 Section 30. Subsection (3) of section 401.27, Florida
30 Statutes, is amended to read:

31 401.27 Personnel; standards and certification.--

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1 (3) Any person who desires to be certified or
2 recertified as an emergency medical technician or paramedic
3 must apply to the department under oath on forms provided by
4 the department which shall contain such information as the
5 department reasonably requires, which may include affirmative
6 evidence of ability to comply with applicable laws and rules.
7 The department shall determine whether the applicant meets the
8 requirements specified in this section and in rules of the
9 department and shall issue a certificate to any person who
10 meets such requirements.

11 Section 31. Section 401.2701, Florida Statutes, is
12 created to read:

13 401.2701 Emergency medical services training
14 programs.--

15 (1) Any private or public institution in Florida
16 desiring to conduct an approved program for the education of
17 emergency medical technicians and paramedics shall:

18 (a) Submit a completed application on a form provided
19 by the department, which must include:

20 1. Evidence that the institution is in compliance with
21 all applicable requirements of the Department of Education.

22 2. Evidence of an affiliation agreement with a
23 hospital that has an emergency department staffed by at least
24 one physician and one registered nurse.

25 3. Evidence of an affiliation agreement with a current
26 Florida-licensed emergency medical services provider. Such
27 agreement shall include, at a minimum, a commitment by the
28 provider to conduct the field experience portion of the
29 education program.

30 4. Documentation verifying faculty, including:

31 a. A medical director who is a licensed physician

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1 meeting the applicable requirements for emergency medical
2 services medical directors as outlined in this chapter and
3 rules of the department. The medical director shall have the
4 duty and responsibility of certifying that graduates have
5 successfully completed all phases of the education program and
6 are proficient in basic or advanced life support techniques,
7 as applicable.

8 b. A program director responsible for the operation,
9 organization, periodic review, administration, development,
10 and approval of the program.

11 5. Documentation verifying that the curriculum:

12 a. Meets the course guides and instructor's lesson
13 plans in the most recent Emergency Medical Technician-Basic
14 National Standard Curricula for emergency medical technician
15 programs and Emergency Medical Technician-Paramedic National
16 Standard Curricula for paramedic programs.

17 b. Includes 2 hours of instruction on the trauma
18 scorecard methodologies for assessment of adult trauma
19 patients and pediatric trauma patients as specified by the
20 department by rule.

21 c. Includes 4 hours of instruction on HIV/AIDS
22 training consistent with the requirements of chapter 381.

23 6. Evidence of sufficient medical and educational
24 equipment to meet emergency medical services training program
25 needs.

26 (b) Receive a scheduled site visit from the department
27 to the applicant's institution. Such site visit shall be
28 conducted within 30 days after notification to the institution
29 that the application was accepted. During the site visit, the
30 department must determine the applicant's compliance with the
31 following criteria:

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1 1. Emergency medical technician programs must be a
2 minimum of 110 hours, with at least 20 hours of supervised
3 clinical supervision, including 10 hours in a hospital
4 emergency department.

5 2. Paramedic programs must be available only to
6 Florida-certified emergency medical technicians or an
7 emergency medical technician applicant who will obtain Florida
8 certification prior to completion of phase one of the
9 paramedic program. Paramedic programs must be a minimum of 700
10 hours of didactic and skills practice components, with the
11 skills laboratory student-to-instructor ratio not exceeding
12 six to one. Paramedic programs must provide a field internship
13 experience aboard an advanced life support permitted
14 ambulance.

15 (2) After completion of the site visit, the department
16 shall prepare a report which shall be provided to the
17 institution. Upon completion of the report, the application
18 shall be deemed complete and the provisions of s. 120.60,
19 shall apply.

20 (3) If the program is approved, the department must
21 issue the institution a 2-year certificate of approval as an
22 emergency medical technician training program or a paramedic
23 training program. If the application is denied, the department
24 must notify the applicant of any areas of strength, areas
25 needing improvement, and any suggested means of improvement of
26 the program. A denial notification shall be provided to the
27 applicant so as to allow the applicant 5 days prior to the
28 expiration of the application processing time in s. 120.60 to
29 advise the department in writing of its intent to submit a
30 plan of correction. Such intent notification shall provide the
31 time for application processing in s. 120.60. The plan of

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1 correction must be submitted to the department within 30 days
2 of the notice. The department shall advise the applicant of
3 its approval or denial of the plan of correction within 30
4 days of receipt. The denial of the plan of correction or
5 denial of the application may be reviewed as provided in
6 chapter 120.

7 (4) Approved emergency medical services training
8 programs must maintain records and reports that must be made
9 available to the department, upon written request. Such
10 records must include student applications, records of
11 attendance, records of participation in hospital clinic and
12 field training, medical records, course objectives and
13 outlines, class schedules, learning objectives, lesson plans,
14 number of applicants, number of students accepted, admission
15 requirements, description of qualifications, duties and
16 responsibilities of faculty, and correspondence.

17 (5) Each approved program must notify the department
18 within 30 days of any change in the professional or employment
19 status of faculty. Each approved program must require its
20 students to pass a comprehensive final written and practical
21 examination evaluating the skills described in the current
22 United States Department of Transportation EMT-Basic or
23 EMT-Paramedic, National Standard Curriculum. Each approved
24 program must issue a certificate of completion to program
25 graduates within 14 days of completion.

26 Section 32. Section 401.2715, Florida Statutes, is
27 created to read:

28 401.2715 Recertification training of emergency medical
29 technicians and paramedics.--

30 (1) The department shall establish by rule criteria
31 for all emergency medical technician and paramedic

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1 recertification training. The rules shall provide that all
2 recertification training equals at least 30 hours, includes
3 the performance parameters for adult and pediatric emergency
4 medical clinical care, and is documented through a system of
5 recordkeeping.

6 (2) Any individual, institution, school, corporation,
7 or governmental entity may conduct emergency medical
8 technician or paramedic recertification training upon
9 application to the department and payment of a nonrefundable
10 fee to be deposited into the Emergency Medical Services Trust
11 Fund. Institutions conducting department-approved educational
12 programs as provided in this chapter and licensed ambulance
13 services are exempt from the application process and payment
14 of fees. The department shall adopt rules for the application
15 and payment of a fee not to exceed the actual cost of
16 administering this approval process.

17 (3) To be eligible for recertification as provided in
18 s. 401.27, certified emergency medical technicians and
19 paramedics must provide proof of completion of training
20 conducted pursuant to this section. The department shall
21 accept the written affirmation of a licensee's or a
22 department-approved educational program's medical director as
23 documentation that the certificateholder has completed a
24 minimum of 30 hours of recertification training as provided
25 herein.

26 Section 33. Present subsections (2), (3), and (4) of
27 section 401.30, Florida Statutes, 1998 Supplement, are
28 renumbered as subsections (3), (4), and (5), respectively, and
29 a new subsection (2) is added to said section, to read:

30 401.30 Records.--

31 (2) Each licensee must provide the receiving hospital

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1 with a copy of an individual patient care record for each
2 patient who is transported to the hospital. The information
3 contained in the record and the method and timeframe for
4 providing the record shall be prescribed by rule of the
5 department.

6 ~~(3)~~(2) Reports to the department from licensees which
7 cover statistical data are public records, except that the
8 names of patients and other patient-identifying information
9 contained in such reports are confidential and exempt from the
10 provisions of s. 119.07(1). Any record furnished by a
11 licensee at the request of the department must be a true and
12 certified copy of the original record and may not be altered
13 or have information deleted.

14 ~~(4)~~(3) Records of emergency calls which contain
15 patient examination or treatment information are confidential
16 and exempt from the provisions of s. 119.07(1) and may not be
17 disclosed without the consent of the person to whom they
18 pertain, but appropriate limited disclosure may be made
19 without such consent:

20 (a) To the person's guardian, to the next of kin if
21 the person is deceased, or to a parent if the person is a
22 minor;

23 (b) To hospital personnel for use in conjunction with
24 the treatment of the patient;

25 (c) To the department;

26 (d) To the service medical director;

27 (e) For use in a critical incident stress debriefing.

28 Any such discussions during a critical incident stress
29 debriefing shall be considered privileged communication under
30 s. 90.503;

31 (f) In any civil or criminal action, unless otherwise

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1 prohibited by law, upon the issuance of a subpoena from a
2 court of competent jurisdiction and proper notice by the party
3 seeking such records, to the patient or his or her legal
4 representative; or

5 (g) To a local trauma agency or a regional trauma
6 agency, or a panel or committee assembled by such an agency to
7 assist the agency in performing quality assurance activities
8 in accordance with a plan approved under s. 395.401. Records
9 obtained under this paragraph are confidential and exempt from
10 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

11

12 This subsection does not prohibit the department or a licensee
13 from providing information to any law enforcement agency or
14 any other regulatory agency responsible for the regulation or
15 supervision of emergency medical services and personnel.

16 ~~(5)(4)~~ The department shall adopt and enforce all
17 rules necessary to administer this section.

18 Section 34. Paragraph (1) is added to subsection (1)
19 of section 401.35, Florida Statutes, and paragraph (i) is
20 added to subsection (2) of said section, to read:

21 401.35 Rules.--The department shall adopt rules
22 necessary to carry out the purposes of this part.

23 (1) The rules must provide at least minimum standards
24 governing:

25 (1) Licensees' security and storage of controlled
26 substances, medications, and fluids, not inconsistent with the
27 provisions of chapter 499 or chapter 893.

28 (2) The rules must establish application requirements
29 for licensure and certification. Pursuant thereto, the
30 department must develop application forms for basic life
31 support services and advanced life support services. An

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1 application for each respective service license must include,
2 but is not limited to:

3 (i) An oath, upon forms provided by the department
4 which shall contain such information as the department
5 reasonably requires, which may include affirmative evidence of
6 ability to comply with applicable laws and rules.

7 Section 35. Subsection (3) of section 409.9126,
8 Florida Statutes, 1998 Supplement, is amended to read:

9 409.9126 Children with special health care needs.--

10 (3) Services provided through the Children's Medical
11 Services network shall be reimbursed on a fee-for-service
12 basis and shall utilize a primary care case management
13 process. Beginning July 1, 1999, the Florida Medicaid program
14 shall phase in by geographical area, capitation payments to
15 Children's Medical Services for services provided to Medicaid
16 children with special healthcare needs. By January 1, 2001,
17 the Agency for Health Care Administration shall make
18 capitation payments for Children's Medical Services enrollees
19 statewide, to the extent provided by federal law.~~However,~~
20 ~~effective July 1, 1999, reimbursement to the Children's~~
21 ~~Medical Services program for services provided to~~
22 ~~Medicaid-eligible children with special health care needs~~
23 ~~through the Children's Medical Services network shall be on a~~
24 ~~capitated basis.~~

25 Section 36. Paragraph (a) of subsection (2) of section
26 465.019, Florida Statutes, 1998 Supplement, is amended to
27 read:

28 465.019 Institutional pharmacies; permits.--

29 (2) The following classes of institutional pharmacies
30 are established:

31 (a) "Class I institutional pharmacies" are those

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1 institutional pharmacies in which all medicinal drugs are
2 administered from individual prescription containers to the
3 individual patient and in which medicinal drugs are not
4 dispensed on the premises, except that nursing homes licensed
5 under part II of chapter 400 may purchase medical oxygen for
6 administration to residents. No medicinal drugs may be
7 dispensed in a Class I institutional pharmacy.

8 Section 37. Subsections (14), (15), (16), (19), and
9 (22) of section 499.005, Florida Statutes, 1998 Supplement,
10 are amended, and subsection (24) is added to that section, to
11 read:

12 499.005 Prohibited acts.--It is unlawful to perform or
13 cause the performance of any of the following acts in this
14 state:

15 (14) The purchase or receipt of a legend drug from a
16 person that is not authorized under this chapter ~~the law of~~
17 ~~the state in which the person resides~~ to distribute legend
18 drugs.

19 (15) The sale or transfer of a legend drug to a person
20 that is not authorized under the law of the jurisdiction in
21 which the person receives the drug ~~resides~~ to purchase or
22 possess legend drugs.

23 (16) The purchase or receipt of a compressed medical
24 gas from a person that is not authorized under this chapter
25 ~~the law of the state in which the person resides~~ to distribute
26 compressed medical gases.

27 (19) Providing the department with false or fraudulent
28 records, or making false or fraudulent statements, regarding
29 any matter within the provisions of this chapter ~~a drug,~~
30 ~~device, or cosmetic.~~

31 (22) Failure to obtain a permit or registration, or

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1 operating without a valid permit when a permit or registration
2 is, as required by ss. 499.001-499.081 for that activity.

3 (24) The distribution of a legend device to the
4 patient or ultimate consumer without a prescription or order
5 from a practitioner licensed by law to use or prescribe the
6 device.

7 Section 38. Subsection (13) of section 499.007,
8 Florida Statutes, is amended to read:

9 499.007 Misbranded drug or device.--A drug or device
10 is misbranded:

11 (13) If it is a drug that is subject to paragraph
12 (12)(a), and if, at any time before it is dispensed, its label
13 fails to bear the statement:

14 (a) "Caution: Federal Law Prohibits Dispensing
15 Without Prescription"; ~~or~~

16 (b) "Rx Only";

17 (c) The prescription symbol followed by the word
18 "Only"; or

19 (d)~~(b)~~ "Caution: State Law Prohibits Dispensing
20 Without Prescription."

21
22 A drug dispensed by filling or refilling a written or oral
23 prescription of a practitioner licensed by law to prescribe
24 such drug is exempt from the requirements of this section,
25 except subsections (1), (8), (10), and (11) and the packaging
26 requirements of subsections (6) and (7), if the drug bears a
27 label that contains the name and address of the dispenser or
28 seller, the prescription number and the date the prescription
29 was written or filled, the name of the prescriber and the name
30 of the patient, and the directions for use and cautionary
31 statements. This exemption does not apply to any drug

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1 dispensed in the course of the conduct of a business of
2 dispensing drugs pursuant to diagnosis by mail or to any drug
3 dispensed in violation of subsection (12). The department
4 may, by rule, exempt drugs subject to ss. 499.062-499.064 from
5 subsection (12) if compliance with that subsection is not
6 necessary to protect the public health, safety, and welfare.

7 Section 39. Subsection (15) of section 499.028,
8 Florida Statutes, is amended to read:

9 499.028 Drug samples or complimentary drugs; starter
10 packs; permits to distribute.--

11 (15) A person may not possess a prescription drug
12 sample unless:

13 (a) The drug sample was prescribed to her or him as
14 evidenced by the label required in s. 465.0276(5).

15 (b) She or he is the employee of a complimentary drug
16 distributor that holds a permit issued under ss.
17 499.001-499.081.

18 (c) She or he is a person to whom prescription drug
19 samples may be distributed pursuant to this section.

20 (d) He or she is an officer or employee of a federal,
21 state, or local government acting within the scope of his or
22 her employment.

23 Section 40. Subsection (1) of section 499.069, Florida
24 Statutes, is amended to read:

25 499.069 Punishment for violations of s. 499.005;
26 dissemination of false advertisement.--

27 (1) Any person who violates any of the provisions of
28 s. 499.005 is guilty of a misdemeanor of the second degree,
29 punishable as provided in s. 775.082 or s. 775.083; but, if
30 the violation is committed after a conviction of such person
31 under this section has become final, such person is guilty of

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1 a misdemeanor of the first degree, punishable as provided in
2 s. 775.082 or s. 775.083 or as otherwise provided in ss.
3 499.001-499.081, except that any person who violates
4 subsection (8), subsection (10), subsection (14), subsection
5 (15), ~~subsection (16)~~, or subsection (17) of s. 499.005 is
6 guilty of a felony of the third degree, punishable as provided
7 in s. 775.082, s. 775.083, or s. 775.084, or as otherwise
8 provided in ss. 499.001-499.081.

9 Section 41. Subsection (1) of section 742.10, Florida
10 Statutes, is amended to read:

11 742.10 Establishment of paternity for children born
12 out of wedlock.--

13 (1) This chapter provides the primary jurisdiction and
14 procedures for the determination of paternity for children
15 born out of wedlock. When the establishment of paternity has
16 been raised and determined within an adjudicatory hearing
17 brought under the statutes governing inheritance, or
18 dependency under workers' compensation or similar compensation
19 programs, or when an affidavit acknowledging paternity or a
20 stipulation of paternity is executed by both parties and filed
21 with the clerk of the court, or when a consenting affidavit as
22 provided for in s. 382.013 or s. 382.016 ~~s. 382.015~~ is
23 executed by both parties, it shall constitute the
24 establishment of paternity for purposes of this chapter. If no
25 adjudicatory proceeding was held, a voluntary acknowledgment
26 of paternity shall create a rebuttable presumption, as defined
27 by s. 90.304, of paternity and is subject to the right of any
28 signatory to rescind the acknowledgment within 60 days of the
29 date the acknowledgment was signed or the date of an
30 administrative or judicial proceeding relating to the child,
31 including a proceeding to establish a support order, in which

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1 the signatory is a party, whichever is earlier. Both parents
2 are required to provide their social security numbers on any
3 acknowledgment of paternity, consent affidavit, or stipulation
4 of paternity. Except for consenting affidavits under seal
5 pursuant to ~~ss. s-~~382.015 and 382.016, the Office of Vital
6 Statistics shall provide certified copies of affidavits to the
7 Title IV-D agency upon request.

8 Section 42. Section 39.303, Florida Statutes, 1998
9 Supplement, is amended to read:

10 39.303 Child protection teams; services; eligible
11 cases.--~~The Division of Children's Medical Services of the~~
12 Department of Health shall develop, maintain, and coordinate
13 the services of one or more multidisciplinary child protection
14 teams in each of the service districts of the Department of
15 Children and Family Services. Such teams may be composed of
16 representatives of appropriate health, mental health, social
17 service, legal service, and law enforcement agencies. The
18 Legislature finds that optimal coordination of child
19 protection teams and sexual abuse treatment programs requires
20 collaboration between the Department of Health and the
21 Department of Children and Family Services. The two
22 departments shall maintain an interagency agreement that
23 establishes protocols for oversight and operations of child
24 protection teams and sexual abuse treatment programs. The
25 Secretary of Health and the director of ~~Deputy Secretary for~~
26 Children's Medical Services, in consultation with the
27 Secretary of Children and Family Services, shall maintain the
28 responsibility for the screening, employment, and, if
29 necessary, the termination of child protection team medical
30 directors, at headquarters and in the 15 districts. Child
31 protection team medical directors shall be responsible for

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1 oversight of the teams in the districts.

2 (1) The Department of Health shall utilize and convene
3 the teams to supplement the assessment and protective
4 supervision activities of the family safety and preservation
5 program of the Department of Children and Family Services.
6 Nothing in this section shall be construed to remove or reduce
7 the duty and responsibility of any person to report pursuant
8 to this chapter all suspected or actual cases of child abuse,
9 abandonment, or neglect or sexual abuse of a child. The role
10 of the teams shall be to support activities of the program and
11 to provide services deemed by the teams to be necessary and
12 appropriate to abused, abandoned, and neglected children upon
13 referral. The specialized diagnostic assessment, evaluation,
14 coordination, consultation, and other supportive services that
15 a child protection team shall be capable of providing include,
16 but are not limited to, the following:

17 (a) Medical diagnosis and evaluation services,
18 including provision or interpretation of X rays and laboratory
19 tests, and related services, as needed, and documentation of
20 findings relative thereto.

21 (b) Telephone consultation services in emergencies and
22 in other situations.

23 (c) Medical evaluation related to abuse, abandonment,
24 or neglect, as defined by policy or rule of the Department of
25 Health.

26 (d) Such psychological and psychiatric diagnosis and
27 evaluation services for the child or the child's parent or
28 parents, legal custodian or custodians, or other caregivers,
29 or any other individual involved in a child abuse,
30 abandonment, or neglect case, as the team may determine to be
31 needed.

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1 (e) Expert medical, psychological, and related
2 professional testimony in court cases.

3 (f) Case staffings to develop treatment plans for
4 children whose cases have been referred to the team. A child
5 protection team may provide consultation with respect to a
6 child who is alleged or is shown to be abused, abandoned, or
7 neglected, which consultation shall be provided at the request
8 of a representative of the family safety and preservation
9 program or at the request of any other professional involved
10 with a child or the child's parent or parents, legal custodian
11 or custodians, or other caregivers. In every such child
12 protection team case staffing, consultation, or staff activity
13 involving a child, a family safety and preservation program
14 representative shall attend and participate.

15 (g) Case service coordination and assistance,
16 including the location of services available from other public
17 and private agencies in the community.

18 (h) Such training services for program and other
19 employees of the Department of Children and Family Services,
20 employees of the Department of Health, and other medical
21 professionals as is deemed appropriate to enable them to
22 develop and maintain their professional skills and abilities
23 in handling child abuse, abandonment, and neglect cases.

24 (i) Educational and community awareness campaigns on
25 child abuse, abandonment, and neglect in an effort to enable
26 citizens more successfully to prevent, identify, and treat
27 child abuse, abandonment, and neglect in the community.

28 (2) The child abuse, abandonment, and neglect cases
29 that are appropriate for referral by the family safety and
30 preservation program to child protection teams of the
31 Department of Health for support services as set forth in

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1 subsection (1) include, but are not limited to, cases
2 involving:

3 (a) Bruises, burns, or fractures in a child under the
4 age of 3 years or in a nonambulatory child of any age.

5 (b) Unexplained or implausibly explained bruises,
6 burns, fractures, or other injuries in a child of any age.

7 (c) Sexual abuse of a child in which vaginal or anal
8 penetration is alleged or in which other unlawful sexual
9 conduct has been determined to have occurred.

10 (d) Venereal disease, or any other sexually
11 transmitted disease, in a prepubescent child.

12 (e) Reported malnutrition of a child and failure of a
13 child to thrive.

14 (f) Reported medical, physical, or emotional neglect
15 of a child.

16 (g) Any family in which one or more children have been
17 pronounced dead on arrival at a hospital or other health care
18 facility, or have been injured and later died, as a result of
19 suspected abuse, abandonment, or neglect, when any sibling or
20 other child remains in the home.

21 (h) Symptoms of serious emotional problems in a child
22 when emotional or other abuse, abandonment, or neglect is
23 suspected.

24 (3) In all instances in which a child protection team
25 is providing certain services to abused, abandoned, or
26 neglected children, other offices and units of the Department
27 of Health, and offices and units of the Department of Children
28 and Family Services, shall avoid duplicating the provision of
29 those services.

30 Section 43. Subsection (8) of section 391.021, Florida
31 Statutes, 1998 Supplement, is amended to read:

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1 391.021 Definitions.--When used in this act, unless
2 the context clearly indicates otherwise:

3 (8) "Program" means the Children's Medical Services
4 program established in the ~~Division of Children's Medical~~
5 ~~Services of the~~ department.

6 Section 44. Paragraph (b) of subsection (1) of section
7 391.221, Florida Statutes, 1998 Supplement, is amended to
8 read:

9 391.221 Statewide Children's Medical Services Network
10 Advisory Council.--

11 (1) The secretary of the department may appoint a
12 Statewide Children's Medical Services Network Advisory Council
13 for the purpose of acting as an advisory body to the
14 department. Specifically, the duties of the council shall
15 include, but not be limited to:

16 (b) Making recommendations to the director of ~~the~~
17 ~~Division of~~ Children's Medical Services concerning the
18 selection of health care providers for the Children's Medical
19 Services network.

20 Section 45. Subsection (1) of section 391.222, Florida
21 Statutes, 1998 Supplement, is amended to read:

22 391.222 Cardiac Advisory Council.--

23 (1) The secretary of the department may appoint a
24 Cardiac Advisory Council for the purpose of acting as the
25 advisory body to the Department of Health ~~Division of~~
26 ~~Children's Medical Services~~ in the delivery of cardiac
27 services to children. Specifically, the duties of the council
28 shall include, but not be limited to:

29 (a) Recommending standards for personnel and
30 facilities rendering cardiac services ~~for the Division of~~
31 ~~Children's Medical Services~~;

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1 (b) Receiving reports of the periodic review of
2 cardiac personnel and facilities to determine if established
3 standards for the ~~Division of Children's Medical Services~~
4 cardiac services are met;

5 (c) Making recommendations to the ~~division~~ director as
6 to the approval or disapproval of reviewed personnel and
7 facilities;

8 (d) Making recommendations as to the intervals for
9 reinspection of approved personnel and facilities; and

10 (e) Providing input to the ~~Division of Children's~~
11 ~~Medical Services~~ on all aspects of Children's Medical Services
12 cardiac programs, including the rulemaking process.

13 Section 46. Section 391.223, Florida Statutes, 1998
14 Supplement, is amended to read:

15 391.223 Technical advisory panels.--The secretary of
16 the department may establish technical advisory panels to
17 assist the ~~Division of Children's Medical Services~~ in
18 developing specific policies and procedures for the Children's
19 Medical Services program.

20 Section 47. Subsection (3) of section 381.731, Florida
21 Statutes, as amended by section 2 of chapter 98-224, Laws of
22 Florida, is repealed.

23 Section 48. Subsection (5) of section 383.307, Florida
24 Statutes, is repealed.

25 Section 49. Subsection (7) of section 404.20, Florida
26 Statutes, is repealed.

27 Section 50. Section 409.9125, Florida Statutes, is
28 repealed.

29 Section 51. The building that is known as the "1911
30 State Board of Health Building" which is part of a
31 multi-building complex with the address of 1217 Pearl Street,

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1 Jacksonville, Florida, shall be known as the "Wilson T.
2 Sowder, M.D., Building."

3 Section 52. The building authorized by chapter 98-307,
4 Laws of Florida, which will be located at the University of
5 South Florida which will house laboratory facilities for the
6 Department of Health shall be known as the "William G. 'Doc'
7 Myers, M.D., Building."

8 Section 53. The Department of Health headquarters
9 building which will comprise approximately 100,000 square feet
10 which is authorized by Specific Appropriation 1986 in the
11 1998-1999 General Appropriations Act shall be known as the "E.
12 Charlton Prather, M.D., Building."

13 Section 54. The Department of Health may apply for and
14 become a National Environmental Laboratory Accreditation
15 Program accrediting authority. The department, as an
16 accrediting entity, may adopt rules pursuant to sections
17 120.536(1) and 120.54, Florida Statutes, to implement
18 standards of the National Environmental Laboratory
19 Accreditation Program, including requirements for proficiency
20 testing providers and other rules that are not inconsistent
21 with this section, including rules pertaining to fees,
22 application procedures, standards applicable to environmental
23 or public water supply laboratories, and compliance.

24 Section 55. Section 381.0022, Florida Statutes, 1998
25 Supplement, is amended to read:

26 381.0022 Sharing confidential or exempt information.--

27 (1) Notwithstanding any other provision of law to the
28 contrary, the Department of Health and the Department of
29 Children and Family Services may share confidential
30 information or information exempt from disclosure under
31 chapter 119 on any individual who is or has been the subject

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1 of a program within the jurisdiction of each agency.
2 Information so exchanged remains confidential or exempt as
3 provided by law.

4 (2) Notwithstanding any other provision of law to the
5 contrary, the Department of Health may share confidential
6 information or information exempt from disclosure under
7 chapter 119 on any individual who is or has been a Medicaid
8 recipient and is or was the subject of a program within the
9 jurisdiction of the Department of Health, for the purpose of
10 requesting, receiving, or auditing payment for services.
11 Information so exchanged remains confidential or exempt as
12 provided by law.

13 Section 56. Paragraph (c) of subsection (2) of section
14 383.011, Florida Statutes, 1998 Supplement, is amended to
15 read:

16 383.011 Administration of maternal and child health
17 programs.--

18 (2) The Department of Health shall follow federal
19 requirements and may adopt any rules necessary for the
20 implementation of the maternal and child health care program,
21 the WIC program, and the Child Care Food Program.

22 (c) With respect to the Child Care Food Program, the
23 department shall adopt rules that interpret and implement
24 relevant federal regulations, including 7 C.F.R. part 226. The
25 rules may ~~must~~ address at least those program requirements and
26 procedures identified in paragraph (1)(i).

27 Section 57. Section 468.304, Florida Statutes, 1998
28 Supplement, is amended to read:

29 468.304 Certification examination; admission.--The
30 department shall admit to examination for certification any
31 applicant who pays to the department a nonrefundable fee not

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1 to exceed \$100 plus the actual per-applicant cost to the
2 department for purchasing the examination from a national
3 organization and submits satisfactory evidence, verified by
4 oath or affirmation, that she or he:

5 (1) Is at least 18 years of age at the time of
6 application;

7 (2) Is a high school graduate or has successfully
8 completed the requirements for a graduate equivalency diploma
9 (GED) or its equivalent;

10 (3) Is of good moral character; and

11 (4)(a) Has successfully completed an educational
12 program, which program may be established in a hospital
13 licensed pursuant to chapter 395 or in an accredited
14 postsecondary academic institution which is subject to
15 approval by the department as maintaining a satisfactory
16 standard; or

17 (b)1. With respect to an applicant for a basic X-ray
18 machine operator's certificate, has completed a course of
19 study approved by the department with appropriate study
20 material provided the applicant by the department;

21 2. With respect to an applicant for a basic X-ray
22 machine operator-podiatric medicine certificate, has completed
23 a course of study approved by the department, provided that
24 such course of study shall be limited to that information
25 necessary to perform radiographic procedures within the scope
26 of practice of a podiatric physician licensed pursuant to
27 chapter 461;

28 3. With respect only to an applicant for a general
29 radiographer's certificate who is a basic X-ray machine
30 operator certificateholder, has completed an educational
31 program or a 2-year training program that takes into account

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1 the types of procedures and level of supervision usually and
2 customarily practiced in a hospital, which educational or
3 training program complies with the rules of the department; or
4 4. With respect only to an applicant for a nuclear
5 medicine technologist's certificate who is a general
6 radiographer certificateholder, has completed an educational
7 program or a 2-year training program that takes into account
8 the types of procedures and level of supervision usually and
9 customarily practiced in a hospital, which educational or
10 training program complies with the rules of the department.

11

12 No application for a limited computed tomography certificate
13 shall be accepted. All persons holding valid computed
14 tomography certificates as of October 1, 1984, are subject to
15 the provisions of s. 468.309.

16 Section 58. Subsection (4) of section 468.306, Florida
17 Statutes, 1998 Supplement, is amended to read:

18 468.306 Examinations.--All applicants, except those
19 certified pursuant to s. 468.3065, shall be required to pass
20 an examination. The department is authorized to develop or
21 use examinations for each type of certificate.

22 (4) A nonrefundable fee not to exceed \$75 plus the
23 actual per-applicant cost for purchasing the examination from
24 a national organization shall be charged for any subsequent
25 examination.

26 Section 59. Paragraph (a) of subsection (1) of section
27 468.309, Florida Statutes, is amended to read:

28 468.309 Certificate; duration; renewal; reversion to
29 inactive status.--

30 (1)(a) A radiologic technologist's certificate issued
31 in accordance with this part ~~automatically~~ expires as

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1 specified in rules adopted by the department which establish a
2 procedure for the biennial renewal of certificates on December
3 31 of the year following the year of issuance. A certificate
4 shall be renewed by the department for a period of 2 years
5 upon payment of a renewal fee in an amount not to exceed \$75
6 and upon submission of a renewal application containing such
7 information as the department deems necessary to show that the
8 applicant for renewal is a radiologic technologist in good
9 standing and has completed any continuing education
10 requirements that ~~which may be established by~~ the department
11 establishes.

12 Section 60. 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 ss. 458.345 and 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 ss.
23 458.345 and 459.021 must, in conjunction with the renewal of
24 such 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

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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.

31 8. A description of any final disciplinary action

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

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

31 Section 61. (1) The Division of Children's Medical

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

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

10 Section 62. The sum of \$50,000 is appropriated to the
11 Division of Children's Medical Services of the Department of
12 Health from the General Revenue Fund for the purpose of
13 implementing this act.

14 Section 63. Paragraph (b) of subsection (3) of section
15 232.435, Florida Statutes, is amended to read:

16 232.435 Extracurricular athletic activities; athletic
17 trainers.--

18 (3)

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

24 Section 64. Subsection (2) of section 381.026, Florida
25 Statutes, 1998 Supplement, is amended to read:

26 381.026 Florida Patient's Bill of Rights and
27 Responsibilities.--

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

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

31 (b) ~~(a)~~ "Health care facility" means a facility

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1 licensed under chapter 395.

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

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

9 Section 65. Subsection (4) of section 381.0261,
10 Florida Statutes, 1998 Supplement, is amended to read:

11 381.0261 Summary of patient's bill of rights;
12 distribution; penalty.--

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

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

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

6 Section 66. Subsection (11) of section 409.906,
7 Florida Statutes, 1998 Supplement, is amended to read:

8 409.906 Optional Medicaid services.--Subject to
9 specific appropriations, the agency may make payments for
10 services which are optional to the state under Title XIX of
11 the Social Security Act and are furnished by Medicaid
12 providers to recipients who are determined to be eligible on
13 the dates on which the services were provided. Any optional
14 service that is provided shall be provided only when medically
15 necessary and in accordance with state and federal law.
16 Nothing in this section shall be construed to prevent or limit
17 the agency from adjusting fees, reimbursement rates, lengths
18 of stay, number of visits, or number of services, or making
19 any other adjustments necessary to comply with the
20 availability of moneys and any limitations or directions
21 provided for in the General Appropriations Act or chapter 216.
22 Optional services may include:

23 (11) HEALTHY START SERVICES.--The agency may pay for a
24 continuum of risk-appropriate medical and psychosocial
25 services for the Healthy Start program in accordance with a
26 federal waiver. The agency may not implement the federal
27 waiver unless the waiver permits the state to limit enrollment
28 or the amount, duration, and scope of services to ensure that
29 expenditures will not exceed funds appropriated by the
30 Legislature or available from local sources. If the Health
31 Care Financing Administration does not approve a federal

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1 waiver for Healthy Start services, the agency, in consultation
2 with the Department of Health and the Florida Association of
3 Healthy Start Coalitions, is authorized to establish a
4 Medicaid certified-match program for Healthy Start services.
5 Participation in the Healthy Start certified-match program
6 shall be voluntary and reimbursement shall be limited to the
7 federal Medicaid share to Medicaid-enrolled Healthy Start
8 coalitions for services provided to Medicaid recipients. The
9 agency shall take no action to implement a certified-match
10 program without ensuring that the amendment and review
11 requirements of ss. 216.177 and 216.181 have been met.

12 Section 67. Subsection (21) of section 409.910,
13 Florida Statutes, 1998 Supplement, is renumbered as subsection
14 (22), and a new subsection (21) is added to that section to
15 read:

16 409.910 Responsibility for payments on behalf of
17 Medicaid-eligible persons when other parties are liable.--

18 (21) Entities providing health insurance as defined in
19 s. 624.603, and health maintenance organizations as defined in
20 chapter 641, requiring tape or electronic billing formats from
21 the agency shall accept Medicaid billings that are prepared
22 using the current Medicare standard billing format. If the
23 insurance entity or health maintenance organization is unable
24 to use the agency format, the entity shall accept paper claims
25 from the agency in lieu of tape or electronic billing,
26 provided that these claims are prepared using current Medicare
27 standard billing formats.

28 Section 68. Section 409.9101, Florida Statutes, is
29 created to read:

30 409.9101 Recovery for payments made on behalf of
31 Medicaid-eligible persons.--

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1 (1) This section may be cited as the "Medicaid Estate
2 Recovery Act."

3 (2) It is the intent of the Legislature by this
4 section to supplement Medicaid funds that are used to provide
5 medical services to eligible persons. Medicaid estate recovery
6 shall generally be accomplished through the filing of claims
7 against the estates of deceased Medicaid recipients. The
8 recoveries shall be made pursuant to federal authority in s.
9 13612 of the Omnibus Budget Reconciliation Act of 1993, which
10 amends s. 1917(b)(1) of the Social Security Act (42 U.S.C. s.
11 1396p(b)(1)).

12 (3) Pursuant to s. 733.212(4)(a), the personal
13 representative of the estate of the decedent shall serve the
14 agency with a copy of the notice of administration of the
15 estate within 3 months after the first publication of the
16 notice, unless the agency has already filed a claim pursuant
17 to this section.

18 (4) The acceptance of public medical assistance, as
19 defined by Title XIX (Medicaid) of the Social Security Act,
20 including mandatory and optional supplemental payments under
21 the Social Security Act, shall create a claim, as defined in
22 s. 731.201, in favor of the agency as an interested person as
23 defined in s. 731.201. The claim amount is calculated as the
24 total amount paid to or for the benefit of the recipient for
25 medical assistance on behalf of the recipient after he or she
26 reached 55 years of age. There is no claim under this section
27 against estates of recipients who had not yet reached 55 years
28 of age.

29 (5) At the time of filing the claim, the agency may
30 reserve the right to amend the claim amounts based on medical
31 claims submitted by providers subsequent to the agency's

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1 initial claim calculation.

2 (6) The claim of the agency shall be the current total
3 allowable amount of Medicaid payments as denoted in the
4 agency's provider payment processing system at the time the
5 agency's claim or amendment is filed. The agency's provider
6 processing system reports shall be admissible as prima facie
7 evidence in substantiating the agency's claim.

8 (7) The claim of the agency under this section shall
9 constitute a Class 3 claim under s. 733.707(1)(c), as provided
10 in s. 414.28(1).

11 (8) The claim created under this section shall not be
12 enforced if the recipient is survived by:

13 (a) A spouse;

14 (b) A child or children under 21 years of age; or

15 (c) A child or children who are blind or permanently
16 and totally disabled pursuant to the eligibility requirements
17 of Title XIX of the Social Security Act.

18 (9) In accordance with s. 4, Art. X of the State
19 Constitution, no claim under this section shall be enforced
20 against any property that is determined to be the homestead of
21 the deceased Medicaid recipient and is determined to be exempt
22 from the claims of creditors of the deceased Medicaid
23 recipient.

24 (10) The agency shall not recover from an estate if
25 doing so would cause undue hardship for the qualified heirs,
26 as defined in s. 731.201. The personal representative of an
27 estate and any heir may request that the agency waive recovery
28 of any or all of the debt when recovery would create a
29 hardship. A hardship does not exist solely because recovery
30 will prevent any heirs from receiving an anticipated
31 inheritance. The following criteria shall be considered by the

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1 agency in reviewing a hardship request:
 2 (a) The heir:
 3 1. Currently resides in the residence of the decedent;
 4 2. Resided there at the time of the death of the
 5 decedent;
 6 3. Has made the residence his or her primary residence
 7 for the 12 months immediately preceding the death of the
 8 decedent; and
 9 4. Owns no other residence;
 10 (b) The heir would be deprived of food, clothing,
 11 shelter, or medical care necessary for the maintenance of life
 12 or health;
 13 (c) The heir can document that he or she provided
 14 full-time care to the recipient which delayed the recipient's
 15 entry into a nursing home. The heir must be either the
 16 decedent's sibling or the son or daughter of the decedent and
 17 must have resided with the recipient for at least 1 year prior
 18 to the recipient's death; or
 19 (d) The cost involved in the sale of the property
 20 would be equal to or greater than the value of the property.
 21 (11) Instances arise in Medicaid estate-recovery cases
 22 where the assets include a settlement of a claim against a
 23 liable third party. The agency's claim under s. 409.910 must
 24 be satisfied prior to including the settlement proceeds as
 25 estate assets. The remaining settlement proceeds shall be
 26 included in the estate and be available to satisfy the
 27 Medicaid estate-recovery claim. The Medicaid estate-recovery
 28 share shall be one-half of the settlement proceeds included in
 29 the estate. Nothing in this subsection is intended to limit
 30 the agency's rights against other assets in the estate not
 31 related to the settlement. However, in no circumstances shall

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1 the agency's recovery exceed the total amount of Medicaid
2 medical assistance provided to the recipient.

3 (12) In instances where there are no liquid assets to
4 satisfy the Medicaid estate-recovery claim, if there is
5 nonhomestead real property and the costs of sale will not
6 exceed the proceeds, the property shall be sold to satisfy the
7 Medicaid estate-recovery claim. Real property shall not be
8 transferred to the agency in any instance.

9 (13) The agency is authorized to adopt rules to
10 implement the provisions of this section.

11 Section 69. Paragraph (d) of subsection (3) of section
12 409.912, Florida Statutes, 1998 Supplement, is amended to
13 read:

14 409.912 Cost-effective purchasing of health care.--The
15 agency shall purchase goods and services for Medicaid
16 recipients in the most cost-effective manner consistent with
17 the delivery of quality medical care. The agency shall
18 maximize the use of prepaid per capita and prepaid aggregate
19 fixed-sum basis services when appropriate and other
20 alternative service delivery and reimbursement methodologies,
21 including competitive bidding pursuant to s. 287.057, designed
22 to facilitate the cost-effective purchase of a case-managed
23 continuum of care. The agency shall also require providers to
24 minimize the exposure of recipients to the need for acute
25 inpatient, custodial, and other institutional care and the
26 inappropriate or unnecessary use of high-cost services.

27 (3) The agency may contract with:

28 (d) No more than four provider service networks for
29 demonstration projects to test Medicaid direct contracting.
30 ~~One demonstration project must be located in Orange County.~~
31 The demonstration projects may be reimbursed on a

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1 fee-for-service or prepaid basis. A provider service network
2 which is reimbursed by the agency on a prepaid basis shall be
3 exempt from parts I and III of chapter 641, but must meet
4 appropriate financial reserve, quality assurance, and patient
5 rights requirements as established by the agency. The agency
6 shall award contracts on a competitive bid basis and shall
7 select bidders based upon price and quality of care. Medicaid
8 recipients assigned to a demonstration project shall be chosen
9 equally from those who would otherwise have been assigned to
10 prepaid plans and MediPass. The agency is authorized to seek
11 federal Medicaid waivers as necessary to implement the
12 provisions of this section. A demonstration project awarded
13 pursuant to this paragraph shall be for 2 years from the date
14 of implementation.

15 Section 70. Paragraph (a) of subsection (24) of
16 section 409.913, Florida Statutes, is amended to read:

17 409.913 Oversight of the integrity of the Medicaid
18 program.--The agency shall operate a program to oversee the
19 activities of Florida Medicaid recipients, and providers and
20 their representatives, to ensure that fraudulent and abusive
21 behavior and neglect of recipients occur to the minimum extent
22 possible, and to recover overpayments and impose sanctions as
23 appropriate.

24 (24)(a) The agency may withhold Medicaid payments, in
25 whole or in part, to a provider upon receipt of reliable
26 evidence that the circumstances giving rise to the need for a
27 withholding of payments involve fraud or willful
28 misrepresentation under the Medicaid program, or a crime
29 committed while rendering goods or services to Medicaid
30 recipients, up to the amount of the overpayment as determined
31 by final agency audit report, pending completion of legal

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1 ~~proceedings under this section. If the agency withholds~~
 2 ~~payments under this section, the Medicaid payment may not be~~
 3 ~~reduced by more than 10 percent. If it is ~~has been~~ determined~~
 4 ~~that fraud, willful misrepresentation, or a crime did not~~
 5 ~~occur an overpayment has not occurred, the payments withheld~~
 6 ~~must be paid to the provider within 14 ~~60~~ days after such~~
 7 ~~determination with interest at the rate of 10 percent a year.~~
 8 ~~Any money withheld in accordance with this paragraph shall be~~
 9 ~~placed in a suspended account, readily accessible to the~~
 10 ~~agency, so that any payment ultimately due the provider shall~~
 11 ~~be made within 14 days. Furthermore, the authority to withhold~~
 12 ~~payments under this paragraph shall not apply to physicians~~
 13 ~~whose alleged overpayments are being determined by~~
 14 ~~administrative proceedings pursuant to chapter 120. ~~If the~~~~
 15 ~~~~amount of the alleged overpayment exceeds \$75,000, the agency~~~~
 16 ~~~~may reduce the Medicaid payments by up to \$25,000 per month.~~~~

17 Section 71. Section 409.9131, Florida Statutes, is
 18 created to read:

19 409.9131 Special provisions relating to integrity of
 20 the Medicaid program.--

21 (1) LEGISLATIVE FINDINGS AND INTENT.--It is the intent
 22 of the Legislature that physicians, as defined in this
 23 section, be subject to Medicaid fraud and abuse investigations
 24 in accordance with the provisions set forth in this section as
 25 a supplement to the provisions contained in s. 409.913. If a
 26 conflict exists between the provisions of this section and s.
 27 409.913, it is the intent of the Legislature that the
 28 provisions of this section shall control.

29 (2) DEFINITIONS.--For purposes of this section, the
 30 term:

31 (a) "Active practice" means a physician must have

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1 regularly provided medical care and treatment to patients
2 within the past 2 years.

3 (b) "Medical necessity" or "medically necessary" means
4 any goods or services necessary to palliate the effects of a
5 terminal condition or to prevent, diagnose, correct, cure,
6 alleviate, or preclude deterioration of a condition that
7 threatens life, causes pain or suffering, or results in
8 illness or infirmity, which goods or services are provided in
9 accordance with generally accepted standards of medical
10 practice. For purposes of determining Medicaid reimbursement,
11 the agency is the final arbiter of medical necessity. In
12 making determinations of medical necessity, the agency must,
13 to the maximum extent possible, use a physician in active
14 practice, either employed by or under contract with the
15 agency, of the same specialty or subspecialty as the physician
16 under review. Such determination must be based upon the
17 information available at the time the goods or services were
18 provided.

19 (c) "Peer" means a Florida licensed physician who is,
20 to the maximum extent possible, of the same specialty or
21 subspecialty, licensed under the same chapter, and in active
22 practice.

23 (d) "Peer review" means an evaluation of the
24 professional practices of a Medicaid physician provider by a
25 peer or peers in order to assess the medical necessity,
26 appropriateness, and quality of care provided, as such care is
27 compared to that customarily furnished by the physician's
28 peers and to recognized health care standards, and to
29 determine whether the documentation in the physician's records
30 is adequate.

31 (e) "Physician" means a person licensed to practice

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1 medicine under chapter 458 or a person licensed to practice
2 osteopathic medicine under chapter 459.

3 (f) "Professional services" means procedures provided
4 to a Medicaid recipient, either directly by or under the
5 supervision of a physician who is a registered provider for
6 the Medicaid program.

7 (3) ONSITE RECORDS REVIEW.--As specified in s.
8 409.913(8), the agency may investigate, review, or analyze a
9 physician's medical records concerning Medicaid patients. The
10 physician must make such records available to the agency
11 during normal business hours. The agency must provide notice
12 to the physician at least 24 hours before such visit. The
13 agency and physician shall make every effort to set a mutually
14 agreeable time for the agency's visit during normal business
15 hours and within the 24-hour period. If such a time cannot be
16 agreed upon, the agency may set the time.

17 (4) NOTICE OF DUE PROCESS RIGHTS REQUIRED.--Whenever
18 the agency seeks an administrative remedy against a physician
19 pursuant to this section or s. 409.913, the physician must be
20 advised of his or her rights to due process under chapter 120.
21 This provision shall not limit or hinder the agency's ability
22 to pursue any remedy available to it under s. 409.913 or other
23 applicable law.

24 (5) DETERMINATIONS OF OVERPAYMENT.--In making a
25 determination of overpayment to a physician, the agency must:

26 (a) Use accepted and valid auditing, accounting,
27 analytical, statistical, or peer-review methods, or
28 combinations thereof. Appropriate statistical methods may
29 include, but are not limited to, sampling and extension to the
30 population, parametric and nonparametric statistics, tests of
31 hypotheses, other generally accepted statistical methods,

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1 review of medical records, and a consideration of the
2 physician's client case mix. Before performing a review of the
3 physician's Medicaid records, however, the agency shall make
4 every effort to consider the physician's patient case mix,
5 including, but not limited to, patient age and whether
6 individual patients are clients of the Children's Medical
7 Services network established in chapter 391. In meeting its
8 burden of proof in any administrative or court proceeding, the
9 agency may introduce the results of such statistical methods
10 and its other audit findings as evidence of overpayment.

11 (b) Refer all physician service claims for peer review
12 when the agency's preliminary analysis indicates a potential
13 overpayment, and before any formal proceedings are initiated
14 against the physician, except as required by s. 409.913.

15 (c) By March 1, 2000, the agency shall study and
16 report to the Legislature on its current statistical model
17 used to calculate overpayments and advise the Legislature
18 what, if any, changes, improvements, or other modifications
19 should be made to the statistical model. Such review shall
20 include, but not be limited to, a review of the
21 appropriateness of including physician specialty and case-mix
22 parameters within the statistical model.

23 Section 72. Subsections (4) and (6) of section
24 455.501, Florida Statutes, are amended to read:

25 455.501 Definitions.--As used in this part, the term:

26 (4) "Health care practitioner" means any person
27 licensed under chapter 457; chapter 458; chapter 459; chapter
28 460; chapter 461; chapter 462; chapter 463; chapter 464;
29 chapter 465; chapter 466; chapter 467; part I, part II, part
30 III, part V, ~~or~~ part X, part XIII, or part XIV of chapter 468;
31 chapter 478; chapter 480; part III or part IV of chapter 483;

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1 chapter 484; chapter 486; chapter 490; or chapter 491.

2 (6) "Licensee" means any person or entity issued a
3 permit, registration, certificate, or license by the
4 department.

5 Section 73. Section 455.507, Florida Statutes, is
6 amended to read:

7 455.507 Members of Armed Forces in good standing with
8 administrative boards or department.--

9 (1) Any member of the Armed Forces of the United
10 States now or hereafter on active duty who, at the time of ~~his~~
11 becoming such a member, was in good standing with any
12 administrative board of the state, or the department when
13 there is no board, and was entitled to practice or engage in
14 his or her profession or vocation in the state shall be kept
15 in good standing by such administrative board, or the
16 department when there is no board, without registering, paying
17 dues or fees, or performing any other act on his or her part
18 to be performed, as long as he or she is a member of the Armed
19 Forces of the United States on active duty and for a period of
20 6 months after ~~his~~ discharge from active duty as a member of
21 the Armed Forces of the United States, provided he or she is
22 not engaged in his or her licensed profession or vocation in
23 the private sector for profit.

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

30 Section 74. Section 455.521, Florida Statutes, 1998
31 Supplement, is amended to read:

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1 455.521 Department; powers and duties.--The
2 department, for the professions boards under its jurisdiction,
3 shall:

4 (1) Adopt rules establishing a procedure for the
5 biennial renewal of licenses; however, the department may
6 issue up to a 4-year license to selected licensees
7 notwithstanding any other provisions of law to the contrary.
8 Fees for such renewal shall not exceed the fee caps for
9 individual professions on an annualized basis as authorized by
10 law.

11 (2) Appoint the executive director of each board,
12 subject to the approval of the board.

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

15 (4) Develop a training program for persons newly
16 appointed to membership on any board. The program shall
17 familiarize such persons with the substantive and procedural
18 laws and rules and fiscal information relating to the
19 regulation of the appropriate profession and with the
20 structure of the department.

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

23 (6) Establish by rules procedures by which the
24 department shall use the expert or technical advice of the
25 appropriate board for the purposes of investigation,
26 inspection, evaluation of applications, other duties of the
27 department, or any other areas the department may deem
28 appropriate.

29 (7) Require all proceedings of any board or panel
30 thereof and all formal or informal proceedings conducted by
31 the department, an administrative law judge, or a hearing

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1 officer with respect to licensing or discipline to be
2 electronically recorded in a manner sufficient to assure the
3 accurate transcription of all matters so recorded.

4 (8) Select only those investigators, or consultants
5 who undertake investigations, who meet criteria established
6 with the advice of the respective boards.

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

21 Section 75. Section 455.557, Florida Statutes, 1998
22 Supplement, is amended to read:

23 455.557 Standardized credentialing for health care
24 practitioners.--

25 (1) INTENT.--The Legislature recognizes that an
26 efficient and effective health care practitioner credentialing
27 program helps to ensure access to quality health care and also
28 recognizes that health care practitioner credentialing
29 activities have increased significantly as a result of health
30 care reform and recent changes in health care delivery and
31 reimbursement systems. Moreover, the resulting duplication of

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1 health care practitioner credentialing activities is
2 unnecessarily costly and cumbersome for both the practitioner
3 and the entity granting practice privileges. Therefore, it is
4 the intent of this section that a ~~mandatory~~ credentials
5 collection verification program be established which provides
6 that, once a health care practitioner's core credentials data
7 are collected, ~~validated, maintained, and stored,~~ they need
8 not be collected again, except for corrections, updates, and
9 modifications thereto. ~~Participation Mandatory credentialing~~
10 under this section shall initially include those individuals
11 licensed under chapter 458, chapter 459, chapter 460, or
12 chapter 461. However, the department shall, with the approval
13 of the applicable board, include other professions under the
14 jurisdiction of the Division of Medical Quality Assurance in
15 this ~~credentialing~~ program, provided they meet the
16 requirements of s. 455.565.

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

18 (a) "Advisory council" or "council" means the
19 Credentials ~~Verification~~ Advisory Council.

20 (b) ~~"Applicant" means an individual applying for~~
21 ~~licensure or a current licensee applying for credentialing.~~

22 (b)(c) "Certified" or "accredited," as applicable,
23 means approved by a quality assessment program, from the
24 National Committee for Quality Assurance, the Joint Commission
25 on Accreditation of Healthcare Organizations, the American
26 Accreditation HealthCare Commission/URAC ~~Utilization Review~~
27 ~~Accreditation Commission~~, or any such other nationally
28 recognized and accepted organization authorized by the
29 department, used to assess and certify any credentials
30 verification program, entity, or organization that verifies
31 the credentials of any health care practitioner.

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1 ~~(c)~~(d) "Core credentials data" means the following
2 data: current name, any former name, and any alias, any
3 professional education, professional training, peer
4 references, licensure, current Drug Enforcement Administration
5 certification, social security number, specialty board
6 certification, Educational Commission for Foreign Medical
7 Graduates certification information, hospital or affiliations,
8 managed care organization affiliations, other institutional
9 affiliations, professional society memberships, evidence of
10 professional liability coverage or evidence of financial
11 responsibility as required by s. 458.320 or s. 459.0085
12 insurance, history of claims, suits, judgments, or
13 settlements, final disciplinary action reported pursuant to s.
14 455.565(1)(a)8., and Medicare or Medicaid sanctions, civil or
15 criminal law violations, practitioner profiling data, special
16 conditions of impairment, or regulatory exemptions not
17 previously reported to the department in accordance with both
18 s. 455.565 and the initial licensure reporting requirements
19 specified in the applicable practice act.

20 ~~(d)~~(e) "Credential" or "credentialing" means the
21 process of assessing and verifying validating the
22 qualifications of a licensed health care practitioner or
23 applicant for licensure as a health care practitioner.

24 ~~(e)~~(f) "Credentials verification organization entity"
25 means any program, entity, or organization that is organized
26 and certified or accredited as a credentials verification
27 organization for the express purpose of collecting, verifying,
28 maintaining, storing, and providing to health care entities a
29 health care practitioner's total core credentials data,
30 including all corrections, updates, and modifications thereto,
31 as authorized by the health care practitioner and in

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1 ~~accordance with the provisions of this including all~~
2 ~~corrections, updates, and modifications thereto, as authorized~~
3 ~~by the health care practitioner and in accordance with the~~
4 ~~provisions of this section. The division, once certified,~~
5 ~~shall be considered a credentials verification entity for all~~
6 ~~health care practitioners.~~

7 ~~(f)(g)~~ "Department" means the Department of Health,
8 Division of Medical Quality Assurance.

9 ~~(g)(h)~~ "Designated credentials verification
10 organization entity" means the credentials verification
11 ~~program, entity, or organization organized and certified or~~
12 ~~accredited for the express purpose of collecting, verifying,~~
13 ~~maintaining, storing, and providing to health care entities a~~
14 ~~health care practitioner's total core credentials data,~~
15 ~~including all corrections, updates, and modifications thereto,~~
16 ~~which is selected by the health care practitioner as the~~
17 ~~credentials verification entity for all inquiries into his or~~
18 ~~her credentials, if the health care practitioner chooses to~~
19 ~~make such a designation. Notwithstanding any such designation~~
20 ~~by a health care practitioner, the division, once certified,~~
21 ~~shall also be considered a designated credentials verification~~
22 ~~entity for that health care practitioner.~~

23 ~~(h)~~ "Drug Enforcement Administration certification"
24 means certification issued by the Drug Enforcement
25 Administration for purposes of administration or prescription
26 of controlled substances. Submission of such certification
27 under this section must include evidence that the
28 certification is current and must also include all current
29 addresses to which the certificate is issued.

30 ~~(i)~~ "Division" means the ~~Division of Medical Quality~~
31 ~~Assurance within the Department of Health.~~

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1 (i)(j) "Health care entity" means:

2 1. Any health care facility or other health care
3 organization licensed or certified to provide approved medical
4 and allied health services in this state Florida; ~~or~~

5 2. Any entity licensed by the Department of Insurance
6 as a prepaid health care plan or health maintenance
7 organization or as an insurer to provide coverage for health
8 care services through a network of providers; or

9 3. Any accredited medical school in this state.

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

18 (k) "Hospital or other institutional affiliations"
19 means each hospital or other institution for which the health
20 care practitioner or applicant has provided medical services.
21 Submission of such information under this section must
22 include, for each hospital or other institution, the name and
23 address of the hospital or institution, the staff status of
24 the health care practitioner or applicant at that hospital or
25 institution, and the dates of affiliation with that hospital
26 or institution.

27 (l) "National accrediting organization" means an
28 organization that awards accreditation or certification to
29 hospitals, managed care organizations, credentials
30 verification organizations, or other health care
31 organizations, including, but not limited to, the Joint

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1 Commission on Accreditation of Healthcare Organizations, the
 2 American Accreditation HealthCare Commission/URAC, and the
 3 National Committee for Quality Assurance.

4 (m) "Professional training" means any internship,
 5 residency, or fellowship relating to the profession for which
 6 the health care practitioner is licensed or seeking licensure.

7 (n) "Specialty board certification" means
 8 certification in a specialty issued by a specialty board
 9 recognized by the board in this state that regulates the
 10 profession for which the health care practitioner is licensed
 11 or seeking licensure.

12 ~~(m) "Primary source verification" means verification~~
 13 ~~of professional qualifications based on evidence obtained~~
 14 ~~directly from the issuing source of the applicable~~
 15 ~~qualification.~~

16 ~~(n) "Recredentialing" means the process by which a~~
 17 ~~credentials verification entity verifies the credentials of a~~
 18 ~~health care practitioner whose core credentials data,~~
 19 ~~including all corrections, updates, and modifications thereto,~~
 20 ~~are currently on file with the entity.~~

21 ~~(o) "Secondary source verification" means confirmation~~
 22 ~~of a professional qualification by means other than primary~~
 23 ~~source verification, as outlined and approved by national~~
 24 ~~accrediting organizations.~~

25 (3) STANDARDIZED CREDENTIALS VERIFICATION PROGRAM.--

26 (a) Every health care practitioner shall:

27 1. Report all core credentials data to the department
 28 which is not already on file with the department, either by
 29 designating a credentials verification organization to submit
 30 the data or by submitting the data directly.

31 2. Notify the department within 45 days of any

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1 corrections, updates, or modifications to the core credentials
2 data either through his or her designated credentials
3 verification organization or by submitting the data directly.
4 Corrections, updates, and modifications to the core
5 credentials data provided the department under this section
6 shall comply with the updating requirements of s. 455.565(3)
7 related to profiling.

8 ~~(b)(a) In accordance with the provisions of this~~
9 ~~section,~~The department shall:

10 1. Maintain a complete, current file of core
11 credentials data on each health care practitioner, which shall
12 include all updates provided in accordance with subparagraph
13 (3)(a)2.

14 2. Release the core credentials data that is otherwise
15 confidential or exempt from the provisions of chapter 119 and
16 s. 24(a), Art. I of the State Constitution and any
17 corrections, updates, and modifications thereto, if authorized
18 by the health care practitioner.

19 3. Charge a fee to access the core credentials data,
20 which may not exceed the actual cost, including prorated setup
21 and operating costs, pursuant to the requirements of chapter
22 119. The actual cost shall be set in consultation with the
23 advisory council.

24 4. Develop, in consultation with the advisory council,
25 standardized forms to be used by the health care practitioner
26 or designated credentials verification organization for the
27 initial reporting of core credentials data, for the health
28 care practitioner to authorize the release of core credentials
29 data, and for the subsequent reporting of corrections,
30 updates, and modifications thereto ~~develop standardized forms~~
31 ~~necessary for the creation of a standardized system as well as~~

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1 ~~guidelines for collecting, verifying, maintaining, storing,~~
2 ~~and providing core credentials data on health care~~
3 ~~practitioners through credentials verification entities,~~
4 ~~except as otherwise provided in this section, for the purpose~~
5 ~~of eliminating duplication. Once the core credentials data are~~
6 ~~submitted, the health care practitioner is not required to~~
7 ~~resubmit this initial data when applying for practice~~
8 ~~privileges with health care entities. However, as provided in~~
9 ~~paragraph (d), each health care practitioner is responsible~~
10 ~~for providing any corrections, updates, and modifications to~~
11 ~~his or her core credentials data, to ensure that all~~
12 ~~credentialing data on the practitioner remains current.~~
13 ~~Nothing in this paragraph prevents the designated credentials~~
14 ~~verification entity from obtaining all necessary attestation~~
15 ~~and release form signatures and dates.~~

16 5.(b) Establish ~~There is established~~ a Credentials
17 ~~Verification~~ Advisory Council, consisting of 13 members, to
18 assist the department as provided in this section ~~with the~~
19 ~~development of guidelines for establishment of the~~
20 ~~standardized credentials verification program.~~ The secretary,
21 or his or her designee, shall serve as one member and chair of
22 the council and shall appoint the remaining 12 members. Except
23 for any initial lesser term required to achieve staggering,
24 such appointments shall be for 4-year staggered terms, with
25 one 4-year reappointment, as applicable. Three members shall
26 represent hospitals, and two members shall represent health
27 maintenance organizations. One member shall represent health
28 insurance entities. One member shall represent the credentials
29 verification industry. Two members shall represent physicians
30 licensed under chapter 458. One member shall represent
31 osteopathic physicians licensed under chapter 459. One member

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1 shall represent chiropractic physicians licensed under chapter
2 460. One member shall represent podiatric physicians licensed
3 under chapter 461.

4 (c) A registered credentials verification organization
5 may be designated by a health care practitioner to assist the
6 health care practitioner to comply with the requirements of
7 subsection (3)(a)2. A designated credentials verification
8 organization shall:

9 1. Timely comply with the requirements of subsection
10 (3)(a)2., pursuant to rules adopted by the department.

11 2. Not provide the health care practitioner's core
12 data, including all corrections, updates, and modifications,
13 without the authorization of the practitioner.

14 ~~(c) The department, in consultation with the advisory~~
15 ~~council, shall develop standard forms for the initial~~
16 ~~reporting of core credentials data for credentialing purposes~~
17 ~~and for the subsequent reporting of corrections, updates, and~~
18 ~~modifications thereto for recredentialing purposes.~~

19 ~~(d) Each health care practitioner licensed under~~
20 ~~chapter 458, chapter 459, chapter 460, or chapter 461, or any~~
21 ~~person licensed under a chapter subsequently made subject to~~
22 ~~this section, must report any action or information as defined~~
23 ~~in paragraph (2)(d), including any correction, update, or~~
24 ~~modification thereto, as soon as possible but not later than~~
25 ~~30 days after such action occurs or such information is known,~~
26 ~~to the department or his or her designated credentials~~
27 ~~verification entity, if any, who must report it to the~~
28 ~~department. In addition, a licensee must update, at least~~
29 ~~quarterly, his or her data on a form prescribed by the~~
30 ~~department.~~

31 ~~(e) An individual applying for licensure under chapter~~

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1 ~~458, chapter 459, chapter 460, or chapter 461, or any person~~
2 ~~applying for licensure under a chapter subsequently made~~
3 ~~subject to this section, must submit the individual's initial~~
4 ~~core credentials data to a credentials verification entity, if~~
5 ~~such information has not already been submitted to the~~
6 ~~department or the appropriate licensing board or to any other~~
7 ~~credentials verification entity.~~

8 ~~(f) Applicants may decide which credentials~~
9 ~~verification entity they want to process and store their core~~
10 ~~credentials data; however, such data shall at all times be~~
11 ~~maintained by the department. An applicant may choose not to~~
12 ~~designate a credentials verification entity, provided the~~
13 ~~applicant has a written agreement with the health care entity~~
14 ~~or entities that are responsible for his or her credentialing.~~
15 ~~In addition, any licensee may choose to move his or her core~~
16 ~~credentials data from one credentials verification entity to~~
17 ~~another.~~

18 ~~(g) Any health care entity that employs, contracts~~
19 ~~with, or allows health care practitioners to treat its~~
20 ~~patients must use the designated credentials verification~~
21 ~~entity to obtain core credentials data on a health care~~
22 ~~practitioner applying for privileges with that entity, if the~~
23 ~~health care practitioner has made such a designation, or may~~
24 ~~use the division in lieu thereof as the designated credentials~~
25 ~~verification entity required for obtaining core credentials~~
26 ~~data on such health care practitioner. Any additional~~
27 ~~information required by the health care entity's credentialing~~
28 ~~process may be collected from the primary source of that~~
29 ~~information either by the health care entity or its contractee~~
30 ~~or by the designated credentials verification entity.~~

31 ~~(h) Nothing in this section may be construed to~~

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1 ~~restrict the right of any health care entity to request~~
2 ~~additional information necessary for credentialing.~~

3 ~~(i) Nothing in this section may be construed to~~
4 ~~restrict access to the National Practitioner Data Bank by the~~
5 ~~department, any health care entity, or any credentials~~
6 ~~verification entity.~~

7 ~~(d)(j) Nothing in This section shall not may be~~
8 ~~construed to restrict in any way the authority of the health~~
9 ~~care entity to credential and to approve or deny an~~
10 ~~application for hospital staff membership, clinical~~
11 ~~privileges, or managed care network participation.~~

12 ~~(4) DELEGATION BY CONTRACT.--A health care entity may~~
13 ~~contract with any credentials verification entity to perform~~
14 ~~the functions required under this section. The submission of~~
15 ~~an application for health care privileges with a health care~~
16 ~~entity shall constitute authorization for the health care~~
17 ~~entity to access the applicant's core credentials data with~~
18 ~~the department or the applicant's designated credentials~~
19 ~~verification entity, if the applicant has made such a~~
20 ~~designation.~~

21 ~~(5) AVAILABILITY OF DATA COLLECTED.--~~

22 ~~(a) The department shall make available to a health~~
23 ~~care entity or credentials verification entity registered with~~
24 ~~the department all core credentials data it collects on any~~
25 ~~licensee that is otherwise confidential and exempt from the~~
26 ~~provisions of chapter 119 and s. 24(a), Art. I of the State~~
27 ~~Constitution, including corrections, updates, and~~
28 ~~modifications thereto, if a health care entity submits proof~~
29 ~~of the licensee's current pending application for purposes of~~
30 ~~credentialing the applicant based on the core credentials data~~
31 ~~maintained by the department.~~

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1 ~~(b) Each credentials verification entity shall make~~
2 ~~available to a health care entity the licensee has authorized~~
3 ~~to receive the data, and to the department at the credentials~~
4 ~~verification entity's actual cost of providing the data, all~~
5 ~~core credentials data it collects on any licensee, including~~
6 ~~all corrections, updates, and modifications thereto.~~

7 ~~(c) The department shall charge health care entities~~
8 ~~and other credentials verification entities a reasonable fee,~~
9 ~~pursuant to the requirements of chapter 119, to access all~~
10 ~~credentialing data it maintains on applicants and licensees.~~
11 ~~The fee shall be set in consultation with the advisory council~~
12 ~~and may not exceed the actual cost of providing the data.~~

13 (4)(6) DUPLICATION OF DATA PROHIBITED.--

14 (a) A health care entity or credentials verification
15 organization is prohibited from collecting or attempting may
16 not collect or attempt to collect duplicate core credentials
17 data from any individual health care practitioner or from any
18 primary source if the information is available from already on
19 file with the department or with any credentials verification
20 entity. This section shall not be construed to restrict the
21 right of any health care entity or credentials verification
22 organization to collect additional information from the health
23 care practitioner which is not included in the core
24 credentials data file. This section shall not be construed to
25 prohibit a health care entity or credentials verification
26 organization from obtaining all necessary attestation and
27 release form signatures and dates.

28 (b) Effective July 1, 2002, a state agency in this
29 state which credentials health care practitioners may not
30 collect or attempt to collect duplicate core credentials data
31 from any individual health care practitioner if the

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1 information is already available from the department. This
2 section shall not be construed to restrict the right of any
3 such state agency to request additional information not
4 included in the core credential data file, but which is deemed
5 necessary for the agency's specific credentialing purposes.

6 ~~(b) A credentials verification entity other than the~~
7 ~~department may not attempt to collect duplicate core~~
8 ~~credentials data from any individual health care practitioner~~
9 ~~if the information is already on file with another credentials~~
10 ~~verification entity or with the appropriate licensing board of~~
11 ~~another state, provided the other state's credentialing~~
12 ~~program meets national standards and is certified or~~
13 ~~accredited, as outlined by national accrediting organizations,~~
14 ~~and agrees to provide all data collected under such program on~~
15 ~~that health care practitioner.~~

16 ~~(7) RELIABILITY OF DATA.-- Any credentials verification~~
17 ~~entity may rely upon core credentials data, including all~~
18 ~~corrections, updates, and modifications thereto, from the~~
19 ~~department if the department certifies that the information~~
20 ~~was obtained in accordance with primary source verification~~
21 ~~procedures; and the department may rely upon core credentials~~
22 ~~data, including all corrections, updates, and modifications~~
23 ~~thereto, from any credentials verification entity if the~~
24 ~~designated credentials verification entity certifies that the~~
25 ~~information was obtained in accordance with primary source~~
26 ~~verification procedures.~~

27 ~~(5)(8) STANDARDS AND REGISTRATION.--~~

28 ~~(a) The department's credentials verification~~
29 ~~procedures must meet national standards, as outlined by~~
30 ~~national accrediting organizations.~~

31 ~~(b) Any credentials verification organization entity~~

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1 that does business in this state Florida must be fully
 2 accredited or certified as a credentials verification
 3 organization meet national standards, as outlined by a
 4 national accrediting organization as specified in paragraph
 5 (2)(b)organizations,and must register with the department.
 6 The department may charge a reasonable registration fee, set
 7 in consultation with the advisory council,not to exceed an
 8 amount sufficient to cover its actual expenses in providing
 9 and enforcing for such registration. The department shall
 10 establish by rule for biennial renewal of such registration.
 11 Failure by a registered Any credentials verification
 12 organization to maintain full accreditation or certification,
 13 to provide data as authorized by the health care practitioner,
 14 to report to the department changes, updates, and
 15 modifications to a health care practitioner's records within
 16 the time period specified in subparagraph (3)(a)2., or to
 17 comply with the prohibition against collection of duplicate
 18 core credentials data from a practitioner may result in denial
 19 of an application for renewal of registration or in revocation
 20 or suspension of a registration entity that fails to meet the
 21 standards required to be certified or accredited, fails to
 22 register with the department, or fails to provide data
 23 collected on a health care practitioner may not be selected as
 24 the designated credentials verification entity for any health
 25 care practitioner.
 26 (6)(9) LIABILITY.--No civil, criminal, or
 27 administrative action may be instituted, and there shall be no
 28 liability, against any registered credentials verification
 29 organization or health care entity on account of its reliance
 30 on any data obtained directly from the department a
 31 credentials verification entity.

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1 ~~(10) REVIEW.--Before releasing a health care~~
2 ~~practitioner's core credentials data from its data bank, a~~
3 ~~designated credentials verification entity other than the~~
4 ~~department must provide the practitioner up to 30 days to~~
5 ~~review such data and make any corrections of fact.~~

6 ~~(11) VALIDATION OF CREDENTIALS.--Except as otherwise~~
7 ~~acceptable to the health care entity and applicable certifying~~
8 ~~or accrediting organization listed in paragraph (2)(c), the~~
9 ~~department and all credentials verification entities must~~
10 ~~perform primary source verification of all credentialing~~
11 ~~information submitted to them pursuant to this section;~~
12 ~~however, secondary source verification may be utilized if~~
13 ~~there is a documented attempt to contact primary sources. The~~
14 ~~validation procedures used by the department and credentials~~
15 ~~verification entities must meet the standards established by~~
16 ~~rule pursuant to this section.~~

17 ~~(7)(12) LIABILITY INSURANCE REQUIREMENTS.--The~~
18 ~~department, in consultation with the Credentials Verification~~
19 ~~Advisory Council, shall establish the minimum liability~~
20 ~~insurance requirements for Each credentials verification~~
21 organization entity doing business in this state shall
22 maintain liability insurance appropriate to meet the
23 certification or accreditation requirements established in
24 this section.

25 ~~(8)(13) RULES.--The department, in consultation with~~
26 ~~the advisory council applicable board, shall adopt rules~~
27 ~~necessary to develop and implement the standardized core~~
28 ~~credentials data collection verification program established~~
29 ~~by this section.~~

30 ~~(9) COUNCIL ABOLISHED; DEPARTMENT AUTHORITY.--The~~
31 council shall be abolished October 1, 1999. After the council

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1 is abolished, all duties of the department required under this
2 section to be in consultation with the council may be carried
3 out by the department on its own.

4 Section 76. Subsections (1), (2), (6), (7), (8), and
5 (9) of section 455.564, Florida Statutes, 1998 Supplement, are
6 amended to read:

7 455.564 Department; general licensing provisions.--

8 (1) Any person desiring to be licensed in a profession
9 within the jurisdiction of the department shall apply to the
10 department in writing to take the licensure examination. The
11 application shall be made on a form prepared and furnished by
12 the department and shall require the social security number of
13 the applicant. The form shall be supplemented as needed to
14 reflect any material change in any circumstance or condition
15 stated in the application which takes place between the
16 initial filing of the application and the final grant or
17 denial of the license and which might affect the decision of
18 the department. An incomplete application shall expire 1 year
19 after initial filing.In order to further the economic
20 development goals of the state, and notwithstanding any law to
21 the contrary, the department may enter into an agreement with
22 the county tax collector for the purpose of appointing the
23 county tax collector as the department's agent to accept
24 applications for licenses and applications for renewals of
25 licenses. The agreement must specify the time within which the
26 tax collector must forward any applications and accompanying
27 application fees to the department.

28 (2) Before the issuance of any license, the department
29 may charge an initial license fee as determined by rule of the
30 applicable board or, if no such board exists, by rule of the
31 department. Upon receipt of the appropriate license fee, the

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1 department shall issue a license to any person certified by
2 the appropriate board, or its designee, as having met the
3 licensure requirements imposed by law or rule. The license
4 ~~licensee~~ shall consist of ~~be issued~~ a wallet-size
5 identification card and a wall card measuring 6 1/2 inches by
6 5 inches. In addition to the two-part license, the department,
7 at the time of initial licensure, shall issue a wall
8 certificate suitable for conspicuous display, which shall be
9 no smaller than 8 1/2 inches by 14 inches. The licensee shall
10 surrender to the department the wallet-size identification
11 card, the wall card, and the wall certificate, if one has been
12 issued by the department, if the licensee's license is
13 ~~suspended or revoked. The department shall promptly return the~~
14 ~~wallet-size identification card and the wall certificate to~~
15 ~~the licensee upon reinstatement of a suspended or revoked~~
16 ~~license.~~

17 (6) As a condition of renewal of a license, the Board
18 of Medicine, the Board of Osteopathic Medicine, the Board of
19 Chiropractic Medicine, and the Board of Podiatric Medicine
20 shall each require licensees which they respectively regulate
21 to periodically demonstrate their professional competency by
22 completing at least 40 hours of continuing education every 2
23 years, ~~which may include up to 1 hour of risk management or~~
24 ~~cost containment and up to 2 hours of other topics related to~~
25 ~~the applicable medical specialty, if required by board rule.~~
26 The boards may require by rule that up to 1 hour of the
27 required 40 or more hours be in the area of risk management or
28 cost containment. This provision shall not be construed to
29 limit the number of hours that a licensee may obtain in risk
30 management or cost containment to be credited toward
31 satisfying the 40 or more required hours. This provision shall

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1 not be construed to require the boards to impose any
2 requirement on licensees except for the completion of at least
3 40 hours of continuing education every 2 years.Each of such
4 boards shall determine whether any specific continuing
5 education ~~course~~ requirements not otherwise mandated by law
6 shall be mandated and shall approve criteria for, and the
7 content of, any continuing education ~~course~~ mandated by such
8 board. Notwithstanding any other provision of law, the board,
9 or the department when there is no board, may approve by rule
10 alternative methods of obtaining continuing education credits
11 in risk management. The alternative methods may include
12 attending a board meeting at which another ~~a~~ licensee is
13 disciplined, serving as a volunteer expert witness for the
14 department in a disciplinary case, or serving as a member of a
15 probable cause panel following the expiration of a board
16 member's term. Other boards within the Division of Medical
17 Quality Assurance, or the department if there is no board, may
18 adopt rules granting continuing education hours in risk
19 management for attending a board meeting at which another
20 licensee is disciplined, serving as a volunteer expert witness
21 for the department in a disciplinary case, or serving as a
22 member of a probable cause panel following the expiration of a
23 board member's term.

24 (7) The respective boards within the jurisdiction of
25 the department, or the department when there is no board, may
26 adopt rules to provide for the use of approved videocassette
27 courses, not to exceed 5 hours per subject, to fulfill the
28 continuing education requirements of the professions they
29 regulate. Such rules shall provide for prior ~~board~~ approval of
30 the board, or the department when there is no board, of the
31 criteria for and content of such courses and shall provide for

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1 a videocassette course validation form to be signed by the
2 vendor and the licensee and submitted to the department, along
3 with the license renewal application, for continuing education
4 credit.

5 (8) Any board that currently requires continuing
6 education for renewal of a license, or the department if there
7 is no board, shall adopt rules to establish the criteria for
8 continuing education courses. The rules may provide that up
9 to a maximum of 25 percent of the required continuing
10 education hours can be fulfilled by the performance of pro
11 bono services to the indigent or to underserved populations or
12 in areas of critical need within the state where the licensee
13 practices. The board, or the department if there is no board,
14 must require that any pro bono services be approved in advance
15 in order to receive credit for continuing education under this
16 subsection. The standard for determining indigency shall be
17 that recognized by the Federal Poverty Income Guidelines
18 produced by the United States Department of Health and Human
19 Services. The rules may provide for approval by the board, or
20 the department if there is no board, that a part of the
21 continuing education hours can be fulfilled by performing
22 research in critical need areas or for training leading to
23 advanced professional certification. The board, or the
24 department if there is no board, may make rules to define
25 underserved and critical need areas. The department shall
26 adopt rules for administering continuing education
27 requirements adopted by the boards or the department if there
28 is no board.

29 (9) Notwithstanding any law to the contrary, an
30 elected official who is licensed under a practice act
31 administered by the Division of Medical Health Quality

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1 Assurance may hold employment for compensation with any public
2 agency concurrent with such public service. Such dual service
3 must be disclosed according to any disclosure required by
4 applicable law.

5 Section 77. Present subsections (5), (6), and (7) of
6 section 455.5651, Florida Statutes, 1998 Supplement, are
7 renumbered as subsections (6), (7), and (8), respectively, and
8 a new subsection (5) is added to that section, to read:

9 455.5651 Practitioner profile; creation.--

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

13 Section 78. Section 455.567, Florida Statutes, is
14 amended to read:

15 455.567 Sexual misconduct; disqualification for
16 license, certificate, or registration.--

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

27 (2) Each board within the jurisdiction of the
28 department, or the department if there is no board, shall
29 refuse to admit a candidate to any examination and refuse to
30 issue a license, certificate, or registration to any applicant
31 if the candidate or applicant has:

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

9 ~~(b)(2)~~ Committed any act in any other state or any
10 territory or possession of the United States which if
11 committed in this state would constitute sexual misconduct.
12

13 For purposes of this subsection, a licensing authority's
14 acceptance of a candidate's relinquishment of a license which
15 is offered in response to or in anticipation of the filing of
16 administrative charges against the candidate's license
17 constitutes the surrender of the license.

18 Section 79. Subsection (2) of section 455.574, Florida
19 Statutes, 1998 Supplement, is amended to read:

20 455.574 Department of Health; examinations.--

21 (2) For each examination developed by the department
22 or a contracted vendor, the board, or the department when
23 there is no board, shall adopt rules providing for
24 reexamination of any applicants who failed an examination
25 developed by the department or a contracted vendor. If both a
26 written and a practical examination are given, an applicant
27 shall be required to retake only the portion of the
28 examination on which the applicant failed to achieve a passing
29 grade, if the applicant successfully passes that portion
30 within a reasonable time, as determined by rule of the board,
31 or the department when there is no board, of passing the other

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1 portion. Except for national examinations approved and
2 administered pursuant to this section, the department shall
3 provide procedures for applicants who fail an examination
4 developed by the department or a contracted vendor to review
5 their examination questions, answers, papers, grades, and
6 grading key for the questions the candidate answered
7 incorrectly or, if not feasible, the parts of the examination
8 failed. Applicants shall bear the actual cost for the
9 department to provide examination review pursuant to this
10 subsection. An applicant may waive in writing the
11 confidentiality of the applicant's examination grades.

12 Section 80. Subsection (1) of section 455.587, Florida
13 Statutes, is amended, present subsections (2) through (7) are
14 renumbered as subsections (3) through (8), respectively, and a
15 new subsection (2) is added to that section, to read:

16 455.587 Fees; receipts; disposition for boards within
17 the department.--

18 (1) Each board within the jurisdiction of the
19 department, or the department when there is no board, shall
20 determine by rule the amount of license fees for the its
21 profession it regulates, based upon long-range estimates
22 prepared by the department of the revenue required to
23 implement laws relating to the regulation of professions by
24 the department and the board. Each board, or the department
25 if there is no board, shall ensure that license fees are
26 adequate to cover all anticipated costs and to maintain a
27 reasonable cash balance, as determined by rule of the agency,
28 with advice of the applicable board. If sufficient action is
29 not taken by a board within 1 year after notification by the
30 department that license fees are projected to be inadequate,
31 the department shall set license fees on behalf of the

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

15 (2) Each board, or the department if there is no
16 board, may charge a fee not to exceed \$25, as determined by
17 rule, for the issuance of a wall certificate pursuant to s.
18 455.564(2) requested by a licensee who was licensed prior to
19 July 1, 1998, or for the issuance of a duplicate wall
20 certificate requested by any licensee.

21 Section 81. Section 455.601, Florida Statutes, is
22 amended to read:

23 455.601 Hepatitis B or human immunodeficiency
24 carriers.--

25 (1) The department and each appropriate board within
26 the Division of Medical Quality Assurance shall have the
27 authority to establish procedures to handle, counsel, and
28 provide other services to health care professionals within
29 their respective boards who are infected with hepatitis B or
30 the human immunodeficiency virus.

31 (2) Any person licensed by the department and any

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1 other person employed by a health care facility who contracts
2 a blood-borne infection shall have a rebuttable presumption
3 that the illness was contracted in the course and scope of his
4 or her employment, provided that the person, as soon as
5 practicable, reports to the person's supervisor or the
6 facility's risk manager any significant exposure, as that term
7 is defined in s. 381.004(2)(c), to blood or body fluids. The
8 employer may test the blood or body fluid to determine if it
9 is infected with the same disease contracted by the employee.
10 The employer may rebut the presumption by the preponderance of
11 the evidence. Except as expressly provided in this subsection,
12 there shall be no presumption that a blood-borne infection is
13 a job-related injury or illness.

14 Section 82. Subsections (1) and (6) of section
15 455.604, Florida Statutes, 1998 Supplement, are amended to
16 read:

17 455.604 Requirement for instruction for certain
18 licensees on human immunodeficiency virus and acquired immune
19 deficiency syndrome.--

20 (1) The appropriate board shall require each person
21 licensed or certified under chapter 457; chapter 458; chapter
22 459; chapter 460; chapter 461; chapter 463; chapter 464;
23 chapter 465; chapter 466; part II, part III, ~~or~~ part V, or
24 part X of chapter 468; or chapter 486 to complete a continuing
25 educational course, approved by the board, on human
26 immunodeficiency virus and acquired immune deficiency syndrome
27 as part of biennial relicensure or recertification. The course
28 shall consist of education on the modes of transmission,
29 infection control procedures, clinical management, and
30 prevention of human immunodeficiency virus and acquired immune
31 deficiency syndrome. Such course shall include information on

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1 current Florida law on acquired immune deficiency syndrome and
2 its impact on testing, confidentiality of test results,
3 treatment of patients, and any protocols and procedures
4 applicable to human immunodeficiency virus counseling and
5 testing, reporting, the offering of HIV testing to pregnant
6 women, and partner notification issues pursuant to ss. 381.004
7 and 384.25.

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

16 Section 83. Subsection (1) of section 455.607, Florida
17 Statutes, is amended to read:

18 455.607 Athletic trainers and massage therapists;
19 requirement for instruction on human immunodeficiency virus
20 and acquired immune deficiency syndrome.--

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

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1 attitude change.

2 Section 84. Paragraphs (t), (u), (v), (w), and (x) are
3 added to subsection (1) of section 455.624, Florida Statutes,
4 subsection (2) of that section is amended, present subsection
5 (3) of that section is renumbered as subsection (4) and
6 amended, present subsections (4) and (5) of that subsection
7 are renumbered as subsections (5) and (6), respectively, and a
8 new subsection (3) is added to that section, to read:

9 455.624 Grounds for discipline; penalties;
10 enforcement.--

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

14 (t) Failing to comply with the requirements of ss.
15 381.026 and 381.0261 to provide patients with information
16 about their patient rights and how to file a patient
17 complaint.

18 (u) Engaging or attempting to engage a patient or
19 client in verbal or physical sexual activity. For the purposes
20 of this section, a patient or client shall be presumed to be
21 incapable of giving free, full, and informed consent to verbal
22 or physical sexual activity.

23 (v) Failing to comply with the requirements for
24 profiling and credentialing, including, but not limited to,
25 failing to provide initial information, failing to timely
26 provide updated information, or making misleading, untrue,
27 deceptive, or fraudulent representations on a profile,
28 credentialing, or initial or renewal licensure application.

29 (w) Failing to report to the board, or the department
30 if there is no board, in writing within 30 days after the
31 licensee has been convicted or found guilty of, or entered a

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1 plea of nolo contendere to, regardless of adjudication, a
2 crime in any jurisdiction. Convictions, findings,
3 adjudications, and pleas entered into prior to the enactment
4 of this paragraph must be reported in writing to the board, or
5 department if there is no board, on or before October 1, 1999.

6 (x) Using information about people involved in motor
7 vehicle accidents which has been derived from accident reports
8 made by law enforcement officers or persons involved in
9 accidents pursuant to s. 316.066, or using information
10 published in a newspaper or other news publication or through
11 a radio or television broadcast that has used information
12 gained from such reports, for the purposes of commercial or
13 any other solicitation whatsoever of the people involved in
14 such accidents.

15 (2) When the board, or the department when there is no
16 board, finds any person guilty of the grounds set forth in
17 subsection (1) or of any grounds set forth in the applicable
18 practice act, including conduct constituting a substantial
19 violation of subsection (1) or a violation of the applicable
20 practice act which occurred prior to obtaining a license, it
21 may enter an order imposing one or more of the following
22 penalties:

23 (a) Refusal to certify, or to certify with
24 restrictions, an application for a license.

25 (b) Suspension or permanent revocation of a license.

26 (c) Restriction of practice.

27 (d) Imposition of an administrative fine not to exceed
28 ~~\$10,000~~~~\$5,000~~ for each count or separate offense.

29 (e) Issuance of a reprimand.

30 (f) Placement of the licensee on probation for a
31 period of time and subject to such conditions as the board, or

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1 the department when there is no board, may specify. Those
2 conditions may include, but are not limited to, requiring the
3 licensee to undergo treatment, attend continuing education
4 courses, submit to be reexamined, work under the supervision
5 of another licensee, or satisfy any terms which are reasonably
6 tailored to the violations found.

7 (g) Corrective action.

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

10

11 In determining what action is appropriate, the board, or
12 department when there is no board, must first consider what
13 sanctions are necessary to protect the public or to compensate
14 the patient. Only after those sanctions have been imposed may
15 the disciplining authority consider and include in the order
16 requirements designed to rehabilitate the practitioner. All
17 costs associated with compliance with orders issued under this
18 subsection are the obligation of the practitioner.

19 (3) Notwithstanding subsection (2), if the ground for
20 disciplinary action is the first-time failure of the licensee
21 to satisfy continuing education requirements established by
22 the board, or by the department if there is no board, the
23 board or department, as applicable, shall issue a citation in
24 accordance with s. 455.617 and assess a fine, as determined by
25 the board or department by rule. In addition, for each hour of
26 continuing education not completed or completed late, the
27 board or department, as applicable, may require the licensee
28 to take 1 additional hour of continuing education for each
29 hour not completed or completed late.

30 ~~(4)~~(3) In addition to any other discipline imposed
31 pursuant to this section or discipline imposed for a violation

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

12 Section 85. Section 455.664, Florida Statutes, is
13 amended to read:

14 455.664 Advertisement by a health care practitioner
15 ~~provider~~ of free or discounted services; required
16 statement.--In any advertisement for a free, discounted fee,
17 or reduced fee service, examination, or treatment by a health
18 care practitioner ~~provider~~ licensed under chapter 458, chapter
19 459, chapter 460, chapter 461, chapter 462, chapter 463,
20 chapter 464, chapter 465, chapter 466, chapter 467, chapter
21 478, chapter 483, chapter 484, ~~or~~ chapter 486, chapter 490, or
22 chapter 491, the following statement shall appear in capital
23 letters clearly distinguishable from the rest of the text:
24 THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A
25 RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR
26 PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT THAT
27 IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING
28 TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED
29 FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required
30 statement shall not be necessary as an accompaniment to an
31 advertisement of a licensed health care practitioner ~~provider~~

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1 defined by this section if the advertisement appears in a
2 classified directory the primary purpose of which is to
3 provide products and services at free, reduced, or discounted
4 prices to consumers and in which the statement prominently
5 appears in at least one place.

6 Section 86. Subsections (7) and (16) of section
7 455.667, Florida Statutes, 1998 Supplement, are amended to
8 read:

9 455.667 Ownership and control of patient records;
10 report or copies of records to be furnished.--

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

27 2. The department may obtain patient records and
28 insurance information pursuant to a subpoena without written
29 authorization from the patient if the department and the
30 probable cause panel of the appropriate board, if any, find
31 reasonable cause to believe that a health care practitioner

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1 has provided inadequate medical care based on termination of
2 insurance and also find that appropriate, reasonable attempts
3 were made to obtain a patient release.

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

29 (b) Patient records, billing records, insurance
30 information, provider contracts, and all attachments thereto
31 record obtained by the department pursuant to this subsection

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1 shall be used solely for the purpose of the department and the
2 appropriate regulatory board in disciplinary proceedings. ~~The~~
3 ~~records shall otherwise be confidential and exempt from s.~~
4 ~~119.07(1).~~This section does not limit the assertion of the
5 psychotherapist-patient privilege under s. 90.503 in regard to
6 records of treatment for mental or nervous disorders by a
7 medical practitioner licensed pursuant to chapter 458 or
8 chapter 459 who has primarily diagnosed and treated mental and
9 nervous disorders for a period of not less than 3 years,
10 inclusive of psychiatric residency. However, the health care
11 practitioner shall release records of treatment for medical
12 conditions even if the health care practitioner has also
13 treated the patient for mental or nervous disorders. If the
14 department has found reasonable cause under this section and
15 the psychotherapist-patient privilege is asserted, the
16 department may petition the circuit court for an in camera
17 review of the records by expert medical practitioners
18 appointed by the court to determine if the records or any part
19 thereof are protected under the psychotherapist-patient
20 privilege.

21 (16) A health care practitioner or records owner
22 furnishing copies of reports or records or making the reports
23 or records available for digital scanning pursuant to this
24 section shall charge no more than the actual cost of copying,
25 including reasonable staff time, or the amount specified in
26 administrative rule by the appropriate board, or the
27 department when there is no board.

28 Section 87. Subsection (3) is added to section
29 455.687, Florida Statutes, to read:

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

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

12 Section 88. Section 455.694, Florida Statutes, 1998
13 Supplement, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

16 Section 89. Section 455.712, Florida Statutes, is
17 created to read:

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

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

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

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

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

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

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

27 Section 90. Subsection (7) is added to section
28 457.102, Florida Statutes, 1998 Supplement, to read:

29 457.102 Definitions.--As used in this chapter:

30 (7) "Prescriptive rights" means the prescription,
31 administration, and use of needles and devices, restricted

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1 devices, and prescription devices that are used in the
2 practice of acupuncture and oriental medicine.

3 Section 91. Subsections (2) and (4) of section
4 458.307, Florida Statutes, 1998 Supplement, are amended to
5 read:

6 458.307 Board of Medicine.--

7 (2) Twelve members of the board must be licensed
8 physicians in good standing in this state who are residents of
9 the state and who have been engaged in the active practice or
10 teaching of medicine for at least 4 years immediately
11 preceding their appointment. One of the physicians must be on
12 the full-time faculty of a medical school in this state, and
13 one of the physicians must be in private practice and on the
14 full-time staff of a statutory teaching hospital in this state
15 as defined in s. 408.07. At least one of the physicians must
16 be a graduate of a foreign medical school. The remaining
17 three members must be residents of the state who are not, and
18 never have been, licensed health care practitioners. One
19 member must be a health care hospital risk manager licensed
20 ~~certified~~ under s. 395.10974 ~~part IX of chapter 626~~. At least
21 one member of the board must be 60 years of age or older.

22 (4) The board, in conjunction with the department,
23 shall establish a disciplinary training program for board
24 members. The program shall provide for initial and periodic
25 training in the grounds for disciplinary action, the actions
26 which may be taken by the board and the department, changes in
27 relevant statutes and rules, and any relevant judicial and
28 administrative decisions. ~~After January 1, 1989,~~ No member of
29 the board shall participate on probable cause panels or in
30 disciplinary decisions of the board unless he or she has
31 completed the disciplinary training program.

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1 Section 92. Subsection (3) is added to section
2 458.309, Florida Statutes, 1998 Supplement, to read:

3 458.309 Authority to make rules.--

4 (3) All physicians who perform level 2 procedures
5 lasting more than 5 minutes and all level 3 surgical
6 procedures in an office setting must register the office with
7 the department unless that office is licensed as a facility
8 pursuant to chapter 395. The department shall inspect the
9 physician's office annually unless the office is accredited by
10 a nationally recognized accrediting agency or an accrediting
11 organization subsequently approved by the Board of Medicine.
12 The actual costs for registration and inspection or
13 accreditation shall be paid by the person seeking to register
14 and operate the office setting in which office surgery is
15 performed.

16 Section 93. Section 458.311, Florida Statutes, 1998
17 Supplement, is amended to read:

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

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

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

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1 ~~the examination.~~

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

3 (c) Is of good moral character.

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

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

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

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

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

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

29 2.a. Is a graduate of an allopathic ~~a~~ foreign medical
30 school registered with the World Health Organization and
31 certified pursuant to s. 458.314 as having met the standards

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1 required to accredit medical schools in the United States or
2 reasonably comparable standards;

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

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

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

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

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

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

31 (h) Has obtained a passing score, as established by

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1 rule of the board, on the licensure examination of the United
2 States Medical Licensing Examination (USMLE); or a combination
3 of the United States Medical Licensing Examination (USMLE),
4 the examination of the Federation of State Medical Boards of
5 the United States, Inc. (FLEX), or the examination of the
6 National Board of Medical Examiners up to the year 2000; or
7 for the purpose of examination of any applicant who was
8 licensed on the basis of a state board examination and who is
9 currently licensed in at least one other jurisdiction of the
10 United States or Canada, and who has practiced pursuant to
11 such licensure for a period of at least 10 years, use of the
12 Special Purpose Examination of the Federation of State Medical
13 Boards of the United States (SPEX) upon receipt of a passing
14 score as established by rule of the board. However, for the
15 purpose of examination of any applicant who was licensed on
16 the basis of a state board examination prior to 1974, who is
17 currently licensed in at least three other jurisdictions of
18 the United States or Canada, and who has practiced pursuant to
19 such licensure for a period of at least 20 years, this
20 paragraph does not apply.

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

29 (3) Notwithstanding the provisions of subparagraph
30 (1)(f)3., a graduate of a foreign medical school need not
31 present the certificate issued by the Educational Commission

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1 for Foreign Medical Graduates or pass the examination utilized
2 by that commission if the graduate:

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

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

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

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

20 (4) The department and the board shall assure that
21 applicants for licensure meet the criteria in subsection (1)
22 through an investigative process. When the investigative
23 process is not completed within the time set out in s.
24 120.60(1) and the department or board has reason to believe
25 that the applicant does not meet the criteria, the secretary
26 or the secretary's designee may issue a 90-day licensure delay
27 which shall be in writing and sufficient to notify the
28 applicant of the reason for the delay. The provisions of this
29 subsection shall control over any conflicting provisions of s.
30 120.60(1).

31 (5) The board may not certify to the department for

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1 licensure any applicant who is under investigation in another
2 jurisdiction for an offense which would constitute a violation
3 of this chapter until such investigation is completed. Upon
4 completion of the investigation, the provisions of s. 458.331
5 shall apply. Furthermore, the department may not issue an
6 unrestricted license to any individual who has committed any
7 act or offense in any jurisdiction which would constitute the
8 basis for disciplining a physician pursuant to s. 458.331.
9 When the board finds that an individual has committed an act
10 or offense in any jurisdiction which would constitute the
11 basis for disciplining a physician pursuant to s. 458.331,
12 then the board may enter an order imposing one or more of the
13 terms set forth in subsection (9).

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

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

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

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

29 (b) Certification to the department of an application
30 for licensure, certification, or registration with
31 restrictions on the scope of practice of the licensee; or

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1 (c) Certification to the department of an application
2 for licensure, certification, or registration with placement
3 of the physician on probation for a period of time and subject
4 to such conditions as the board may specify, including, but
5 not limited to, requiring the physician to submit to
6 treatment, attend continuing education courses, submit to
7 reexamination, or work under the supervision of another
8 physician.

9 ~~(9)(a) Notwithstanding any of the provisions of this~~
10 ~~section, an applicant who, at the time of his or her medical~~
11 ~~education, was a citizen of the country of Nicaragua and, at~~
12 ~~the time of application for licensure under this subsection,~~
13 ~~is either a citizen of the country of Nicaragua or a citizen~~
14 ~~of the United States may make initial application to the~~
15 ~~department on or before July 1, 1992, for licensure subject to~~
16 ~~this subsection and may reapply pursuant to board rule. Upon~~
17 ~~receipt of such application, the department shall issue a~~
18 ~~2-year restricted license to any applicant therefor upon the~~
19 ~~applicant's successful completion of the licensure examination~~
20 ~~as described in paragraph (1)(a) and who the board certifies~~
21 ~~has met the following requirements:~~

22 1. ~~Is a graduate of a World Health Organization~~
23 ~~recognized foreign medical institution located in a country in~~
24 ~~the Western Hemisphere.~~

25 2. ~~Received a medical education which has been~~
26 ~~determined by the board to be substantially similar, at the~~
27 ~~time of the applicant's graduation, to approved United States~~
28 ~~medical programs.~~

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

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

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

20
21 ~~However, applicants eligible for licensure under s. 455.581 or~~
22 ~~subsection (9), 1988 Supplement to the Florida Statutes 1987,~~
23 ~~as amended by s. 18, chapter 89-162, Laws of Florida, and ss.~~
24 ~~5 and 42, chapter 89-374, Laws of Florida, and renumbered as~~
25 ~~subsection (8) by s. 5, chapter 89-374, Laws of Florida, shall~~
26 ~~not be eligible to apply under this subsection.~~

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

31 ~~(c) Upon recommendation of the supervising physician~~

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1 ~~and demonstration of clinical competency to the satisfaction~~
2 ~~of the board that the holder of a restricted license issued~~
3 ~~pursuant to this subsection has practiced for 1 year under~~
4 ~~direct supervision, such licenseholder shall work for 1 year~~
5 ~~under general supervision, as defined by board rule, of a~~
6 ~~Florida licensed physician in an area of critical need as~~
7 ~~determined by the board. Prior to commencing such~~
8 ~~supervision, the supervising physician shall notify the board.~~

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

16 ~~(e) Rules necessary to implement and carry out the~~
17 ~~provisions of this subsection shall be promulgated by the~~
18 ~~board.~~

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

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

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

30 ~~(c) Makes a written request to the department that he~~
31 ~~or she be administered the examination without applying for a~~

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1 ~~license as a physician in this state; and~~
2 ~~(d) Remits a nonrefundable administration fee, not to~~
3 ~~exceed \$50, and an examination fee, not to exceed \$300, plus~~
4 ~~the actual cost per person to the department for the purchase~~
5 ~~of the examination from the Federation of State Medical Boards~~
6 ~~of the United States or a similar national organization. The~~
7 ~~examination fee is refundable if the person is found to be~~
8 ~~ineligible to take the examination.~~

9 Section 94. Section 458.3115, Florida Statutes, 1998
10 Supplement, is amended to read:

11 458.3115 Restricted license; certain foreign-licensed
12 physicians; ~~United States Medical Licensing Examination~~
13 ~~(USMLE) or agency-developed~~ examination; restrictions on
14 practice; full licensure.--

15 (1)(a) Notwithstanding any other provision of law, the
16 department ~~agency~~ shall provide procedures under which certain
17 physicians who are or were foreign-licensed and have practiced
18 medicine no less than 2 years may take the USMLE or an
19 ~~agency-developed~~ examination developed by the department, in
20 consultation with the board, to qualify for a restricted
21 license to practice medicine in this state. The
22 department-developed ~~agency and board-developed~~ examination
23 shall test the same areas of medical knowledge as the
24 Federation of State Medical Boards of the United States, Inc.
25 (FLEX) previously administered by the Florida Board of
26 Medicine to grant medical licensure in Florida. The
27 department-developed ~~agency-developed~~ examination must be made
28 available no later than December 31, 1998, to a physician who
29 qualifies for licensure. A person who is eligible to take and
30 elects to take the department-developed ~~agency and~~
31 ~~board-developed~~ examination, who has previously passed part 1

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1 or part 2 of the previously administered FLEX shall not be
2 required to retake or pass the equivalent parts of the
3 department-developed ~~agency-developed~~ examination, and may sit
4 for the department-developed ~~agency and board-developed~~
5 examination five times within 5 years.

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

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

- 13 1. Has taken, upon approval by the board, and
14 completed, in November 1990 or November 1992, one of the
15 special preparatory medical update courses authorized by the
16 board and the University of Miami Medical School and
17 subsequently passed the final course examination; upon
18 approval by the board to take the course completed in 1990 or
19 in 1992, has a certificate of successful completion of that
20 course from the University of Miami or the Stanley H. Kaplan
21 course; or can document to the department that he or she was
22 one of the persons who took and successfully completed the
23 Stanley H. Kaplan course that was approved by the board of
24 ~~Medicine~~ and supervised by the University of Miami. At a
25 minimum, the documentation must include class attendance
26 records and the test score on the final course examination;
- 27 2. Applies to the department ~~agency~~ and submits an
28 application fee that is nonrefundable and equivalent to the
29 fee required for full licensure;
- 30 3. Documents no less than 2 years of the active
31 practice of medicine in any ~~another~~ jurisdiction;

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

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

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

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

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

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

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

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

15 2. Periodic appearances of the licensee before the
16 board or the department ~~agency~~.

17 3. Submission of written reports to the board or the
18 department ~~agency~~.

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

25 (c) The board may adopt rules necessary to implement
26 this subsection.

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

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1 Upon expiration of such restricted license, a restricted
2 licensee shall become a full licensee if the restricted
3 licensee:

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

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

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

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

20 Section 95. Subsections (1), (2), and (8) of section
21 458.313, Florida Statutes, are amended to read:

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

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

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

31 (b) Prior to January 1, 2000, has obtained a passing

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

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

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

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1 ~~after the date the applicant petitions the board to retake the~~
2 ~~examination a sixth or subsequent time.~~

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

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

17 Section 96. Subsection (1) of section 458.315, Florida
18 Statutes, is amended to read:

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

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

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

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

17 Section 97. Section 458.3165, Florida Statutes, is
18 amended to read:

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

28 (1) Such certificate shall:

29 (a) Authorize the holder to practice only in a public
30 mental health facility or program funded in part or entirely
31 by state funds.

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1 (b) Be issued and renewable biennially if the
2 secretary of the Department of Health ~~and Rehabilitative~~
3 ~~Services~~ and the chair of the department of psychiatry at one
4 of the public medical schools or the chair of the department
5 of psychiatry at the accredited medical school at the
6 University of Miami recommend in writing that the certificate
7 be issued or renewed.

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

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

13 (2) The board may take disciplinary action against a
14 certificateholder for noncompliance with any part of this
15 section or for any reason for which a regular licensee may be
16 subject to discipline.

17 Section 98. Subsection (4) is added to section
18 458.317, Florida Statutes, 1998 Supplement, to read:

19 458.317 Limited licenses.--

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

29 Section 99. Paragraph (mm) is added to subsection (1)
30 of section 458.331, Florida Statutes, 1998 Supplement, and
31 subsection (2) of that section is amended to read:

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1 458.331 Grounds for disciplinary action; action by the
2 board and department.--

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

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

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

15 (a) Refusal to certify, or certification with
16 restrictions, to the department an application for licensure,
17 certification, or registration.

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~~~~\$5,000~~ for each count or separate offense.

22 (e) Issuance of a reprimand.

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

29 (g) Issuance of a letter of concern.

30 (h) Corrective action.

31 (i) Refund of fees billed to and collected from the

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1 patient.

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

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

13 Section 100. Subsection (7) of section 458.347,
14 Florida Statutes, 1998 Supplement, is amended to read:

15 458.347 Physician assistants.--

16 (7) PHYSICIAN ASSISTANT LICENSURE.--

17 (a) Any person desiring to be licensed as a physician
18 assistant must apply to the department. The department shall
19 issue a license to any person certified by the council as
20 having met the following requirements:

21 1. Is at least 18 years of age.

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

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

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

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

8 c. A sworn statement of any previous revocation or
9 denial of licensure or certification in any state.

10 d. Two letters of recommendation.

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

14 a. Has completed the application form and remitted a
15 nonrefundable application fee not to exceed \$500 and an
16 examination fee not to exceed \$300, plus the actual cost to
17 the department to provide the examination. The examination
18 fee is refundable if the applicant is found to be ineligible
19 to take the examination. The department shall not require the
20 applicant to pass a separate practical component of the
21 examination. For examinations given after July 1, 1998,
22 competencies measured through practical examinations shall be
23 incorporated into the written examination through a
24 multiple-choice format. The department shall translate the
25 examination into the native language of any applicant who
26 requests and agrees to pay all costs of such translation,
27 provided that the translation request is filed with the board
28 office no later than 9 months before the scheduled examination
29 and the applicant remits translation fees as specified by the
30 department no later than 6 months before the scheduled
31 examination, and provided that the applicant demonstrates to

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1 the department the ability to communicate orally in basic
2 English. If the applicant is unable to pay translation costs,
3 the applicant may take the next available examination in
4 English if the applicant submits a request in writing by the
5 application deadline and if the applicant is otherwise
6 eligible under this section. To demonstrate the ability to
7 communicate orally in basic English, a passing score or grade
8 is required, as determined by the department or organization
9 that developed it, on one of the following English
10 examinations:

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

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

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

16 (IV) The English examination for citizenship,
17 Immigration and Naturalization Service.

18

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

22 b. Is an unlicensed physician who graduated from a
23 foreign medical school listed with the World Health
24 Organization who has not previously taken and failed the
25 examination of the National Commission on Certification of
26 Physician Assistants and who has been certified by the Board
27 of Medicine as having met the requirements for licensure as a
28 medical doctor by examination as set forth in s. 458.311(1),
29 (3), (4), and (5), with the exception that the applicant is
30 not required to have completed an approved residency of at
31 least 1 year and the applicant is not required to have passed

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1 the licensing examination specified under s. 458.311 or hold a
2 valid, active certificate issued by the Educational Commission
3 for Foreign Medical Graduates.

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

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

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

27 3. Notwithstanding any other provision of law, the
28 examination specified pursuant to subparagraph 1. shall be
29 administered by the department only five times. Applicants
30 certified by the board for examination shall receive at least
31 6 months' notice of eligibility prior to the administration of

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1 the initial examination. Subsequent examinations shall be
2 administered at 1-year intervals following the reporting of
3 the scores of the first and subsequent examinations. For the
4 purposes of this paragraph, the department may develop,
5 contract for the development of, purchase, or approve an
6 examination, ~~including a practical component,~~ that adequately
7 measures an applicant's ability to practice with reasonable
8 skill and safety. The minimum passing score on the
9 examination shall be established by the department, with the
10 advice of the board. Those applicants failing to pass that
11 examination or any subsequent examination shall receive notice
12 of the administration of the next examination with the notice
13 of scores following such examination. Any applicant who
14 passes the examination and meets the requirements of this
15 section shall be licensed as a physician assistant with all
16 rights defined thereby.

17 (c) The license must be renewed biennially. Each
18 renewal must include:

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

21 2. A sworn statement of no felony convictions in the
22 previous 2 years.

23 (d) Each licensed physician assistant shall biennially
24 complete 100 hours of continuing medical education or shall
25 hold a current certificate issued by the National Commission
26 on Certification of Physician Assistants.

27 (e) Upon employment as a physician assistant, a
28 licensed physician assistant must notify the department in
29 writing within 30 days after such employment or after any
30 subsequent changes in the supervising physician. The
31 notification must include the full name, Florida medical

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1 license number, specialty, and address of the supervising
2 physician.

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

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1 within 2 years after the date the applicant petitions the
2 council to retake the examination a sixth or subsequent time.

3 (g) The Board of Medicine may impose any of the
4 penalties specified in ss. 455.624 and 458.331(2) upon a
5 physician assistant if the physician assistant or the
6 supervising physician has been found guilty of or is being
7 investigated for any act that constitutes a violation of this
8 chapter or part II of chapter 455.

9 Section 101. Section 459.005, Florida Statutes, 1998
10 Supplement, is amended to read:

11 459.005 Rulemaking authority.--

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

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

27 Section 102. Subsection (7) is added to section
28 459.0075, Florida Statutes, to read:

29 459.0075 Limited licenses.--

30 (7) Any person holding an active license to practice
31 osteopathic medicine in the state may convert that license to

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

9 Section 103. Paragraph (oo) is added to subsection (1)
10 of section 459.015, Florida Statutes, 1998 Supplement, and
11 subsection (2) of that section is amended to read:

12 459.015 Grounds for disciplinary action by the
13 board.--

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

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

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

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

27 (b) Revocation or suspension of a license or
28 certificate.

29 (c) Restriction of practice.

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

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

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

24 Section 104. Subsection (6) is added to section
 25 460.402, Florida Statutes, to read:

26 460.402 Exceptions.--The provisions of this chapter
 27 shall not apply to:

- 28 (6) A chiropractic student enrolled in a chiropractic
- 29 college accredited by the Council on Chiropractic Education
- 30 and participating in a community-based internship under the
- 31 direct supervision of a doctor of chiropractic medicine who is

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1 credentialed as an adjunct faculty member of a chiropractic
2 college in which the student is enrolled.

3 Section 105. Present subsections (4) through (10) of
4 section 460.403, Florida Statutes, 1998 Supplement, are
5 renumbered as subsections (5) through (11), respectively, a
6 new subsection (4) is added to that section, and present
7 subsections (6) and (9) are amended, to read:

8 460.403 Definitions.--As used in this chapter, the
9 term:

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

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

31 (10)(9) "Registered chiropractic assistant" means a

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1 person who is registered by the board to perform chiropractic
2 services under the direct supervision of a chiropractic
3 physician or certified chiropractic physician's assistant.

4 Section 106. Subsection (1) of section 460.406,
5 Florida Statutes, 1998 Supplement, is amended to read:

6 460.406 Licensure by examination.--

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

19 (a) Completed the application form and remitted the
20 appropriate fee.

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

23 (c) Submitted proof satisfactory to the department
24 that he or she is a graduate of a chiropractic college which
25 is accredited by or has status with the Council on
26 Chiropractic Education or its predecessor agency. However, any
27 applicant who is a graduate of a chiropractic college that was
28 initially accredited by the Council on Chiropractic Education
29 in 1995, who graduated from such college within the 4 years
30 immediately preceding such accreditation, and who is otherwise
31 qualified shall be eligible to take the examination. No

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1 application for a license to practice chiropractic medicine
2 shall be denied solely because the applicant is a graduate of
3 a chiropractic college that subscribes to one philosophy of
4 chiropractic medicine as distinguished from another.

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

19 2. Effective July 1, 2000, completed, prior to
20 matriculation in a chiropractic college, at least 3 years of
21 residence college work, consisting of a minimum of 90 semester
22 hours leading to a bachelor's degree in a liberal arts college
23 or university accredited by an accrediting agency recognized
24 and approved by the United States Department of Education.
25 However, prior to being certified by the board to sit for the
26 examination, each applicant who has matriculated in a
27 chiropractic college after July 1, 2000, shall have been
28 granted a bachelor's degree from an institution holding
29 accreditation for that degree from a regional accrediting
30 agency which is recognized by the United States Department of
31 Education. The applicant's chiropractic degree must consist

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1 of credits earned in the chiropractic program and may not
2 include academic credit for courses from the bachelor's
3 degree.

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

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

23 ~~(f)(g)~~ Submitted to the department a set of
24 fingerprints on a form and under procedures specified by the
25 department, along with payment in an amount equal to the costs
26 incurred by the Department of Health for the criminal
27 background check of the applicant.

28 Section 107. Paragraphs (p) and (dd) of subsection (1)
29 and paragraph (b) of subsection (2) of section 460.413,
30 Florida Statutes, 1998 Supplement, are amended to read:

31 460.413 Grounds for disciplinary action; action by the

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1 board.--

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

5 (p) Prescribing, dispensing, or administering any
6 medicinal drug except as authorized by s. 460.403(9)(c)2.~~s.~~
7 ~~460.403(8)(c)2.~~, performing any surgery, or practicing
8 obstetrics.

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

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

14 (d) Imposition of an administrative fine not to exceed
15 \$10,000~~\$2,000~~ for each count or separate offense.

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

25 Section 108. Section 460.4165, Florida Statutes, is
26 amended to read:

27 460.4165 Certified chiropractic physician's
28 assistants.--

29 (1) LEGISLATIVE INTENT.--The purpose of this section
30 is to encourage the more effective utilization of the skills
31 of chiropractic physicians by enabling them to delegate health

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1 care tasks to qualified assistants when such delegation is
2 consistent with the patient's health and welfare and to allow
3 for innovative development of programs for the education of
4 physician's assistants.

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

15 (a) In the office of the chiropractic physician to
16 whom the certified chiropractic physician's assistant has been
17 assigned, in which office such physician maintains her or his
18 primary practice;

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

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

24 (d) On calls outside of the ~~said~~ office of the
25 chiropractic physician to whom she or he is assigned, on the
26 direct order of the chiropractic physician to whom she or he
27 is assigned.

28 (3) THIRD-PARTY PAYOR. This chapter does not prevent
29 third-party payors from reimbursing employers of chiropractic
30 physicians' assistants for covered services rendered by
31 certified chiropractic physicians' assistants.

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1 ~~(4)~~~~(3)~~ PERFORMANCE BY TRAINEES.--Notwithstanding any
2 other provision of law, a trainee may perform chiropractic
3 services when such services are rendered within the scope of
4 an approved program.

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

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

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

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

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1 purposes of this section are being met.

2 (6)(5) APPLICATION APPROVAL.--Any person desiring to
3 be licensed as a certified chiropractic physician's assistant
4 must apply to the department. The department shall issue a
5 certificate to any person certified by the board as having met
6 the following requirements:

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

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

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

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

21 2. A sworn statement of any prior felony conviction in
22 any jurisdiction.

23 3. A sworn statement of any previous revocation or
24 denial of licensure or certification in any state or
25 jurisdiction.

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

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

4 ~~2. The professional background and specialty of the~~
5 ~~chiropractic physician or the group of chiropractic~~
6 ~~physicians.~~

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

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

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

29 ~~(7)(6) PENALTY.--Any person who has not been certified~~
30 ~~by the board and approved by the department and who represents~~
31 ~~herself or himself as a certified chiropractic physician's~~

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1 assistant or who uses any other term in indicating or implying
2 that she or he is a certified chiropractic physician's
3 assistant is guilty of a felony of the third degree,
4 punishable as provided in s. 775.082 or s. 775.084 or by a
5 fine not exceeding \$5,000.

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

12 (9)~~(8)~~ FEES.--

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

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

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

30 (11)~~(10)~~ LIABILITY.--Each chiropractic physician or
31 group of chiropractic physicians utilizing certified

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1 chiropractic physician's assistants shall be liable for any
2 act or omission of any physician's assistant acting under her
3 or his or its supervision and control.

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

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

13 (a) Each renewal must include:

14 1. A renewal fee as set by board pursuant to this
15 section.

16 2. A sworn statement of no felony convictions in the
17 previous 2 years in any jurisdiction.

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

29 (c) Upon employment as a certified chiropractic
30 physician's assistant, a certified chiropractic physician's
31 assistant must notify the department in writing within 30 days

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1 after such employment or any change of the supervising
2 chiropractic physician. The notification must include the full
3 name, Florida chiropractic medical license number, specialty,
4 and address of the supervising chiropractic physician.

5 Section 109. Persons holding certificates as certified
6 chiropractic physicians' assistants on the effective date of
7 this act need not reapply for certification, but must comply
8 with biennial renewal requirements as provided in section
9 460.4165(6), Florida Statutes. The requirement for completion
10 of the continuing education requirements for biennial renewal
11 of the certificate shall not take effect until the beginning
12 of the next biennial renewal period following the effective
13 date of this act.

14 Section 110. Section 460.4166, Florida Statutes, 1998
15 Supplement, is amended to read:

16 460.4166 Registered chiropractic assistants.--

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

30 (2) DUTIES.--Under the direct supervision and
31 responsibility of a licensed chiropractic physician or

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1 certified chiropractic physician's assistant, a registered
 2 chiropractic assistant may:
 3 (a) Perform clinical procedures, which include:
 4 1. Preparing patients for the chiropractic physician's
 5 care.
 6 2. Taking vital signs.
 7 3. Observing and reporting patients' signs or
 8 symptoms.
 9 (b) Administer basic first aid.
 10 (c) Assist with patient examinations or treatments
 11 other than manipulations or adjustments.
 12 (d) Operate office equipment.
 13 (e) Collect routine laboratory specimens as directed
 14 by the chiropractic physician or certified chiropractic
 15 physician's assistant.
 16 (f) Administer nutritional supplements as directed by
 17 the chiropractic physician or certified chiropractic
 18 physician's assistant.
 19 (g) Perform office procedures required by the
 20 chiropractic physician or certified chiropractic physician's
 21 assistant under direct supervision of the chiropractic
 22 physician or certified chiropractic physician's assistant.
 23 (3) REGISTRATION.--Registered chiropractic assistants
 24 may be registered by the board for a biennial fee not to
 25 exceed \$25.
 26 Section 111. Section 461.003, Florida Statutes, 1998
 27 Supplement, is amended to read:
 28 461.003 Definitions.--As used in this chapter:
 29 ~~(1) "Department" means the Department of Health.~~
 30 (1)~~(2)~~ "Board" means the Board of Podiatric Medicine
 31 as created in this chapter.

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

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

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

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

25 (5) "Practice of podiatric medicine" means the
26 diagnosis or medical, surgical, palliative, and mechanical
27 treatment of ailments of the human foot and leg. The surgical
28 treatment of ailments of the human foot and leg shall be
29 limited anatomically to that part below the anterior tibial
30 tubercle. The practice of podiatric medicine shall include
31 the amputation of the toes or other parts of the foot but

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1 shall not include the amputation of the foot or leg in its
2 entirety. A podiatric physician may prescribe drugs that
3 relate specifically to the scope of practice authorized
4 herein.

5 Section 112. Paragraph (d) of subsection (1) of
6 section 461.006, Florida Statutes, 1998 Supplement, is amended
7 to read:

8 461.006 Licensure by examination.--

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

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

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

30 2. Ten years of continuous, active licensed practice
31 of podiatric medicine in another state immediately preceding

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1 the submission of the application and completion of at least
2 the same continuing educational requirements during those 10
3 years as are required of podiatric physicians licensed in this
4 state.

5 Section 113. Subsection (1) of section 461.007,
6 Florida Statutes, 1998 Supplement, is amended to read:

7 461.007 Renewal of license.--

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

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

29 Section 114. Paragraph (bb) is added to subsection (1)
30 of section 461.013, Florida Statutes, 1998 Supplement, and
31 subsection (2) of that section is amended, to read:

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1 461.013 Grounds for disciplinary action; action by the
2 board; investigations by department.--

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

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

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

13 (a) Refusal to certify to the department an
14 application for licensure.

15 (b) Revocation or suspension of a license.

16 (c) Restriction of practice.

17 (d) Imposition of an administrative fine not to exceed
18 ~~\$10,000~~~~\$1,000~~ for each count or separate offense.

19 (e) Issuance of a reprimand.

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

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

28 Section 115. Section 461.0135, Florida Statutes, is
29 created to read:

30 461.0135 Operation of X-ray machines by podiatric
31 X-ray assistants.--A licensed podiatric physician may utilize

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

16 Section 116. Subsection (3) is added to section
17 464.008, Florida Statutes, to read:

18 464.008 Licensure by examination.--

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

30 Section 117. Subsection (13) is added to section
31 464.022, Florida Statutes, to read:

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1 464.022 Exceptions.--No provision of this chapter
2 shall be construed to prohibit:

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

5 Section 118. Subsection (12) of section 465.003,
6 Florida Statutes, is amended, subsections (4) through (14) of
7 said section are renumbered as subsections (5) through (15),
8 respectively, and a new subsection (4) is added to said
9 section, to read:

10 465.003 Definitions.--As used in this chapter, the
11 term:

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

16 (13)~~(12)~~ "Practice of the profession of pharmacy"
17 includes compounding, dispensing, and consulting concerning
18 contents, therapeutic values, and uses of any medicinal drug;
19 and consulting concerning therapeutic values and interactions
20 of patent or proprietary preparations, whether pursuant to
21 prescriptions or in the absence and entirely independent of
22 such prescriptions or orders; and other pharmaceutical
23 services. For purposes of this subsection, "other
24 pharmaceutical services" means the monitoring of the patient's
25 drug therapy and assisting the patient in the management of
26 his or her drug therapy, and includes review of the patient's
27 drug therapy and communication with the patient's prescribing
28 health care provider as licensed under chapter 458, chapter
29 459, chapter 461, or chapter 466, or similar statutory
30 provision in another jurisdiction, or such provider's agent or
31 such other persons as specifically authorized by the patient,

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1 regarding the drug therapy. However, nothing in this
2 subsection may be interpreted to permit an alteration of a
3 prescriber's directions, the diagnosis or treatment of any
4 disease, the initiation of any drug therapy, the practice of
5 medicine, or the practice of osteopathic medicine, unless
6 otherwise permitted by law."Practice of the profession of
7 pharmacy"~~The phrase~~ also includes any other act, service,
8 operation, research, or transaction incidental to, or forming
9 a part of, any of the foregoing acts, requiring, involving, or
10 employing the science or art of any branch of the
11 pharmaceutical profession, study, or training, and shall
12 expressly permit a pharmacist to transmit information from
13 persons authorized to prescribe medicinal drugs to their
14 patients.

15 Section 119. Paragraph (1) of subsection (1) and
16 paragraph (c) of subsection (2) of section 465.016, Florida
17 Statutes, are amended, and paragraph (q) is added to
18 subsection (1) of that section, to read:

19 465.016 Disciplinary actions.--

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

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

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1 appropriate records for any unused or returned medicinal
2 drugs.

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

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

8 (c) Imposition of an administrative fine not to exceed
9 \$5,000~~\$1,000~~ for each count or separate offense.

10 Section 120. Section 465.014, Florida Statutes, is
11 amended to read:

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

31 Section 121. Paragraph (c) of subsection (2) of

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1 section 465.015, Florida Statutes, is amended to read:

2 465.015 Violations and penalties.--

3 (2) It is unlawful for any person:

4 (c) To sell or dispense drugs as defined in s.
5 465.003(8)(7)without first being furnished with a
6 prescription.

7 Section 122. Section 465.0196, Florida Statutes, is
8 amended to read:

9 465.0196 Special pharmacy permits.--Any person
10 desiring a permit to operate a pharmacy which does not fall
11 within the definitions set forth in s. 465.003(11)(10)(a)1.,
12 2., and 3. shall apply to the department for a special
13 pharmacy permit. If the board certifies that the application
14 complies with the applicable laws and rules of the board
15 governing the practice of the profession of pharmacy, the
16 department shall issue the permit. No permit shall be issued
17 unless a licensed pharmacist is designated to undertake the
18 professional supervision of the compounding and dispensing of
19 all drugs dispensed by the pharmacy. The licensed pharmacist
20 shall be responsible for maintaining all drug records and for
21 providing for the security of the area in the facility in
22 which the compounding, storing, and dispensing of medicinal
23 drugs occurs. The permittee shall notify the department
24 within 10 days of any change of the licensed pharmacist
25 responsible for such duties.

26 Section 123. Subsection (3) of section 468.812,
27 Florida Statutes, is amended to read:

28 468.812 Exemptions from licensure.--

29 (3) The provisions of this act relating to orthotics
30 or pedorthics do not apply to any licensed pharmacist or to
31 any person acting under the supervision of a licensed

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

13 Section 124. Subsection (19) of section 499.003,
14 Florida Statutes, is amended to read:

15 499.003 Definitions of terms used in ss.

16 499.001-499.081.--As used in ss. 499.001-499.081, the term:

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

23 Section 125. (1) There is created within the
24 Department of Health a Task Force for the Study of
25 Collaborative Drug Therapy Management. The department shall
26 provide staff support for the task force. The task force shall
27 consist of not more than 13 members nominated by the
28 associations and entities named in this section and appointed
29 by the Secretary of Health. Members of the task force shall
30 not receive compensation, per diem, or reimbursement for
31 travel expenses for service on the task force. Participation

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1 in the task force is optional and at the discretion of each
 2 identified group or entity. The task force shall include:
 3 (a) One representative from each of the following
 4 associations:
 5 1. Florida Society of Health-System Pharmacists.
 6 2. Florida Pharmacy Association.
 7 3. Florida Medical Association.
 8 4. Florida Osteopathic Medical Association.
 9 5. Florida Retail Federation.
 10 6. Florida Nurses Association.
 11 7. Florida Academy of Family Physicians.
 12 8. Pharmaceutical Research Manufacturing Association.
 13 9. American Society of Consultant Pharmacists.
 14 10. American Society of Health-System Pharmacists.
 15 (b) One representative from each of the following
 16 entities:
 17 1. Department of Health.
 18 2. Board of Medicine, which representative must be a
 19 member of the board who is licensed under chapter 458, Florida
 20 Statutes.
 21 3. Board of Osteopathic Medicine, which representative
 22 must be a member of the board who is licensed under chapter
 23 459, Florida Statutes.
 24 4. Board of Pharmacy, which representative must be a
 25 member of the board who is licensed under chapter 465, Florida
 26 Statutes.
 27 5. Agency for Health Care Administration.
 28 (2) The task force shall hold its first meeting no
 29 later than August 1, 1999, and shall report its findings to
 30 the President of the Senate, the Speaker of the House of
 31 Representatives, and the chairs of the applicable legislative

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

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

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

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

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

16 Section 126. Section 466.021, Florida Statutes, is
 17 amended to read:

18 466.021 Employment of unlicensed persons by dentist;
 19 penalty.--Every duly licensed dentist who uses the services of
 20 any unlicensed person for the purpose of constructing,
 21 altering, repairing, or duplicating any denture, partial
 22 denture, bridge splint, or orthodontic or prosthetic appliance
 23 shall be required to furnish such unlicensed person with a
 24 written work order in such form as prescribed ~~shall be~~
 25 ~~approved by rule of the board department. This form shall be~~
 26 ~~supplied to the dentist by the department at a cost not to~~
 27 ~~exceed that of printing and handling. The work order blanks~~
 28 ~~shall be assigned to individual dentists and are not~~
 29 ~~transferable.~~ This form shall be dated and signed by such
 30 dentist and shall include the patient's name or number with
 31 sufficient descriptive information to clearly identify the

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1 case for each separate and individual piece of work. ~~A⁷ said~~
2 ~~work order shall be made in duplicate form, the duplicate copy~~
3 of such work order shall ~~to~~ be retained in a permanent file in
4 the dentist's office for a period of 2 years, and the original
5 work order shall ~~to~~ be retained in a permanent file for a
6 period of 2 years by such ~~said~~ unlicensed person in her or his
7 place of business. Such permanent file of work orders to be
8 kept by such dentist or by such unlicensed person shall be
9 open to inspection at any reasonable time by the department or
10 its duly constituted agent. Failure of the dentist to keep
11 such permanent records of such ~~said~~ work orders shall subject
12 the dentist to suspension or revocation of her or his license
13 to practice dentistry. Failure of such unlicensed person to
14 have in her or his possession a work order as required by this
15 section ~~above defined~~ shall be admissible evidence of a
16 violation of this chapter and shall constitute a misdemeanor
17 of the second degree, punishable as provided in s. 775.082 or
18 s. 775.083. Nothing in this section shall preclude a
19 registered dental laboratory from working for another
20 registered dental laboratory, provided that such work is
21 performed pursuant to written authorization, in a form to be
22 prescribed by rule of the board ~~department~~, which evidences
23 that the originating laboratory has obtained a valid work
24 order and which sets forth the work to be performed.
25 Furthermore, nothing in this section shall preclude a
26 registered laboratory from providing its services to dentists
27 licensed and practicing in another state, provided that such
28 work is requested or otherwise authorized in written form
29 which clearly identifies the name and address of the
30 requesting dentist and which sets forth the work to be
31 performed.

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1 Section 127. Paragraph (b) of subsection (2),
2 paragraph (b) of subsection (3), and subsection (4) of section
3 468.1155, Florida Statutes, are amended to read:

4 468.1155 Provisional license; requirements.--

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

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

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 speech-language pathology.

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

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

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

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

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

28 (4) An applicant for a provisional license who has
29 received a master's degree or doctoral degree with a major
30 emphasis in speech-language pathology as provided in
31 subsection (2), or audiology as provided in subsection (3),

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1 and who seeks licensure in the area in which the applicant is
2 not currently licensed, must have completed 30 semester hours
3 in courses acceptable toward a graduate degree and 200
4 supervised clinical clock hours in the second discipline from
5 an accredited institution.

6 Section 128. Section 468.1215, Florida Statutes, is
7 amended to read:

8 468.1215 Speech-language pathology assistant and
9 audiology assistant; certification.--

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

13 (1)(2) The department shall issue a certificate as a
14 speech-language pathology assistant ~~or as an audiology~~
15 ~~assistant~~ to each applicant who the board certifies has:

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

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

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

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

30 (b) Completed at least 24 semester hours of coursework
31 as approved by the board at an institution accredited by an

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1 accrediting agency recognized by the Commission on Recognition
2 of Postsecondary Accreditation.

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

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

11 Section 129. Subsection (1) of section 468.307,
12 Florida Statutes, 1998 Supplement, is amended to read:

13 468.307 Certificate; issuance; possession; display.--

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

20 Section 130. Section 468.506, Florida Statutes, 1998
21 Supplement, is amended to read:

22 468.506 Dietetics and Nutrition Practice
23 Council.--There is created the Dietetics and Nutrition
24 Practice Council under the supervision of the board. The
25 council shall consist of four persons licensed under this part
26 and one consumer who is 60 years of age or older. Council
27 members shall be appointed by the board. Licensed members
28 shall be appointed based on the proportion of licensees within
29 each of the respective disciplines. Members shall be
30 appointed for 4-year staggered terms. In order to be eligible
31 for appointment, each licensed member must have been a

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

21 Section 131. Section 468.701, Florida Statutes, 1998
22 Supplement, is amended to read:

23 468.701 Definitions.--As used in this part, the term:

24 (1) "Athlete" means a person who participates in an
25 athletic activity.

26 (2) "Athletic activity" means the participation in an
27 activity, conducted by an educational institution, a
28 professional athletic organization, or an amateur athletic
29 organization, involving exercises, sports, games, or
30 recreation requiring any of the physical attributes of
31 strength, agility, flexibility, range of motion, speed, and

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1 stamina.

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

5 (4) "Athletic trainer" means a person licensed under
6 this part.

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

9 (6) "Board Council" means the Board Council of
10 Athletic Training.

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

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

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

16 ~~(9)(10)~~ "Supervision" means the easy availability of
17 the supervisor to the athletic trainer, which includes the
18 ability to communicate by telecommunications.

19 Section 132. Section 468.703, Florida Statutes, 1998
20 Supplement, is amended to read:

21 468.703 Board Council of Athletic Training.--

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

26 (2) Five ~~Four~~ members of the board must ~~council shall~~
27 be licensed athletic trainers. One member of the board must
28 ~~council shall~~ be a physician licensed under chapter 458 or
29 chapter 459. One member of the board must ~~council shall~~ be a
30 physician licensed under chapter 460. Two members ~~One member~~
31 of the board shall be consumer members, each of whom must

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1 ~~council shall be a resident of this state who has never worked~~
2 ~~as an athletic trainer, who has no financial interest in the~~
3 ~~practice of athletic training, and who has never been a~~
4 ~~licensed health care practitioner as defined in s. 455.501(4).~~
5 ~~Members of the council shall serve staggered 4-year terms as~~
6 ~~determined by rule of the department; however, no member may~~
7 ~~serve more than two consecutive terms.~~

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

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

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

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

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

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

18 (6) The board shall maintain its official headquarters
19 in Tallahassee.

20 ~~(3) The council shall advise and assist the department~~
21 ~~in:~~

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

27 ~~(b) Monitoring the practice of athletic training in~~
28 ~~other jurisdictions.~~

29 ~~(c) Educating the public about the role of athletic~~
30 ~~trainers.~~

31 ~~(d) Collecting and reviewing data regarding the~~

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1 ~~licensed practice of athletic training.~~

2 ~~(e) Addressing concerns and problems of athletic~~
3 ~~trainers in order to promote improved safety in the practice~~
4 ~~of athletic training.~~

5 ~~(4) Members of the council shall be entitled to~~
6 ~~compensation and reimbursement for expenses in the same manner~~
7 ~~as board members are compensated and reimbursed under s.~~
8 ~~455.534.~~

9 Section 133. Section 468.705, Florida Statutes, 1998
10 Supplement, is amended to read:

11 468.705 Rulemaking authority.--The board department is
12 authorized to adopt rules pursuant to ss. 120.536(1) and
13 120.54 to implement provisions of this part conferring duties
14 upon it. Such rules shall include, but not be limited to, the
15 allowable scope of practice regarding the use of equipment,
16 procedures, and medication, and requirements for a written
17 protocol between the athletic trainer and a supervising
18 physician, licensure requirements, licensure examination,
19 continuing education requirements, fees, records, and reports
20 to be filed by licensees, protocols, and any other
21 requirements necessary to regulate the practice of athletic
22 training.

23 Section 134. Section 468.707, Florida Statutes, 1998
24 Supplement, is amended to read:

25 468.707 Licensure by examination; requirements.--

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

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

30 1. Has completed the application form and remitted the
31 required fees.

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- 1 2. Is at least 21 years of age.
- 2 3. Has obtained a baccalaureate degree from a college
3 or university accredited by an accrediting agency recognized
4 and approved by the United States Department of Education or
5 the Commission on Recognition of Postsecondary Accreditation,
6 or approved by the board department.
- 7 4. Has completed coursework from a college or
8 university accredited by an accrediting agency recognized and
9 approved by the United States Department of Education or the
10 Commission on Recognition of Postsecondary Accreditation, or
11 approved by the board department, in each of the following
12 areas, as provided by rule: health, human anatomy,
13 kinesiology/biomechanics, human physiology, physiology of
14 exercise, basic athletic training, and advanced athletic
15 training.
- 16 5. Has current certification in standard first aid and
17 cardiovascular pulmonary resuscitation from the American Red
18 Cross or an equivalent certification as determined by the
19 board department.
- 20 6. Has, within 2 of the preceding 5 years, attained a
21 minimum of 800 hours of athletic training experience under the
22 direct supervision of a licensed athletic trainer or an
23 athletic trainer certified by the National Athletic Trainers'
24 Association or a comparable national athletic standards
25 organization.
- 26 7. Has passed an examination administered or approved
27 by the board department.
- 28 (b) The department shall also license each applicant
29 who:
- 30 1. Has completed the application form and remitted the
31 required fees no later than October 1, 1996.

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1 2. Is at least 21 years of age.

2 3. Has current certification in standard first aid and
3 cardiovascular pulmonary resuscitation from the American Red
4 Cross or an equivalent certification as determined by the
5 board department.

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

8 b. Is currently certified by the National Athletic
9 Trainers' Association or a comparable national athletic
10 standards organization.

11 (2) Pursuant to the requirements of s. 455.607
12 ~~455.604~~, each applicant shall complete a continuing education
13 course on human immunodeficiency virus and acquired immune
14 deficiency syndrome as part of initial licensure.

15 Section 135. Section 468.709, Florida Statutes, is
16 amended to read:

17 468.709 Fees.--

18 (1) The board department shall, by rule, establish
19 fees for the following purposes:

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

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

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

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

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

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

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

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

28 (2) The board department shall establish fees at a
29 level, not to exceed the statutory fee cap, that is adequate
30 to ensure the continued operation of the regulatory program
31 under this part. The board department shall neither set nor

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1 maintain the fees at a level that will substantially exceed
2 this need.

3 Section 136. Subsections (2) and (3) of section
4 468.711, Florida Statutes, 1998 Supplement, are amended to
5 read:

6 468.711 Renewal of license; continuing education.--

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

14 (3) Pursuant to the requirements of s. 455.607
15 ~~455.604~~, each licensee shall complete a continuing education
16 course on human immunodeficiency virus and acquired immune
17 deficiency syndrome as part of biennial relicensure.

18 Section 137. Subsection (2) of section 468.719,
19 Florida Statutes, 1998 Supplement, is amended to read:

20 468.719 Disciplinary actions.--

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

25 Section 138. Section 468.721, Florida Statutes, is
26 amended to read:

27 468.721 Saving clause.--

28 ~~(1) An athletic trainer registration which is valid on~~
29 ~~October 1, 1995, shall become for all purposes an athletic~~
30 ~~trainer license as required by this part, subject to any~~
31 ~~disciplinary or administrative action pending on October 1,~~

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1 ~~1995, and shall be subject to all the same terms and~~
2 ~~conditions as athletic trainer licenses issued after October~~
3 ~~1, 1995. The department shall retain jurisdiction to impose~~
4 ~~discipline for any violation of this part which occurred prior~~
5 ~~to October 1, 1995, but is discovered after October 1, 1995,~~
6 ~~under the terms of this part prior to October 1, 1995.~~

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

10 ~~(3) Rules adopted by the department relating to the~~
11 ~~regulation registration of athletic trainers under this part~~
12 ~~prior to July 1, 1999, shall remain in effect until the board~~
13 ~~department adopts rules relating to the regulation licensure~~
14 ~~of athletic trainers under this part which supersede such~~
15 ~~earlier rules.~~

16 Section 139. Paragraph (g) of subsection (3) of
17 section 20.43, Florida Statutes, 1998 Supplement, is amended
18 to read:

19 20.43 Department of Health.--There is created a
20 Department of Health.

21 (3) The following divisions of the Department of
22 Health are established:

23 (g) Division of Medical Quality Assurance, which is
24 responsible for the following boards and professions
25 established within the division:

- 26 1. Nursing assistants, as provided under s. 400.211.
- 27 2. Health care services pools, as provided under s.
28 402.48.
- 29 3. The Board of Acupuncture, created under chapter
30 457.
- 31 4. The Board of Medicine, created under chapter 458.

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- 1 5. The Board of Osteopathic Medicine, created under
- 2 chapter 459.
- 3 6. The Board of Chiropractic Medicine, created under
- 4 chapter 460.
- 5 7. The Board of Podiatric Medicine, created under
- 6 chapter 461.
- 7 8. Naturopathy, as provided under chapter 462.
- 8 9. The Board of Optometry, created under chapter 463.
- 9 10. The Board of Nursing, created under chapter 464.
- 10 11. The Board of Pharmacy, created under chapter 465.
- 11 12. The Board of Dentistry, created under chapter 466.
- 12 13. Midwifery, as provided under chapter 467.
- 13 14. The Board of Speech-Language Pathology and
- 14 Audiology, created under part I of chapter 468.
- 15 15. The Board of Nursing Home Administrators, created
- 16 under part II of chapter 468.
- 17 16. The Board of Occupational Therapy, created under
- 18 part III of chapter 468.
- 19 17. Respiratory therapy, as provided under part V of
- 20 chapter 468.
- 21 18. Dietetics and nutrition practice, as provided
- 22 under part X of chapter 468.
- 23 19. The Board of Athletic Training ~~trainers~~, created
- 24 ~~as provided~~ under part XIII of chapter 468.
- 25 20. The Board of Orthotists and Prosthetists, created
- 26 under part XIV of chapter 468.
- 27 21. Electrolysis, as provided under chapter 478.
- 28 22. The Board of Massage Therapy, created under
- 29 chapter 480.
- 30 23. The Board of Clinical Laboratory Personnel,
- 31 created under part III of chapter 483.

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1 24. Medical physicists, as provided under part IV of
2 chapter 483.

3 25. The Board of Opticianry, created under part I of
4 chapter 484.

5 26. The Board of Hearing Aid Specialists, created
6 under part II of chapter 484.

7 27. The Board of Physical Therapy Practice, created
8 under chapter 486.

9 28. The Board of Psychology, created under chapter
10 490.

11 29. School psychologists, as provided under chapter
12 490.

13 30. The Board of Clinical Social Work, Marriage and
14 Family Therapy, and Mental Health Counseling, created under
15 chapter 491.

16
17 The department may contract with the Agency for Health Care
18 Administration who shall provide consumer complaint,
19 investigative, and prosecutorial services required by the
20 Division of Medical Quality Assurance, councils, or boards, as
21 appropriate.

22 Section 140. The Council of Athletic Training and the
23 terms of all council members are terminated on July 1, 1999.
24 However, such termination in no way precludes the Governor
25 from considering any former council member for appointment to
26 the Board of Athletic Training created by this act.

27 Section 141. Section 468.805, Florida Statutes, is
28 amended to read:

29 468.805 Grandfathering Licensure without examination;
30 ~~provisional licensure.--~~

31 (1) A person who has practiced orthotics, prosthetics,

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

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

25 (b) An applicant for provisional licensure shall
26 submit proof that he or she has been actively practicing as a
27 nationally certified orthotist, prosthetist, or
28 prosthetist-orthotist, an application fee, and a provisional
29 license fee.

30 (c) A provisional licensee is required to practice
31 under supervision of a fully licensed orthotist, prosthetist,

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1 or prosthetist-orthotist for up to 3 years in order to meet
2 the 5-year experience requirement of subsection (1) to be
3 licensed as an orthotist, prosthetist, or
4 prosthetist-orthotist.

5 (d) After appropriate investigation, the board shall
6 license as an orthotist, prosthetist, or prosthetist-orthotist
7 the provisional licensee who has successfully completed the
8 period of experience required and otherwise meets the
9 requirements of subsection (1).

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

13 (3) An applicant who has received certification as an
14 orthotist, a prosthetist, a prosthetist-orthotist, or a
15 pedorthist from a national certifying body which requires the
16 successful completion of an examination, may be licensed under
17 this section without taking an additional examination. An
18 applicant who has not received certification from a national
19 certifying body which requires the successful completion of an
20 examination shall be required to take an examination as
21 determined by the board. This examination shall be designed to
22 determine if the applicant has the minimum qualifications
23 needed to be licensed under this section. The board may charge
24 an examination fee and the actual per applicant cost to the
25 department for purchase or development of the examination.

26 (4) An applicant who successfully completed prior to
27 March 1, 1998, at least one-half of the examination required
28 for national certification and successfully completed the
29 remaining portion of the examination and became certified
30 prior to July 1, 1998, shall be considered as nationally
31 certified by March 1, 1998, for purposes of this section.

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

2 Section 142. Subsection (3) of section 468.806,
3 Florida Statutes, is amended to read:

4 468.806 Biennial renewal of license.--

5 (3) The board may by rule prescribe continuing
6 education requirements and approve course criteria, not to
7 exceed 30 hours biennially, as a condition for license
8 renewal. The board shall establish a procedure for approving
9 continuing education courses and providers and may set a fee
10 for continuing education course and provider approval.

11 Section 143. Subsection (5) of section 478.42, Florida
12 Statutes, is amended to read:

13 478.42 Definitions.--As used in this chapter, the
14 term:

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

25 Section 144. Section 483.041, Florida Statutes, is
26 amended to read:

27 483.041 Definitions.--As used in this part, the term:

28 (1) "Agency" means the Agency for Health Care
29 Administration.

30 (2) "Clinical laboratory" means the physical location
31 in which one or more of the following services ~~a laboratory~~

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1 ~~where examinations are performed on materials or specimens~~
2 ~~taken from the human body~~ to provide information or materials
3 for use in the diagnosis, prevention, or treatment of a
4 disease or the identification or assessment of a medical or
5 physical condition.

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

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

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

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

17 (4)(3) "Clinical laboratory proficiency testing
18 program" means a program approved by the agency for evaluating
19 the performance of clinical laboratories.

20 (5)(4) "Collection station" or "branch office" means a
21 facility operated by a clinical laboratory where materials or
22 specimens are withdrawn or collected from patients or
23 assembled after being withdrawn or collected from patients
24 elsewhere, for subsequent delivery to another location for
25 examination.

26 (6)(5) "Hospital laboratory" means a laboratory
27 located in a hospital licensed under chapter 395 that provides
28 services solely to that hospital and that is owned by the
29 hospital and governed by the hospital medical staff or
30 governing board.

31 (7)(6) "Licensed practitioner" means a physician

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1 licensed under chapter 458, chapter 459, chapter 460, or
2 chapter 461; a dentist licensed under chapter 466; a person
3 licensed under chapter 462; or an advanced registered nurse
4 practitioner licensed under chapter 464 or a duly licensed
5 practitioner from another state licensed under similar
6 statutes who orders examinations on materials or specimens for
7 non residents of the State of Florida, but who reside in the
8 same state as the requesting licensed practitioner.

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

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

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

22 Section 145. Subsections (2), (3), and (7) of section
23 483.803, Florida Statutes, are amended to read:

24 483.803 Definitions.--As used in this part, the term:

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

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

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1 ~~assessment of a medical or physical condition.~~

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

7 Section 146. Subsection (9) of section 483.807,
8 Florida Statutes, 1998 Supplement, is amended to read:

9 483.807 Fees; establishment; disposition.--

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

13 Section 147. Subsections (2) and (3) of section
14 483.809, Florida Statutes, are amended to read:

15 483.809 Licensure; examinations; registration of
16 trainees; approval of curricula.--

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

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

30 Section 148. Section 483.812, Florida Statutes, is
31 amended to read:

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1 483.812 Public health laboratory scientists;
2 licensure.--

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

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

13 ~~(3)~~~~(2)~~(a) A technologist applicant for licensure in
14 the category of public health microbiology, with a
15 baccalaureate degree in one of the biological sciences from an
16 accredited institution, may use the American Society for ~~of~~
17 Microbiology or the National Registry in ~~of~~ Microbiology
18 Certification in Public Health Microbiology to qualify for a
19 technologist license in public health microbiology. Such a
20 technologist may work in a public health microbiology
21 laboratory.

22 (b) A technologist applicant for licensure in the
23 category of public health chemistry, with a baccalaureate
24 degree in one of the chemical, biological, or physical
25 sciences from an accredited institution, may use the National
26 Registry of Clinical Chemistry Certification to qualify for a
27 technologist license in public health chemistry. Such a
28 technologist may work in a public health chemistry laboratory.

29 (c) A technician applicant for licensure in the
30 category of public health, with a baccalaureate degree in one
31 of the chemical or biological sciences from an accredited

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1 institution, may obtain a 2-year ~~one-time, 3-year,~~ conditional
2 public health technician license, which may be renewed once
3 ~~pending national certification by the American Society of~~
4 ~~Microbiology or the National Registry of Clinical Chemistry~~
5 ~~Certification~~. Such a technician may perform testing only
6 under the direct supervision of a licensed pathologist,
7 director, supervisor, or technologist.

8 (4)~~(3)~~ A person licensed by the Board of Clinical
9 Laboratory Personnel may work in a public health laboratory at
10 the appropriate level and specialty.

11 Section 149. Section 483.813, Florida Statutes, is
12 amended to read:

13 483.813 Clinical laboratory personnel license.--A
14 person may not conduct a clinical laboratory examination or
15 report the results of such examination unless such person is
16 licensed under this part to perform such procedures. However,
17 this provision does not apply to any practitioner of the
18 healing arts authorized to practice in this state or to
19 persons engaged in testing performed by laboratories regulated
20 under s. 483.035(1) or exempt from regulation under s.
21 483.031(2). The department may grant a temporary license to
22 any candidate it deems properly qualified, for a period not to
23 exceed 1 year, ~~or a conditional license for a period not to~~
24 ~~exceed 3 years.~~

25 Section 150. Subsection (3) is added to section
26 483.821, Florida Statutes, to read:

27 483.821 Periodic demonstration of competency;
28 continuing education or reexamination.--

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

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1 Section 151. Section 483.824, Florida Statutes, is
2 amended to read:

3 483.824 Qualifications of clinical laboratory
4 director.--A clinical laboratory director must have 4 years of
5 clinical laboratory experience with 2 years of experience in
6 the speciality to be directed or be nationally board certified
7 in the specialty to be directed, and must meet one of the
8 following requirements:

9 (1) Be a physician licensed under chapter 458 or
10 chapter 459;

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

14 (3) For the subspecialty of oral pathology, be a
15 physician licensed under chapter 458 or chapter 459 or a
16 dentist licensed under chapter 466.

17 Section 152. Section 483.825, Florida Statutes, is
18 amended to read:

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

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

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

31 (3) Demonstrating incompetence or making consistent

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1 errors in the performance of clinical laboratory examinations
2 or procedures or erroneous reporting.

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

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

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

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

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

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

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

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1 against the licensee.

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

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

28 (13) Delegating professional responsibilities to a
29 person when the licensee delegating such responsibilities
30 knows, or has reason to know, that such person is not
31 qualified by training, experience, or licensure to perform

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1 them.

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

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

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

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

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

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1 drugs.

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

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

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

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

18 Section 153. Paragraph (g) of subsection (4) and
19 subsections (6) and (8) of section 483.901, Florida Statutes,
20 1998 Supplement, are amended to read:

21 483.901 Medical physicists; definitions; licensure.--

22 (4) COUNCIL.--The Advisory Council of Medical
23 Physicists is created in the Department of Health to advise
24 the department in regulating the practice of medical physics
25 in this state.

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

28 (6) LICENSE REQUIRED.--An individual may not engage in
29 the practice of medical physics, including the specialties of
30 diagnostic radiological physics, therapeutic radiological
31 physics, medical nuclear radiological physics, or medical

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1 health physics, without a license issued by the department for
2 the appropriate specialty.

3 (a) The department shall adopt rules to administer
4 this section which specify license application and renewal
5 fees, continuing education requirements, and standards for
6 practicing medical physics. The council shall recommend to
7 the department continuing education requirements that shall be
8 a condition of license renewal. The department shall require
9 a minimum of 24 hours per biennium of continuing education
10 offered by an organization recommended by the council and
11 approved by the department. The department, upon
12 recommendation of the council, may adopt rules to specify
13 continuing education requirements for persons who hold a
14 license in more than one specialty.

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

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

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

30 (e) On receipt of an application and fee as specified
31 in this section, the department may issue a license to

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1 practice medical physics in this state:

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

4 a. Earned from an accredited college or university a
5 doctoral degree in physics, medical physics, biophysics,
6 radiological physics, medical health physics, or nuclear
7 engineering and has at least 2 years' experience in the
8 practice of the medical physics specialty for which
9 application is made.

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

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

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

24 e. Is board certified in the medical physics specialty
25 in which the applicant applies to practice by the American
26 Board of Radiology for diagnostic radiological physics,
27 therapeutic radiological physics, or medical nuclear
28 radiological physics; by the American Board of Medical Physics
29 or the Canadian Board of Medical Physics for diagnostic
30 radiological physics, therapeutic radiological physics, or
31 medical nuclear radiological physics; or by the American Board

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1 of Health Physics or an equivalent certifying body approved by
2 the agency.

3 2. On or after October 1, 1997, to a person who is
4 board certified in the medical physics specialty in which the
5 applicant applies to practice by the American Board of
6 Radiology for diagnostic radiological physics, therapeutic
7 radiological physics, or medical nuclear radiological physics;
8 by the American Board of Medical Physics for diagnostic
9 radiological physics, therapeutic radiological physics, or
10 medical nuclear radiological physics; or by the American Board
11 of Health Physics or an equivalent certifying body approved by
12 the department.

13 (f) A licensee shall:

14 1. Display the license in a place accessible to the
15 public; and

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

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

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

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

25 3. Being convicted or found guilty of, or entering a
26 plea of nolo contendere to, regardless of adjudication, a
27 crime in any jurisdiction which relates to the practice of, or
28 the ability to practice, the profession of medical physics.

29 4. Willfully failing to file a report or record
30 required for medical physics or willfully impeding or
31 obstructing the filing of a report or record required by this

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1 section or inducing another person to do so.

2 5. Making misleading, deceptive, or fraudulent
3 representations in or related to the practice of medical
4 physics.

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

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

9 8. Failing to perform any statutory or legal
10 obligation placed upon a licensee.

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

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

19 11. Practicing or offering to practice beyond the
20 scope permitted by law or accepting and performing
21 professional responsibilities the licensee knows, or has
22 reason to know, the licensee is not competent to perform.

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

25 13. Judicially determined mental incompetency.

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

31 a. The department may, upon probable cause, compel a

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1 licensee to submit to a mental or physical examination by
2 physicians designated by the department. The cost of an
3 examination shall be borne by the licensee, and the licensee's
4 failure to submit to such an examination constitutes an
5 admission of the allegations against the licensee, consequent
6 upon which a default and a final order may be entered without
7 the taking of testimony or presentation of evidence, unless
8 the failure was due to circumstances beyond the licensee's
9 control.

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

14 c. With respect to any proceeding under this
15 subparagraph, the record of proceedings or the orders entered
16 by the department may not be used against a licensee in any
17 other proceeding.

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

23 1. Deny the application for licensure.

24 2. Revoke or suspend the license.

25 3. Impose an administrative fine for each count or
26 separate offense.

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

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1 5. Restrict a licensee's practice.

2 6. Issue a reprimand to the licensee.

3 (i) The department may not issue or reinstate a
4 license to a person it has deemed unqualified until it is
5 satisfied that such person has complied with the terms and
6 conditions of the final order and that the licensee can safely
7 practice medical physics.

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

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

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

21 Section 154. Paragraph (d) of subsection (1) of
22 section 484.007, Florida Statutes, is amended to read:

23 484.007 Licensure of opticians; permitting of optical
24 establishments.--

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

29 (d)1. Has received an associate degree, or its
30 equivalent, in opticianry from an educational institution the
31 curriculum of which is accredited by an accrediting agency

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1 recognized and approved by the United States Department of
2 Education or the Council on Postsecondary Education or
3 approved by the board;

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

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

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

29 Section 155. Subsection (3) is added to section
30 484.0512, Florida Statutes, to read:

31 484.0512 Thirty-day trial period; purchaser's right to

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1 cancel; notice; refund; cancellation fee.--

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

5 Section 156. Section 484.053, Florida Statutes, is
 6 amended to read:

7 484.053 Prohibitions; penalties.--

8 (1) A person may not:

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

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

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

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

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

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

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

24 (2) Any person who violates any of the provisions of
 25 this section is guilty of a felony ~~misdemeanor~~ of the third
 26 ~~second degree~~, punishable as provided in s. 775.082 or s.
 27 775.083.

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

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1 shall, upon determination of that violation, order the full
2 refund of moneys paid by the purchaser upon return of the
3 hearing aid to the seller's place of business.

4 Section 157. Paragraph (a) of subsection (1) of
5 section 484.056, Florida Statutes, 1998 Supplement, is amended
6 to read:

7 484.056 Disciplinary proceedings.--

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

15 (a) Violation of any provision of s. 455.624(1), s.
16 484.0512, or s. 484.053.

17 Section 158. Section 486.041, Florida Statutes, is
18 amended to read:

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

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

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

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1 ~~pursuant to this chapter.~~

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

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

9 Section 159. Section 486.081, Florida Statutes, is
10 amended to read:

11 486.081 Physical therapist; issuance of license
12 without examination to person passing examination of another
13 authorized examining board; ~~temporary permit; fee.--~~

14 (1) The board may cause a license to be issued through
15 the department without examination to any applicant who
16 presents evidence satisfactory to the board of having passed
17 the American Registry Examination prior to 1971 or an
18 examination in physical therapy before a similar lawfully
19 authorized examining board of another state, the District of
20 Columbia, a territory, or a foreign country, if the standards
21 for licensure in physical therapy in such other state,
22 district, territory, or foreign country are determined by the
23 board to be as high as those of this state, as established by
24 rules adopted pursuant to this chapter. Any person who holds a
25 license pursuant to this section may use the words "physical
26 therapist" or "physiotherapist," or the letters "P.T.," in
27 connection with her or his name or place of business to denote
28 her or his licensure hereunder.

29 (2) At the time of making application for licensure
30 without examination pursuant to the terms of this section, the
31 applicant shall pay to the department a fee not to exceed \$175

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1 as fixed by the board, no part of which will be returned.

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

8 Section 160. Section 486.103, Florida Statutes, is
9 amended to read:

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

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

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

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

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

31 Section 161. Section 486.107, Florida Statutes, is

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1 amended to read:

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

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

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

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

27 Section 162. Paragraph (b) of subsection (1) of
28 section 490.005, Florida Statutes, 1998 Supplement, is amended
29 to read:

30 490.005 Licensure by examination.--

31 (1) Any person desiring to be licensed as a

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1 psychologist shall apply to the department to take the
2 licensure examination. The department shall license each
3 applicant who the board certifies has:

4 (b) Submitted proof satisfactory to the board that the
5 applicant has:

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

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

17 3. Received and submitted to the board, prior to July
18 1, 1999, certification of an augmented doctoral-level
19 psychological education from the program director of a
20 doctoral-level psychology program accredited by a programmatic
21 agency recognized and approved by the United States Department
22 of Education; or

23 4. Received and submitted to the board, prior to
24 August 31, 2001 ~~July 1, 2001~~, certification of a
25 doctoral-level program that at the time the applicant was
26 enrolled and graduated maintained a standard of education and
27 training comparable to the standard of training of programs
28 accredited by a programmatic agency recognized and approved by
29 the United States Department of Education, ~~as such~~
30 ~~comparability was determined by the Board of Psychological~~
31 ~~Examiners immediately prior to the amendment of s. 490.005,~~

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1 ~~Florida Statutes, 1994 Supplement, by s. 5, chapter 95-279,~~
2 ~~Laws of Florida.~~ Such certification of comparability shall be
3 provided by the program director of a doctoral-level
4 psychology program accredited by a programmatic agency
5 recognized and approved by the United States Department of
6 Education.

7 Section 163. Subsection (1) of section 490.006,
8 Florida Statutes, is amended to read:

9 490.006 Licensure by endorsement.--

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

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

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

26 (c) Possesses a doctoral degree in psychology as
27 described in s. 490.003 and has at least 20 years of
28 experience as a licensed psychologist in any jurisdiction or
29 territory of the United States within 25 years preceding the
30 date of application.

31 Section 164. Subsection (2) of section 490.0085,

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1 Florida Statutes, is amended to read:

2 490.0085 Continuing education; approval of providers,
3 programs, and courses; proof of completion.--

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

9 Section 165. Section 491.0045, Florida Statutes, is
10 amended to read:

11 491.0045 Intern registration; requirements.--

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

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

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

31 (b)1. Completed the education requirements as

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1 specified in s. 491.005(1)(c), (3)(c), or (4)(c) for the
2 profession for which he or she is applying for licensure, if
3 needed; and

4 2. Submitted an acceptable supervision plan, as
5 determined by the board, for meeting the practicum,
6 internship, or field work required for licensure that was not
7 satisfied in his or her graduate program.

8 (c) Identified a qualified supervisor.

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

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

20 (5) Individuals who have commenced the experience
21 requirement as specified in s. 491.005(1)(c), (3)(c), or
22 (4)(c) but failed to register as required by subsection (1)
23 shall register with the department before January 1, 2000.
24 Individuals who fail to comply with this subsection shall not
25 be granted a license, and any time spent by the individual
26 completing the experience requirement prior to registering as
27 an intern shall not count toward completion of such
28 requirement.

29 Section 166. Subsections (1) and (2) of section
30 491.0046, Florida Statutes, are amended to read:

31 491.0046 Provisional license; requirements.--

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1 (1) An individual applying for licensure by
2 examination who has satisfied the clinical experience
3 requirements of s. 491.005 or an individual applying for
4 licensure by endorsement pursuant to s. 491.006 intending to
5 provide clinical social work, marriage and family therapy, or
6 mental health counseling services in Florida while satisfying
7 coursework or examination requirements for licensure must be
8 provisionally licensed in the profession for which he or she
9 is seeking licensure prior to beginning practice.

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

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

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

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

25 (c) Has met the following minimum coursework
26 requirements:

27 1. For clinical social work, a minimum of 15 semester
28 hours or 22 quarter hours of the coursework required by s.
29 491.005(1)(b)2.b.

30 2. For marriage and family therapy, ten of the courses
31 required by s. 491.005(3)(b)1.a.-c., as determined by the

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1 board, and at least 6 semester hours or 9 quarter hours of the
 2 course credits must have been completed in the area of
 3 marriage and family systems, theories, or techniques.

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

6 Section 167. Section 491.005, Florida Statutes, is
 7 amended to read:

8 491.005 Licensure by examination.--

9 (1) CLINICAL SOCIAL WORK.--Upon verification of
 10 documentation and payment of a fee not to exceed \$200, as set
 11 by board rule, plus the actual per applicant cost to the
 12 department for purchase of the examination from the American
 13 Association of State Social Worker's Boards or a similar
 14 national organization, the department shall issue a license as
 15 a clinical social worker to an applicant who the board
 16 certifies:

17 (a) Has made application therefor and paid the
 18 appropriate fee.

19 (b)1. Has received a doctoral degree in social work
 20 from a graduate school of social work which at the time the
 21 applicant graduated was accredited by an accrediting agency
 22 recognized by the United States Department of Education or has
 23 received a master's degree in social work from a graduate
 24 school of social work which at the time the applicant
 25 graduated:

26 a. Was accredited by the Council on Social Work
 27 Education;

28 b. Was accredited by the Canadian Association of
 29 Schools of Social Work; or

30 c. Has been determined to have been a program
 31 equivalent to programs approved by the Council on Social Work

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1 Education by the Foreign Equivalency Determination Service of
2 the Council on Social Work Education. An applicant who
3 graduated from a program at a university or college outside of
4 the United States or Canada must present documentation of the
5 equivalency determination from the council in order to
6 qualify.

7 2. The applicant's graduate program must have
8 emphasized direct clinical patient or client health care
9 services, including, but not limited to, coursework in
10 clinical social work, psychiatric social work, medical social
11 work, social casework, psychotherapy, or group therapy. The
12 applicant's graduate program must have included all of the
13 following coursework:

14 a. A supervised field placement which was part of the
15 applicant's advanced concentration in direct practice, during
16 which the applicant provided clinical services directly to
17 clients.

18 b. Completion of 24 semester hours or 32-37 quarter
19 hours in theory of human behavior and practice methods as
20 courses in clinically oriented services, including a minimum
21 of one course in psychopathology, and no more than one course
22 in research, taken in a school of social work accredited or
23 approved pursuant to subparagraph 1.

24 3. 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 (c) Has had not less than 2 years of clinical social
30 work experience, which took place subsequent to completion of
31 a graduate degree in social work at an institution meeting the

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1 accreditation requirements of this section, under the
2 supervision of a licensed clinical social worker or the
3 equivalent who is a qualified supervisor as determined by the
4 board. An individual who intends to practice in Florida to
5 satisfy clinical experience requirements must register
6 pursuant to s. 491.0045 prior to commencing practice. If the
7 applicant's graduate program was not a program which
8 emphasized direct clinical patient or client health care
9 services as described in subparagraph (b)2.s. 491.003, the
10 supervised experience requirement must take place after the
11 applicant has completed a minimum of 15 semester hours or 22
12 quarter hours of the coursework required. A doctoral
13 internship may be applied toward the clinical social work
14 experience requirement. The experience requirement may be met
15 by work performed on or off the premises of the supervising
16 clinical social worker or the equivalent, provided the
17 off-premises work is not the independent private practice
18 rendering of clinical social work that does not have a
19 licensed mental health professional, as determined by the
20 board, on the premises at the same time the intern is
21 providing services.

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

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

28 (2) CLINICAL SOCIAL WORK.--

29 (a) Notwithstanding the provisions of paragraph
30 (1)(b), coursework which was taken at a baccalaureate level
31 shall not be considered toward completion of education

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1 requirements for licensure unless an official of the graduate
2 program certifies in writing on the graduate school's
3 stationery that a specific course, which students enrolled in
4 the same graduate program were ordinarily required to complete
5 at the graduate level, was waived or exempted based on
6 completion of a similar course at the baccalaureate level. If
7 this condition is met, the board shall apply the baccalaureate
8 course named toward the education requirements.

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

21 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification
22 of documentation and payment of a fee not to exceed \$200, as
23 set by board rule, plus the actual cost to the department for
24 the purchase of the examination from the Association of
25 Marital and Family Therapy Regulatory Board, or similar
26 national organization, the department shall issue a license as
27 a marriage and family therapist to an applicant who the board
28 certifies:

29 (a) Has made application therefor and paid the
30 appropriate fee.

31 (b)1. Has a minimum of a master's degree with major

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1 emphasis in marriage and family therapy, or a closely related
2 field, and has completed all of the following requirements:
3 a. Twenty-seven semester hours or 41 quarter hours of
4 graduate coursework, which must include a minimum of 2
5 semester hours or 3 quarter hours of graduate-level course
6 credits in each of the following nine areas: dynamics of
7 marriage and family systems; marriage therapy and counseling
8 theory and techniques; family therapy and counseling theory
9 and techniques; individual human development theories
10 throughout the life cycle; personality theory;
11 psychopathology; human sexuality theory and counseling
12 techniques; general counseling theory and techniques; and
13 psychosocial theory. Content may be combined, provided no more
14 than two of the nine content areas are included in any one
15 graduate-level course and the applicant can document that the
16 equivalent of 2 semester hours of coursework was devoted to
17 each content area. Courses in research, evaluation, appraisal,
18 assessment, or testing theories and procedures; thesis or
19 dissertation work; or practicums, internships, or fieldwork
20 may not be applied toward this requirement.
21 b. A minimum of one graduate-level course of 2
22 semester hours or 3 quarter hours in legal, ethical, and
23 professional standards issues in the practice of marriage and
24 family therapy or a course determined by the board to be
25 equivalent.
26 c. A minimum of one graduate-level course of 2
27 semester hours or 3 quarter hours in diagnosis, appraisal,
28 assessment, and testing for individual or interpersonal
29 disorder or dysfunction; and a minimum of one 2-semester-hour
30 or 3-quarter-hour graduate-level course in behavioral research
31 which focuses on the interpretation and application of

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1 research data as it applies to clinical practice. Credit for
2 thesis or dissertation work, practicums, internships, or
3 fieldwork may not be applied toward this requirement.

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

25 2. If the course title which appears on the
26 applicant's transcript does not clearly identify the content
27 of the coursework, the applicant shall be required to provide
28 additional documentation, including, but not limited to, a
29 syllabus or catalog description published for the course.

30
31 The required master's degree must have been received in an

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

31 (c) Has had not less than 2 years of clinical

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1 experience during which 50 percent of the applicant's clients
2 were receiving marriage and family therapy services, which
3 must be at the post-master's level under the supervision of a
4 licensed marriage and family therapist with at least 5 years
5 of experience, or the equivalent, who is a qualified
6 supervisor as determined by the board. An individual who
7 intends to practice in Florida to satisfy the clinical
8 experience requirements must register pursuant to s. 491.0045
9 prior to commencing practice. If a graduate has a master's
10 degree with a major emphasis in marriage and family therapy or
11 a closely related field that did not include all the
12 coursework required under sub-subparagraphs (b)1.a.-c., credit
13 for the post-master's level clinical experience shall not
14 commence until the applicant has completed a minimum of 10 of
15 the courses required under sub-subparagraphs (b)1.a.-c., as
16 determined by the board, and at least 6 semester hours or 9
17 quarter hours of the course credits must have been completed
18 in the area of marriage and family systems, theories, or
19 techniques. Within the 3 years of required experience, the
20 applicant shall provide direct individual, group, or family
21 therapy and counseling, to include the following categories of
22 cases: unmarried dyads, married couples, separating and
23 divorcing couples, and family groups including children. A
24 doctoral internship may be applied toward the clinical
25 experience requirement. The clinical experience requirement
26 may be met by work performed on or off the premises of the
27 supervising marriage and family therapist or the equivalent,
28 provided the off-premises work is not the independent private
29 practice rendering of marriage and family therapy services
30 that does not have a licensed mental health professional, as
31 determined by the board, on the premises at the same time the

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1 intern is providing services.

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

4 (e) Has demonstrated, in a manner designated by rule
5 of the board, knowledge of the laws and rules governing the
6 practice of clinical social work, marriage and family therapy,
7 and mental health counseling.

8 (f) For the purposes of dual licensure, the department
9 shall license as a marriage and family therapist any person
10 who meets the requirements of s. 491.0057. Fees for dual
11 licensure shall not exceed those stated in this subsection.

12 (4) MENTAL HEALTH COUNSELING.--Upon verification of
13 documentation and payment of a fee not to exceed \$200, as set
14 by board rule, plus the actual per applicant cost to the
15 department for purchase of the examination from the
16 Professional Examination Service for the National Academy of
17 Certified Clinical Mental Health Counselors or a similar
18 national organization, the department shall issue a license as
19 a mental health counselor to an applicant who the board
20 certifies:

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

23 (b)1. Has received a minimum of an earned master's
24 degree with a major related to the practice of mental health
25 counseling, and has completed all of the following
26 requirements:

27 a. Twenty-one semester hours or 32 quarter hours of
28 graduate coursework, which must include a minimum of 2
29 semester hours or 3 quarter hours of graduate-level coursework
30 in each of the following seven content areas: counseling
31 theories and practice; human development theories; personality

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1 theory; psychopathology or abnormal psychology; human
2 sexuality theories; group theories and practice; and
3 individual evaluation and assessment. Content may be
4 combined, provided no more than two of the seven content areas
5 are included in any one graduate-level course and the
6 applicant can document that the equivalent of 2 semester hours
7 of content was devoted to each content area. Courses in
8 research, thesis or dissertation work, practicums,
9 internships, or fieldwork may not be applied toward this
10 requirement.

11 b. A minimum of one 2-semester-hour or 3-quarter-hour
12 graduate-level course in research or in career or vocational
13 counseling. Credit for thesis or dissertation work,
14 practicums, internships, or fieldwork may not be applied
15 toward this requirement.

16 c. A minimum of 2 semester hours or 3 quarter hours of
17 graduate-level coursework in legal, ethical, and professional
18 standards issues in the practice of mental health counseling,
19 which includes goals and objectives of professional counseling
20 organizations, codes of ethics, legal considerations,
21 standards of preparation, certifications and licensing, and
22 the role identity of counselors. Courses in research, thesis
23 or dissertation work, practicums, internships, or fieldwork
24 may not be applied toward this requirement.

25 d. A minimum of one supervised practicum, internship,
26 or field experience in a counseling setting. This requirement
27 may be met by a supervised practice experience which takes
28 place outside the academic arena, but which is certified as
29 equivalent to a graduate-level practicum in a clinical mental
30 health counseling setting currently offered within an academic
31 program of a college or university accredited by an

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1 accrediting agency approved by the United States Department of
2 Education. Such certification shall be required from an
3 official of such college or university.

4 2. If the course title which appears on the
5 applicant's transcript does not clearly identify the content
6 of the coursework, the applicant shall be required to provide
7 additional documentation, including, but not limited to, a
8 syllabus or catalog description published for the course.

9
10 Except as provided in sub-subparagraph 1.d., education and
11 training in mental health counseling must have been received
12 in an institution of higher education which at the time the
13 applicant graduated was: fully accredited by a regional
14 accrediting body recognized by the Commission on Recognition
15 of Postsecondary Accreditation; publicly recognized as a
16 member in good standing with the Association of Universities
17 and Colleges of Canada; or an institution of higher education
18 located outside the United States and Canada, which at the
19 time the applicant was enrolled and at the time the applicant
20 graduated maintained a standard of training substantially
21 equivalent to the standards of training of those institutions
22 in the United States which are accredited by a regional
23 accrediting body recognized by the Commission on Recognition
24 of Postsecondary Accreditation. Such foreign education and
25 training must have been received in an institution or program
26 of higher education officially recognized by the government of
27 the country in which it is located as an institution or
28 program to train students to practice as mental health
29 counselors. The burden of establishing that the requirements
30 of this provision have been met shall be upon the applicant,
31 and the board shall require documentation, such as, but not

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1 limited to, an evaluation by a foreign equivalency
2 determination service, as evidence that the applicant's
3 graduate degree program and education were equivalent to an
4 accredited program in this country.

5 (c) Has had not less than 2 years of clinical
6 experience in mental health counseling, which must be at the
7 post-master's level under the supervision of a licensed mental
8 health counselor or the equivalent who is a qualified
9 supervisor as determined by the board. An individual who
10 intends to practice in Florida to satisfy the clinical
11 experience requirements must register pursuant to s. 491.0045
12 prior to commencing practice. If a graduate has a master's
13 degree with a major related to the practice of mental health
14 counseling which did not include all the coursework required
15 under sub-subparagraphs (b)1.a.-c., credit for the
16 post-master's level clinical experience shall not commence
17 until the applicant has completed a minimum of seven of the
18 courses required under sub-subparagraphs (b)1.a.-c., as
19 determined by the board, one of which must be a course in
20 psychopathology or abnormal psychology. A doctoral internship
21 may be applied toward the clinical experience requirement. The
22 clinical experience requirement may be met by work performed
23 on or off the premises of the supervising mental health
24 counselor or the equivalent, provided the off-premises work is
25 not the independent private practice rendering of services
26 that does not have a licensed mental health professional, as
27 determined by the board, on the premises at the same time the
28 intern is providing services.

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

31 (e) Has demonstrated, in a manner designated by rule

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1 of the board, knowledge of the laws and rules governing the
2 practice of clinical social work, marriage and family therapy,
3 and mental health counseling.

4 (5) INTERNSHIP.--An individual who is registered as an
5 intern and has satisfied all of the educational requirements
6 for the profession for which the applicant seeks licensure
7 shall be certified as having met the educational requirements
8 for licensure under this section.

9 (6) RULES.--The board may adopt rules necessary to
10 implement any education or experience requirement of this
11 section for licensure as a clinical social worker, marriage
12 and family therapist, or mental health counselor.

13 Section 168. Effective January 1, 2001, paragraph (b)
14 of subsection (4) of section 491.005, Florida Statutes, as
15 amended by section 13 of chapter 97-198 and section 205 of
16 chapter 97-264, Laws of Florida, and as amended by this act,
17 is amended, and subsection (6) of that section, as created by
18 this act, is reenacted, to read:

19 491.005 Licensure by examination.--

20 (4) MENTAL HEALTH COUNSELING.--Upon verification of
21 documentation and payment of a fee not to exceed \$200, as set
22 by board rule, plus the actual per applicant cost to the
23 department for purchase of the examination from the
24 Professional Examination Service for the National Academy of
25 Certified Clinical Mental Health Counselors or a similar
26 national organization, the department shall issue a license as
27 a mental health counselor to an applicant who the board
28 certifies:

29 (b)1. Has a minimum of an earned master's degree from
30 a mental health counseling program accredited by the Council
31 for the Accreditation of Counseling and Related Educational

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1 Programs that consists of at least 60 semester hours or 80
2 quarter hours of clinical and didactic instruction, including
3 a course in human sexuality and a course in substance abuse.
4 If the master's degree is earned from a program related to the
5 practice of mental health counseling that is not accredited by
6 the Council for the Accreditation of Counseling and Related
7 Educational Programs, then the coursework and practicum,
8 internship, or fieldwork must consist of at least 60 semester
9 hours or 80 quarter hours and meet the following requirements:

10 a. Thirty-three ~~Thirty-six~~ semester hours or 44 ~~48~~
11 quarter hours of graduate coursework, which must include a
12 minimum of 3 semester hours or 4 quarter hours of
13 graduate-level coursework in each of the following 11 ~~12~~
14 content areas: counseling theories and practice; human growth
15 and development; diagnosis and treatment of psychopathology;
16 human sexuality; group theories and practice; individual
17 evaluation and assessment; career and lifestyle assessment;
18 research and program evaluation; social and cultural
19 foundations; ~~foundations of mental health counseling;~~
20 counseling in community settings; and substance abuse. Courses
21 in research, thesis or dissertation work, practicums,
22 internships, or fieldwork may not be applied toward this
23 requirement.

24 b. A minimum of 3 semester hours or 4 quarter hours of
25 graduate-level coursework in legal, ethical, and professional
26 standards issues in the practice of mental health counseling,
27 which includes goals, objectives, and practices of
28 professional counseling organizations, codes of ethics, legal
29 considerations, standards of preparation, certifications and
30 licensing, and the role identity and professional obligations
31 of mental health counselors. Courses in research, thesis or

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1 dissertation work, practicums, internships, or fieldwork may
2 not be applied toward this requirement.

3 c. The equivalent, as determined by the board,of at
4 least 1,000 hours of university-sponsored supervised clinical
5 practicum, internship, or field experience as required in the
6 accrediting standards of the Council for Accreditation of
7 Counseling and Related Educational Programs for mental health
8 counseling programs. ~~If the academic practicum, internship, or~~
9 ~~field experience was less than 1,000 hours, experience gained~~
10 ~~outside the academic arena in clinical mental health settings~~
11 ~~under the supervision of a qualified supervisor as determined~~
12 ~~by the board may be applied.~~This experience may not be used
13 to satisfy the post-master's clinical experience requirement.

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

19
20 Education and training in mental health counseling must have
21 been received in an institution of higher education which at
22 the time the applicant graduated was: fully accredited by a
23 regional accrediting body recognized by the Commission on
24 Recognition of Postsecondary Accreditation; publicly
25 recognized as a member in good standing with the Association
26 of Universities and Colleges of Canada; or an institution of
27 higher education located outside the United States and Canada,
28 which at the time the applicant was enrolled and at the time
29 the applicant graduated maintained a standard of training
30 substantially equivalent to the standards of training of those
31 institutions in the United States which are accredited by a

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1 regional accrediting body recognized by the Commission on
2 Recognition of Postsecondary Accreditation. Such foreign
3 education and training must have been received in an
4 institution or program of higher education officially
5 recognized by the government of the country in which it is
6 located as an institution or program to train students to
7 practice as mental health counselors. The burden of
8 establishing that the requirements of this provision have been
9 met shall be upon the applicant, and the board shall require
10 documentation, such as, but not limited to, an evaluation by a
11 foreign equivalency determination service, as evidence that
12 the applicant's graduate degree program and education were
13 equivalent to an accredited program in this country.

14 (6) RULES.--The board may adopt rules necessary to
15 implement any education or experience requirement of this
16 section for licensure as a clinical social worker, marriage
17 and family therapist, or mental health counselor.

18 Section 169. Paragraph (b) of subsection (1) of
19 section 491.006, Florida Statutes, is amended to read:

20 491.006 Licensure or certification by endorsement.--

21 (1) The department shall license or grant a
22 certificate to a person in a profession regulated by this
23 chapter who, upon applying to the department and remitting the
24 appropriate fee, demonstrates to the board that he or she:

25 (b)1. Holds an active valid license to practice and
26 has actively practiced the profession for which licensure is
27 applied in another state for 3 of the last 5 years immediately
28 preceding licensure.

29 2. Meets the education requirements of this chapter
30 for the profession for which licensure is applied.

31 3. Has passed a substantially equivalent licensing

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1 examination in another state or has passed the licensure
2 examination in this state in the profession for which the
3 applicant seeks licensure.

4 4. Holds a license in good standing, is not under
5 investigation for an act which would constitute a violation of
6 this chapter, and has not been found to have committed any act
7 which would constitute a violation of this chapter.

8 Section 170. Section 491.0085, Florida Statutes, is
9 amended to read:

10 491.0085 Continuing education and laws and rules
11 courses; approval of providers, programs, and courses; proof
12 of completion.--

13 (1) Continuing education providers, programs, and
14 courses and laws and rules courses and their providers and
15 programs shall be approved by the department or the board.

16 (2) The department or the board has the authority to
17 set a fee not to exceed \$200 for each applicant who applies
18 for or renews provider status. Such fees shall be deposited
19 into the Medical Quality Assurance ~~Health Care~~ Trust Fund.

20 (3) Proof of completion of the required number of
21 hours of continuing education and completion of the laws and
22 rules course shall be submitted to the department or the board
23 in the manner and time specified by rule and on forms provided
24 by the department or the board.

25 (4) The department or the board shall adopt rules and
26 guidelines to administer and enforce the provisions of this
27 section.

28 Section 171. Paragraph (d) of subsection (4) of
29 section 491.014, Florida Statutes, 1998 Supplement, is amended
30 to read:

31 491.014 Exemptions.--

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1 (4) No person shall be required to be licensed,
2 provisionally licensed, registered, or certified under this
3 chapter who:

4 (d) Is not a resident of this state but offers
5 services in this state, provided:

6 1. Such services are performed for no more than ~~5 days~~
7 ~~in any month and no more than~~ 15 days in any calendar year;
8 and

9 2. Such nonresident is licensed or certified to
10 practice the services provided by a state or territory of the
11 United States or by a foreign country or province.

12 Section 172. Paragraph (a) of subsection (1) and
13 subsection (5) of section 499.012, Florida Statutes, 1998
14 Supplement, are amended to read:

15 499.012 Wholesale distribution; definitions; permits;
16 general requirements.--

17 (1) As used in this section, the term:

18 (a) "Wholesale distribution" means distribution of
19 prescription drugs to persons other than a consumer or
20 patient, but does not include:

21 1. Any of the following activities, which is not a
22 violation of s. 499.005(21) if such activity is conducted in
23 accordance with s. 499.014:

24 a. The purchase or other acquisition by a hospital or
25 other health care entity that is a member of a group
26 purchasing organization of a prescription drug for its own use
27 from the group purchasing organization or from other hospitals
28 or health care entities that are members of that organization.

29 b. The sale, purchase, or trade of a prescription drug
30 or an offer to sell, purchase, or trade a prescription drug by
31 a charitable organization described in s. 501(c)(3) of the

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1 Internal Revenue Code of 1986, as amended and revised, to a
2 nonprofit affiliate of the organization to the extent
3 otherwise permitted by law.

4 c. The sale, purchase, or trade of a prescription drug
5 or an offer to sell, purchase, or trade a prescription drug
6 among hospitals or other health care entities that are under
7 common control. For purposes of this section, "common control"
8 means the power to direct or cause the direction of the
9 management and policies of a person or an organization,
10 whether by ownership of stock, by voting rights, by contract,
11 or otherwise.

12 d. The sale, purchase, trade, or other transfer of a
13 prescription drug from or for any federal, state, or local
14 government agency or any entity eligible to purchase
15 prescription drugs at public health services prices pursuant
16 to s. 602 of Pub. L. No. 102-585 to a contract provider or its
17 subcontractor for eligible patients of the agency or entity
18 under the following conditions:

19 (I) The agency or entity must obtain written
20 authorization for the sale, purchase, trade, or other transfer
21 of a prescription drug under this sub-subparagraph from the
22 Secretary of Health or his or her designee.

23 (II) The contract provider or subcontractor must be
24 authorized by law to administer or dispense prescription
25 drugs.

26 (III) In the case of a subcontractor, the agency or
27 entity must be a party to and execute the subcontract.

28 (IV) A contract provider or subcontractor must
29 maintain separate and apart from other prescription drug
30 inventory any prescription drugs of the agency or entity in
31 its possession.

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1 (V) The contract provider and subcontractor must
2 maintain and produce immediately for inspection all records of
3 movement or transfer of all the prescription drugs belonging
4 to the agency or entity, including, but not limited to, the
5 records of receipt and disposition of prescription drugs.
6 Each contractor and subcontractor dispensing or administering
7 these drugs must maintain and produce records documenting the
8 dispensing or administration. Records that are required to be
9 maintained include, but are not limited to, a perpetual
10 inventory itemizing drugs received and drugs dispensed by
11 prescription number or administered by patient identifier,
12 which must be submitted to the agency or entity quarterly.

13 (VI) The contract provider or subcontractor may
14 administer or dispense the prescription drugs only to the
15 eligible patients of the agency or entity or must return the
16 prescription drugs for or to the agency or entity. The
17 contract provider or subcontractor must require proof from
18 each person seeking to fill a prescription or obtain treatment
19 that the person is an eligible patient of the agency or entity
20 and must, at a minimum, maintain a copy of this proof as part
21 of the records of the contractor or subcontractor required
22 under sub-sub-subparagraph (V).

23 (VII) The prescription drugs transferred pursuant to
24 this sub-subparagraph may not be billed to Medicaid.

25 (VIII) In addition to the departmental inspection
26 authority set forth in s. 499.051, the establishment of the
27 contract provider and subcontractor and all records pertaining
28 to prescription drugs subject to this sub-subparagraph shall
29 be subject to inspection by the agency or entity. All records
30 relating to prescription drugs of a manufacturer under this
31 sub-subparagraph shall be subject to audit by the manufacturer

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1 of those drugs, without identifying individual patient
2 information.

3 2. Any of the following activities, which is not a
4 violation of s. 499.005(21) if such activity is conducted in
5 accordance with rules established by the department:

6 a. The sale, purchase, or trade of a prescription drug
7 among federal, state, or local government health care entities
8 that are under common control and are authorized to purchase
9 such prescription drug.

10 b. The sale, purchase, or trade of a prescription drug
11 or an offer to sell, purchase, or trade a prescription drug
12 for emergency medical reasons. ~~For purposes of this~~
13 ~~sub-subparagraph subparagraph~~, the term "emergency medical
14 reasons" includes transfers of prescription drugs by a retail
15 pharmacy to another retail pharmacy to alleviate a temporary
16 shortage.

17 c. The transfer ~~purchase or acquisition~~ of a
18 prescription drug acquired by a medical director on behalf of
19 a licensed an emergency medical services provider to that
20 ~~medical director for use by~~ emergency medical services
21 provider and its transport vehicles for use in accordance with
22 the provider's license under providers acting within the scope
23 ~~of their professional practice pursuant to chapter 401.~~

24 d. The revocation of a sale or the return of a
25 prescription drug to the person's prescription drug wholesale
26 supplier.

27 e. The donation of a prescription drug by a health
28 care entity to a charitable organization that has been granted
29 an exemption under s. 501(c)(3) of the Internal Revenue Code
30 of 1986, as amended, and that is authorized to possess
31 prescription drugs.

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1 f. The transfer of a prescription drug by a person
2 authorized to purchase or receive prescription drugs to a
3 person licensed or permitted to handle reverse distributions
4 or destruction under the laws of the jurisdiction in which the
5 person handling the reverse distribution or destruction
6 receives the drug.

7 ~~3. The dispensing of a prescription drug pursuant to a~~
8 ~~prescription.~~

9 ~~3.4.~~ The distribution of prescription drug samples by
10 manufacturers' representatives or distributors'
11 representatives conducted in accordance with s. 499.028. ~~or~~

12 ~~4.5.~~ The sale, purchase, or trade of blood and blood
13 components intended for transfusion. As used in this
14 subparagraph section, the term "blood" means whole blood
15 collected from a single donor and processed either for
16 transfusion or further manufacturing, and the term "blood
17 components" means that part of the blood separated by physical
18 or mechanical means.

19 5. The lawful dispensing of a prescription drug in
20 accordance with chapter 465.

21 (5) The department may adopt rules governing the
22 recordkeeping, storage, and handling with respect to each of
23 the distributions of prescription drugs specified in
24 subparagraphs (1)(a)1.-4. ~~(1)(a)1., 2., 4., and 5.~~

25 Section 173. Subsection (6) is added to section
26 626.883, Florida Statutes, to read:

27 626.883 Administrator as intermediary; collections
28 held in fiduciary capacity; establishment of account;
29 disbursement; payments on behalf of insurer.--

30 (6) All payments to a health care provider by a fiscal
31 intermediary for noncapitated providers must include an

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1 explanation of services being reimbursed which includes, at a
2 minimum, the patient's name, the date of service, the
3 procedure code, the amount of reimbursement, and the
4 identification of the plan on whose behalf the payment is
5 being made. For capitated providers, the statement of services
6 must include the number of patients covered by the contract,
7 the rate per patient, the total amount of the payment, and the
8 identification of the plan on whose behalf the payment is
9 being made.

10 Section 174. Paragraph (a) of subsection (2) of
11 section 641.316, Florida Statutes, 1998 Supplement, is amended
12 to read:

13 641.316 Fiscal intermediary services.--

14 (2)(a) The term "fiduciary" or "fiscal intermediary
15 services" means reimbursements received or collected on behalf
16 of health care professionals for services rendered, patient
17 and provider accounting, financial reporting and auditing,
18 receipts and collections management, compensation and
19 reimbursement disbursement services, or other related
20 fiduciary services pursuant to health care professional
21 contracts with health maintenance organizations. All payments
22 to a health care provider by a fiscal intermediary for
23 noncapitated providers must include an explanation of services
24 being reimbursed which includes, at a minimum, the patient's
25 name, the date of service, the procedure code, the amount of
26 reimbursement, and the identification of the plan on whose
27 behalf the payment is being made. For capitated providers, the
28 statement of services must include the number of patients
29 covered by the contract, the rate per patient, the total
30 amount of the payment, and the identification of the plan on
31 whose behalf the payment is being made.

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1 Section 175. Task Force on Telehealth.--

2 (1) Because telecommunications technology has made it
3 possible to provide a wide range of health care services
4 across state lines between healthcare practitioners and
5 patients, it is the intent of the Legislature to protect the
6 health and safety of all patients in this state receiving
7 services by means of such technology and to ensure the
8 accountability of the healthcare profession with respect to
9 unsafe and incompetent practitioners using such technology to
10 provide health care services to patients in this state.

11 (2) The Secretary of Health shall appoint a task force
12 consisting of representatives from the affected medical and
13 allied health professions and other affected health care
14 industries.

15 (3) The task force shall address the following:

16 (a) Identification of various electronic
17 communications or telecommunications technologies currently
18 used within the state and by other states to provide
19 healthcare information.

20 (b) Identification of laws, regulations, and
21 reimbursement practices that serve as barriers to
22 implementation of electronic communications related to health
23 care.

24 (c) Recommendation of the appropriate level of
25 regulation of health care professionals necessary to protect
26 the health and safety of patients in this state, including
27 analysis of existing provisions governing in-state
28 professionals such as licensing, financial responsibility, and
29 medical malpractice insurance requirements.

30 (d) Potential preemption of state regulation by the
31 Commerce Clause of the United States Constitution.

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1 (e) The effect of telehealth on access to health care
 2 in rural and underserved areas.

3 (f) Potential antitrust concerns.

4 (g) The effect of regulations by other states or
 5 jurisdictions on health care professionals in this state who
 6 provide consultative services through telehealth to entities
 7 and patients outside the state.

8 (h) Research on other public and private data and
 9 initiatives related to telehealth.

10 (i) Any other issue affecting the health, safety, and
 11 welfare of patients through telehealth identified by the task
 12 force.

13 (4) The task force shall submit a report of its
 14 findings and recommendations by January 1, 2000, to the
 15 Governor, the President of the Senate, and the Speaker of the
 16 House of Representatives.

17 Section 176. Subsection (1) of section 468.352,
 18 Florida Statutes, is amended to read:

19 468.352 Definitions.--As used in this part, unless the
 20 context otherwise requires, the term:

21 (1) "Board" means the Board of Respiratory Care
 22 Medicine.

23 Section 177. Section 468.353, Florida Statutes, is
 24 amended to read:

25 468.353 Board of Respiratory Care ~~Medicine~~; powers and
 26 duties.--

27 (1) ~~The board, with the assistance of the Advisory~~
 28 ~~Council on Respiratory Care,~~ is authorized to establish
 29 minimum standards for the delivery of respiratory care
 30 services and to adopt those rules necessary to administer this
 31 part.

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1 (2) The board may administer oaths, summon witnesses,
2 and take testimony in all matters relating to its duties under
3 this part.

4 (3) The board may adopt rules to administer this part,
5 including rules governing the investigation, inspection, and
6 review of schools and colleges that offer courses in
7 respiratory care in order to ascertain their compliance with
8 standards established by the board or appropriate accrediting
9 agencies ~~delegate such powers and duties to the council as it~~
10 ~~may deem proper.~~

11 Section 178. Section 468.354, Florida Statutes, is
12 amended to read:

13 468.354 Board of ~~Advisory Council on~~ Respiratory Care;
14 organization; function.--

15 (1) There is created within the department, the Board
16 of ~~Advisory Council on~~ Respiratory Care, composed of seven
17 members appointed by the Governor and confirmed by the Senate
18 ~~under the supervision of the board.~~

19 (2) The board council ~~shall consist of five members~~
20 ~~appointed by the board and shall include:~~

21 (a) A registered respiratory therapist.

22 (b) A certified respiratory therapist ~~care~~
23 ~~practitioner.~~

24 (c) A respiratory care professional from each of the
25 following areas:

26 1. Respiratory care education.

27 2. Respiratory care management and supervision.

28 3. Homecare/subacute ~~Cardiopulmonary diagnostics.~~

29 (d) Two consumer members, who are residents of this
30 state and have never been licensed as health care
31 practitioners.

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1
2 Each ~~member of the council shall be a~~ respiratory care
3 professional on the board must have ~~who has~~ been actively
4 engaged in the delivery of respiratory care services in this
5 state for at least 4 consecutive years prior to appointment.

6 (3)(a) Except as provided in paragraph (b), the term
7 of office for each board ~~council~~ member shall be 4 years. No
8 member shall serve for more than two consecutive terms. Any
9 time there is a vacancy to be filled ~~on the council~~, all
10 professional organizations dealing with respiratory therapy
11 incorporated within the state as not for profit which register
12 their interest ~~with the board~~ shall recommend at least twice
13 as many persons to fill the vacancy ~~to the council~~ as the
14 number of vacancies to be filled, and the Governor ~~board~~ may
15 appoint from the submitted list, in his ~~its~~ discretion, any of
16 those persons so recommended. The Governor ~~board~~ shall,
17 insofar as possible, appoint persons from different
18 geographical areas.

19 (b) ~~In order~~ To achieve staggering of terms, within
20 120 days after July 1, 1999, ~~October 1, 1984~~, the Governor
21 ~~board~~ shall appoint the board members ~~of the council~~ as
22 follows:

23 1. Two members ~~One member~~ shall be appointed for terms
24 ~~a term~~ of 2 years.

25 2. Two members shall be appointed for terms of 3
26 years.

27 3. Three ~~Two~~ members shall be appointed for terms of 4
28 years.

29 (c) All provisions of part II of chapter 455, relating
30 to boards apply to this part.

31 (4)(a) The board ~~council~~ shall annually elect from

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1 among its members a chair and vice chair.

2 (b) The board council shall meet at least twice a year
3 and shall hold ~~such~~ additional meetings as are deemed
4 necessary ~~by the board~~. Four ~~Three~~ members of the council
5 constitute a quorum.

6 (c) Unless otherwise provided by law, a board council
7 member shall be compensated \$50 for each day he or she attends
8 an official board meeting ~~of the council~~ and for each day he
9 or she participates in any other board business ~~involving the~~
10 ~~council~~. A board council member shall also be entitled to
11 reimbursement for expenses pursuant to s. 112.061. Travel out
12 of the state shall require the prior approval of the secretary
13 of the department.

14 (5)~~(a)~~ The board may council ~~shall~~ recommend to the
15 department a code of ethics for those persons licensed
16 pursuant to this part.

17 ~~(b) The council shall make recommendations to the~~
18 ~~department for the approval of continuing education courses.~~

19 Section 179. Section 468.355, Florida Statutes, is
20 amended to read:

21 468.355 Eligibility for licensure; temporary
22 licensure.--

23 (1) To be eligible for licensure by the board as a
24 respiratory care practitioner, an applicant must:

25 (a) Be at least 18 years old.

26 (b) Possess a high school diploma or a graduate
27 equivalency diploma.

28 (c) Meet at least one of the following criteria:

29 1. The applicant has successfully completed a training
30 program for respiratory therapy technicians or respiratory
31 therapists approved by the Commission on Accreditation of

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1 Allied Health Education Programs, or the equivalent thereof,
2 as accepted by the board.

3 2. The applicant is currently a "Certified Respiratory
4 Therapy Technician" certified by the National Board for
5 Respiratory Care, or the equivalent thereof, as accepted by
6 the board.

7 3. The applicant is currently a "Registered
8 Respiratory Therapist" registered by the National Board for
9 Respiratory Care, or the equivalent thereof, as accepted by
10 the board.

11 ~~4. The applicant is currently employed in this state
12 as a respiratory care practitioner or respiratory therapist on
13 October 1, 1984.~~

14
15 The criteria set forth in subparagraphs 2. and 3.
16 notwithstanding, the board shall periodically ~~annually~~ review
17 the examinations and standards of the National Board for
18 Respiratory Care and may reject those examinations and
19 standards if they are deemed inappropriate.

20 (2) To be eligible for licensure by the board as a
21 respiratory therapist, an applicant must:

22 (a) Be at least 18 years old.

23 (b) Possess a high school diploma or a graduate
24 equivalency diploma.

25 (c) Meet at least one of the following criteria:

26 1. The applicant has successfully completed a training
27 program for respiratory therapists approved by the Commission
28 on Accreditation of Allied Health Education Programs, or the
29 equivalent thereof, as accepted by the board.

30 2. The applicant is currently a "Registered
31 Respiratory Therapist" registered by the National Board for

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1 Respiratory Care, or the equivalent thereof, as accepted by
2 the board.

3

4 The criteria set forth in subparagraphs 1. and 2.
5 notwithstanding, the board shall periodically ~~annually~~ review
6 the examinations and standards of the National Board for
7 Respiratory Care and may reject those examinations and
8 standards if they are deemed inappropriate.

9 (3) With respect to the delivery of respiratory care
10 services, the board shall establish procedures for temporary
11 licensure of eligible individuals entering the state and
12 temporary licensure of those persons who have graduated from a
13 program approved by the board. Such temporary licensure shall
14 be for a period not to exceed 1 year.

15 Section 180. Section 468.357, Florida Statutes, is
16 amended to read:

17 468.357 Licensure by examination.--

18 (1) A person who desires to be licensed as a
19 respiratory care practitioner may submit an application ~~to the~~
20 ~~department~~ to take the examination, in accordance with board
21 rule to be administered by the department.

22 (a) ~~The department shall examine~~ Each applicant may
23 take the examination who is determined by the board to have:

24 1. Completed the application form and remitted the
25 applicable fee set by the board;

26 2. Submitted required documentation as required in s.
27 468.355; and

28 3. Remitted an examination fee set by the examination
29 provider board.

30 (b) ~~The department shall conduct~~ Examinations for
31 licensure of respiratory care practitioners must be conducted

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1 no less than two times a year in such geographical locations
2 or by such methods as are deemed advantageous to the majority
3 of the applicants.

4 (c) The examination given for respiratory care
5 practitioners shall be the same as that given by the National
6 Board for Respiratory Care for entry-level certification of
7 respiratory therapy technicians. However, an equivalent
8 examination may be accepted by the board in lieu of that
9 examination.

10 (2) Each applicant who passes the examination shall be
11 entitled to licensure as a respiratory care practitioner, and
12 the department shall issue a license pursuant to this part to
13 any applicant who successfully completes the examination in
14 accordance with this section. However, the department shall
15 not issue a license to any applicant who is under
16 investigation in another jurisdiction for an offense which
17 would constitute a violation of this part. Upon completion of
18 such an investigation, if the applicant is found guilty of
19 such an offense, the applicable provisions of s. 468.365 will
20 apply.

21 ~~(3) Any person who was employed in this state on or~~
22 ~~before September 30, 1983, as a respiratory therapy technician~~
23 ~~or respiratory therapist, and who has performed services in~~
24 ~~such professional capacity for 4 years or more by October 1,~~
25 ~~1987, under the supervision of a licensed physician or in a~~
26 ~~hospital or licensed health care facility, shall be issued a~~
27 ~~license without examination, if such person provides~~
28 ~~acceptable documentation of performance of such services to~~
29 ~~the board. Such documentation shall include certification by~~
30 ~~a physician licensed pursuant to chapter 458 or chapter 459~~
31 ~~who has direct knowledge of the practice of, or who has~~

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1 ~~supervised, the person. If such person is not determined to~~
2 ~~have performed critical care respiratory services for at least~~
3 ~~4 years, the board may limit the license of such person to the~~
4 ~~performance of noncritical care respiratory services.~~

5 Section 181. Section 468.364, Florida Statutes, 1998
6 Supplement, is amended to read:

7 468.364 Fees; establishment; disposition.--

8 (1) The board shall establish by rule fees for the
9 following purposes:

10 (a) Application, a fee not to exceed \$50.

11 ~~(b) Examination, a fee not to exceed \$125 plus the~~
12 ~~actual per applicant cost to the department for purchase of~~
13 ~~the examination from the National Board for Respiratory Care~~
14 ~~or a similar national organization.~~

15 ~~(b)(c)~~ Initial licensure, a fee not to exceed \$200.

16 ~~(c)(d)~~ Renewal of licensure, a fee not to exceed \$200
17 biennially.

18 ~~(d)(e)~~ Renewal of inactive licensure, a fee not to
19 exceed \$50.

20 ~~(e)(f)~~ Reactivation, a fee not to exceed \$50.

21 (2) The fees established pursuant to subsection (1)
22 shall be based upon the actual costs incurred by the
23 department in carrying out its responsibilities under this
24 part.

25 (3) All moneys collected by the department under this
26 part shall be deposited as required by s. 455.587.

27 Section 182. Paragraph (f) of subsection (1) of
28 section 468.365, Florida Statutes, 1998 Supplement, is amended
29 to read:

30 468.365 Disciplinary grounds and actions.--

31 (1) The following acts constitute grounds for which

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1 the disciplinary actions in subsection (2) may be taken:

2 (f) Unprofessional conduct, which includes, but is not
3 limited to, any departure from, or failure to conform to,
4 acceptable standards related to the delivery of respiratory
5 care services, as set forth by the board ~~and the Advisory~~
6 ~~Council on Respiratory Care~~ in rules adopted pursuant to this
7 part.

8 Section 183. Paragraph (a) of subsection (2) of
9 section 464.016, Florida Statutes, is amended to read:

10 464.016 Violations and penalties.--

11 (2) Each of the following acts constitutes a
12 misdemeanor of the first degree, punishable as provided in s.
13 775.082 or s. 775.083:

14 (a) Using the name or title "Nurse," "Registered
15 Nurse," "Licensed Practical Nurse," "Advanced Registered Nurse
16 Practitioner," or any other name or title which implies that a
17 person was licensed or certified as same, unless such person
18 is duly licensed or certified.

19 Section 184. Paragraphs (b) and (c) of subsection (1)
20 of section 458.3115, Florida Statutes, 1998 Supplement, are
21 amended to read:

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

26 (1)

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 2002 ~~2000~~.

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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 agency and submits an application
18 fee that is nonrefundable and equivalent to the fee required
19 for full licensure;

20 3. Documents no less than 2 years of the active
21 practice of medicine in any ~~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 agency to provide either
25 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

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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 Section 185. Subsection (2) of section 458.3124,
5 Florida Statutes, 1998 Supplement, is amended to read:

6 458.3124 Restricted license; certain experienced
7 foreign-trained physicians.--

8 (2) A person applying for licensure under this section
9 must submit to the Department of Health on or before December
10 31, 2000 ~~1998~~:

11 (a) A completed application and documentation required
12 by the Board of Medicine to prove compliance with subsection
13 (1); and

14 (b) A nonrefundable application fee not to exceed \$500
15 and a nonrefundable examination fee not to exceed \$300 plus
16 the actual cost to purchase and administer the examination.

17 Section 186. Effective upon this act becoming a law,
18 section 301 of chapter 98-166, Laws of Florida, is amended to
19 read:

20 Section 301. The sum of \$1.2 million from the
21 unallocated balance in the Medical Quality Assurance Trust
22 Fund is appropriated to the Department of Health to allow the
23 department to develop the examination required for foreign
24 licensed physicians in section 458.3115(1)(a), Florida
25 Statutes, through a contract with the University of South
26 Florida. The department shall charge examinees a fee not to
27 exceed 25 percent of the cost of the actual costs of the first
28 examination administered pursuant to section 458.3115, Florida
29 Statutes, 1998 Supplement, and a fee not to exceed 75 percent
30 of the actual costs for any subsequent examination
31 administered pursuant to that section.

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1 Section 187. The Agency for Health Care Administration
2 shall conduct a detailed study and analysis of clinical
3 laboratory services for kidney dialysis patients in the State
4 of Florida. The study shall include, but not be limited to, an
5 analysis of the past and present utilization rates of clinical
6 laboratory services for dialysis patients, financial
7 arrangements among kidney dialysis centers, their medical
8 directors, and any business relationships and affiliations
9 with clinical laboratories, any self referral to clinical
10 laboratories, the quality and responsiveness of clinical
11 laboratory services for dialysis patients in Florida, and the
12 average annual revenue for dialysis patients for clinical
13 laboratory services for the past ten years. The agency shall
14 report back to the President of the Senate, Speaker of the
15 House of Representatives, and chairs of the appropriate
16 substantive committees of the Legislature on its findings no
17 later than February 1, 2000.

18 Section 188. Subsection (3) is added to section
19 455.651, Florida Statutes, 1998 Supplement, to read:

20 455.651 Disclosure of confidential information.--

21 (1) No officer, employee, or person under contract
22 with the department, or any board therein, or any subject of
23 an investigation shall convey knowledge or information to any
24 person who is not lawfully entitled to such knowledge or
25 information about any public meeting or public record, which
26 at the time such knowledge or information is conveyed is
27 exempt from the provisions of s. 119.01, s. 119.07(1), or s.
28 286.011.

29 (2) Any person who willfully violates any provision of
30 this section is guilty of a misdemeanor of the first degree,
31 punishable as provided in s. 775.082 or s. 775.083, and may be

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1 subject to discipline pursuant to s. 455.624, and, if
2 applicable, shall be removed from office, employment, or the
3 contractual relationship.

4 (3) Any person injured as a result of a willful
5 violation of this section shall have a civil cause of action
6 for treble damages, reasonable attorney fees, and costs.

7 Section 189. Section 641.261, Florida Statutes, is
8 amended to read:

9 641.261 Other reporting requirements.--

10 (1) Each authorized health maintenance organization
11 shall provide records and information to the Agency for Health
12 Care Administration ~~Department of Health and Rehabilitative~~
13 ~~Services~~ pursuant to s. 409.910(20) and (21)~~(22)~~ for the sole
14 purpose of identifying potential coverage for claims filed
15 with the agency ~~Department of Health and Rehabilitative~~
16 ~~Services~~ and its fiscal agents for payment of medical services
17 under the Medicaid program.

18 (2) Any information provided by a health maintenance
19 organization under this section to the agency ~~Department of~~
20 ~~Health and Rehabilitative Services~~ shall not be considered a
21 violation of any right of confidentiality or contract that the
22 health maintenance organization may have with covered persons.
23 The health maintenance organization is immune from any
24 liability that it may otherwise incur through its release of
25 information to the agency ~~Department of Health and~~
26 ~~Rehabilitative Services~~ under this section.

27 Section 190. Section 641.411, Florida Statutes, is
28 amended to read:

29 641.411 Other reporting requirements.--

30 (1) Each prepaid health clinic shall provide records
31 and information to the Agency for Health Care Administration

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1 ~~Department of Health and Rehabilitative Services~~ pursuant to
2 s. 409.910(20) and (21)~~(22)~~ for the sole purpose of
3 identifying potential coverage for claims filed with the
4 agency ~~Department of Health and Rehabilitative Services~~ and
5 its fiscal agents for payment of medical services under the
6 Medicaid program.

7 (2) Any information provided by a prepaid health
8 clinic under this section to the agency ~~Department of Health~~
9 ~~and Rehabilitative Services~~ shall not be considered a
10 violation of any right of confidentiality or contract that the
11 prepaid health clinic may have with covered persons. The
12 prepaid health clinic is immune from any liability that it may
13 otherwise incur through its release of information to the
14 agency ~~Department of Health and Rehabilitative Services~~ under
15 this section.

16 Section 191. Paragraph (a) of subsection (4) of
17 section 733.212, Florida Statutes, is amended to read:

18 733.212 Notice of administration; filing of objections
19 and claims.--

20 (4)(a) The personal representative shall promptly make
21 a diligent search to determine the names and addresses of
22 creditors of the decedent who are reasonably ascertainable and
23 shall serve on those creditors a copy of the notice within 3
24 months after the first publication of the notice. Under s.
25 409.9101, the Agency for Health Care Administration is
26 considered a reasonably ascertainable creditor in instances
27 where the decedent had received Medicaid assistance for
28 medical care after reaching 55 years of age. Impracticable and
29 extended searches are not required. Service is not required
30 on any creditor who has filed a claim as provided in this
31 part; a creditor whose claim has been paid in full; or a

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1 creditor whose claim is listed in a personal representative's
2 timely proof of claim if the personal representative notified
3 the creditor of that listing.

4 Section 192. (1) There is established a seven-member
5 task force to review sources of funds deposited into the
6 Public Medical Assistance Trust Fund as created by section
7 409.918, Florida Statutes. The task force shall consist of:

8 (a) Two members appointed by the President of the
9 Senate, one of whom must be a member of the Senate and one of
10 whom must represent a hospital subject to the assessment
11 imposed under section 395.701, Florida Statutes, 1998
12 Supplement, or section 394.4786, Florida Statutes;

13 (b) Two members appointed by the Speaker of the House
14 of Representatives, one of whom must be a member of the House
15 and one of whom must represent a health care entity subject to
16 the assessment imposed under section 395.7015, Florida
17 Statutes, 1998 Supplement;

18 (c) Three members appointed by the Governor, one of
19 whom must be the Director of the Agency for Health Care
20 Administration, or his or her designee; one of whom must be a
21 medical doctor licensed to practice in the state; and one of
22 whom must be a consumer who has no employment or investment
23 interest in any health care entity subject to the assessment
24 imposed for deposit into the Public Medical Assistance Trust
25 Fund and who is a representative of Florida TaxWatch.

26 (2) The Governor shall designate the task force chair
27 from among the members.

28 (3) The task force shall consider and make specific
29 recommendations concerning, but not limited to:

30 (a) Whether any provisions of sections 395.701,
31 395.7015, and 409.918, Florida Statutes, need to be revised;

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1 (b) Whether the annual assessments imposed by these
2 statutes on the various health care entities are imposed
3 equitably;

4 (c) Whether additional exemptions from, or inclusions
5 within, the assessments are justified; and

6 (d) The extent to which modifications to other
7 statutory provisions that require deposit of specified revenue
8 into the Public Medical Assistance Trust Fund, including, but
9 not limited to, sections 210.20, 395.1041, 408.040, and
10 408.08, Florida Statutes, could result in increased revenue
11 for the trust fund.

12
13 The task force shall provide an analysis of the budgetary
14 impact of any recommended exemptions from, inclusions within,
15 or modifications to existing assessments.

16 (4) The Agency for Health Care Administration shall
17 provide necessary staff support and technical assistance to
18 the task force.

19 (5) The task force shall convene by August 1, 1999,
20 for its first meeting, and shall submit its findings and
21 recommendations, including any proposed legislation, to the
22 President of the Senate, the Speaker of the House of
23 Representatives, and the Governor by December 1, 1999.

24 Section 193. Section 395.40, Florida Statutes, is
25 created to read:

26 395.40 Legislative findings and intent.--

27 (1) The Legislature finds that there has been a lack
28 of timely access to trauma care due to the state's fragmented
29 trauma system. This finding is based on the 1999 Trauma System
30 Report on Timely Access to Trauma Care submitted by the
31 department in response to the request of the Legislature.

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1 (2) The Legislature finds that it is necessary to plan
2 for and to establish an inclusive trauma system to meet the
3 needs of trauma victims. An "inclusive trauma system" means a
4 system designed to meet the needs of all injured trauma
5 victims who require care in an acute-care setting and into
6 which every health care provider or facility with resources to
7 care for the injured trauma victim is incorporated. The
8 Legislature deems the benefits of trauma care provided within
9 an inclusive trauma system to be of vital significance to the
10 outcome of a trauma victim.

11 (3) It is the intent of the Legislature to place
12 primary responsibility for the planning and establishment of a
13 statewide inclusive trauma system with the department. The
14 department shall undertake the implementation of a statewide
15 inclusive trauma system as funding is available.

16 (4) The Legislature finds that significant benefits
17 are to be obtained by directing the coordination of activities
18 by several state agencies, relative to access to trauma care
19 and the provision of trauma care to all trauma victims. It is
20 the intent of the Legislature that the department, the Agency
21 for Health Care Administration, the Board of Medicine, and the
22 Board of Nursing establish interagency teams and agreements
23 for the development of guidelines, standards, and rules for
24 those portions of the inclusive state trauma system within the
25 statutory authority of each agency. This coordinated approach
26 will provide the necessary continuum of care for the trauma
27 victim from injury to final hospital discharge. The department
28 has the leadership responsibility for this activity.

29 (5) In addition, the agencies listed in subsection (4)
30 should undertake to:

31 (a) Establish a coordinated methodology for

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1 monitoring, evaluating, and enforcing the requirements of the
2 state's inclusive trauma system which recognizes the interests
3 of each agency.

4 (b) Develop appropriate roles for trauma agencies, to
5 assist in furthering the operation of trauma systems at the
6 regional level. This should include issues of system
7 evaluation as well as managed care.

8 (c) Develop and submit appropriate requests for
9 waivers of federal requirements which will facilitate the
10 delivery of trauma care.

11 (d) Develop criteria that will become the future basis
12 for mandatory consultation on the care of trauma victims and
13 mandatory transfer of appropriate trauma victims to trauma
14 centers.

15 (e) Develop a coordinated approach to the care of the
16 trauma victim. This shall include the movement of the trauma
17 victim through the system of care and the identification of
18 medical responsibility for each phase of care for
19 out-of-hospital and in-hospital trauma care.

20 (f) Require the medical director of an emergency
21 medical services provider to have medical accountability for a
22 trauma victim during interfacility transfer.

23 (6) Furthermore, the Legislature encourages the
24 department to actively foster the provision of trauma care and
25 serve as a catalyst for improvements in the process and
26 outcome of the provision of trauma care in an inclusive trauma
27 system. Among other considerations, the department is
28 encouraged to:

29 (a) Promote the development of at least one trauma
30 center in every trauma service area.

31 (b) Promote the development of a trauma agency for

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1 each trauma region.

2 (c) Update the state trauma system plan by December
 3 2000 and at least every 5th year thereafter.

4 Section 194. Subsection (1) and paragraphs (c) and (n)
 5 of subsection (2) of section 395.401, Florida Statutes, 1998
 6 Supplement, are amended to read:

7 395.401 Trauma services system plans; verification of
 8 trauma centers and pediatric trauma referral centers;
 9 procedures; renewal.--

10 (1) As used in this part, the term:

11 (a) "Agency" means the Agency for Health Care
 12 Administration.

13 (b) "Charity care" or "uncompensated charity care"
 14 means that portion of hospital charges reported to the agency
 15 for which there is no compensation for care provided to a
 16 patient whose family income for the 12 months preceding the
 17 determination is less than or equal to 150 percent of the
 18 federal poverty level, unless the amount of hospital charges
 19 due from the patient exceeds 25 percent of the annual family
 20 income. However, in no case shall the hospital charges for a
 21 patient whose family income exceeds four times the federal
 22 poverty level for a family of four be considered charity.

23 (c) "Department" means the Department of Health.

24 (d) "Level I trauma center" means a hospital that is
 25 determined by the department to be in substantial compliance
 26 with trauma center and pediatric trauma referral center
 27 verification standards as established by rule of the
 28 department, and which:

29 1. Has formal research and education programs for the
 30 enhancement of trauma care.

31 2. Serves as a resource facility to Level II trauma

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1 centers, pediatric trauma referral centers, and community
2 hospitals.

3 3. Ensures an organized system of trauma care.

4 (e) "Level II trauma center" means a hospital that is
5 determined by the department to be in substantial compliance
6 with trauma center verification standards as established by
7 rule of the department, and which:

8 1. Serves as a resource facility to community
9 hospitals.

10 2. Ensures an organized system of trauma care.

11 ~~(f) "Local trauma agency" means an agency established~~
12 ~~and operated by a county or an entity with which the county~~
13 ~~contracts for the purpose of administrative trauma services.~~

14 (f)~~(g)~~ "Pediatric trauma referral center" means a
15 hospital that is determined to be in substantial compliance
16 with pediatric trauma referral center standards as established
17 by rule of the department.

18 ~~(h) "Regional trauma agency" means an agency created~~
19 ~~and operated by two or more counties, or an entity with which~~
20 ~~two or more counties contract, for the purpose of~~
21 ~~administering trauma services.~~

22 (g)~~(i)~~ "State-approved trauma center" means a hospital
23 that has successfully completed the state-approved selection
24 process pursuant to s. 395.4025 and has been approved by the
25 department to operate as a trauma center in the state.

26 (h)~~(j)~~ "State-sponsored trauma center" means a
27 state-approved trauma center that receives state funding for
28 trauma care services.

29 (i) "Trauma agency" means an agency established and
30 operated by one or more counties, or an entity with which one
31 or more counties contract, for the purpose of administering an

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1 inclusive regional trauma system.

2 (j) "Trauma alert victim" means a person who has
3 incurred a single or multisystem injury due to blunt or
4 penetrating means or burns; who requires immediate medical
5 intervention or treatment; and who meets one or more of the
6 adult or pediatric scorecard criteria established by the
7 department by rule.

8 (k) "Trauma center" means any hospital that has been
9 determined by the department to be in substantial compliance
10 with trauma center verification standards.

11 (l) "Trauma scorecard" means a statewide methodology
12 adopted by the department by rule under which a person who has
13 incurred a traumatic injury is graded as to the severity of
14 his or her injuries or illness and which methodology is used
15 as the basis for making destination decisions.

16 (m) "Trauma victim" means any person who has incurred
17 a single or multisystem ~~life-threatening~~ injury due to blunt
18 or penetrating means or burns and who requires immediate
19 medical intervention or treatment.

20 (2)

21 (c) The department shall receive plans for the
22 implementation of inclusive trauma ~~care~~ systems from ~~local and~~
23 ~~regional~~ trauma agencies. The department may approve or not
24 approve ~~the local or regional~~ trauma agency plans based on the
25 conformance of the plan ~~local or regional plans~~ with this
26 section and ss. 395.4015, 395.404, and 395.4045 and the rules
27 adopted by the department pursuant to those sections. The
28 department shall approve or disapprove the plans within 120
29 days after the date the plans are submitted to the department.

30 (n) After the submission of the initial ~~local or~~
31 ~~regional~~ trauma ~~care~~ system plan, each ~~local or regional~~

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1 trauma agency shall, every 5th year,~~annually~~ submit to the
2 department for approval an updated plan that ~~which~~ identifies
3 the changes, if any, to be made in the regional trauma care
4 system. ~~The department shall approve or disapprove the updated~~
5 ~~plan within 120 days after the date the plan is submitted to~~
6 ~~the department. At least 60 days before the local or regional~~
7 ~~trauma agency submits a plan for a trauma care system to the~~
8 ~~department, the local or regional trauma agency shall hold a~~
9 ~~public hearing and give adequate notice of the public hearing~~
10 ~~to all hospitals and other interested parties in the area. A~~
11 ~~local or regional trauma agency shall submit to the department~~
12 ~~written notice of its intent to cease operation of the local~~
13 ~~or regional trauma agency at least 90 days before the date on~~
14 ~~which the local or regional trauma agency will cease~~
15 ~~operation.~~

16 Section 195. Subsections (1) and (3) of section
17 395.402, Florida Statutes, are amended to read:

18 395.402 Trauma service areas; number and location of
19 trauma centers.--

20 (1) ~~The Legislature finds that it is appropriate to~~
21 ~~recognize as a trauma patient someone with an injury severity~~
22 ~~score (ISS) of 9 or greater.~~ The Legislature also recognizes
23 that Level I and Level II trauma centers should each be
24 capable of annually treating a minimum of 1,000 and 500
25 patients, respectively, with an injury severity score (ISS) of
26 9 or greater. Further, the Legislature finds that, based on
27 the numbers and locations of trauma victims with these injury
28 severity scores, there should be 19 trauma service areas in
29 the state, and, at a minimum, there should be at least one
30 trauma center in each service area.

31 (3) Trauma service areas are to be used. The

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1 department shall periodically review the assignment of the 67
2 counties to trauma service areas. These assignments are made
3 for the purpose of developing a system of trauma centers.
4 Revisions made by the department should take into
5 consideration the recommendations made as part of the regional
6 trauma system plans approved by the department, as well as the
7 recommendations made as part of the state trauma system plan.
8 These areas must, at a minimum, be reviewed in the year 2000
9 and every 5 years thereafter. Until the department completes
10 its initial review, the assignment of counties shall remain as
11 established pursuant to chapter 90-284, Laws of Florida.~~The~~
12 ~~following trauma service areas are to be utilized in~~
13 ~~developing a system of state-sponsored trauma centers. These~~
14 ~~areas are subject to periodic revision by the Legislature~~
15 ~~based on recommendations made as part of local or regional~~
16 ~~trauma plans approved by the department pursuant to s.~~
17 ~~395.401(2). These areas shall, at a minimum, be reviewed by~~
18 ~~the Legislature prior to the next 7-year verification cycle of~~
19 ~~state-sponsored trauma centers.~~

20 (a) The following trauma service areas are hereby
21 established:

22 1. Trauma service area 1 shall consist of Escambia,
23 Okaloosa, Santa Rosa, and Walton Counties.

24 2. Trauma service area 2 shall consist of Bay, Gulf,
25 Holmes, and Washington Counties.

26 3. Trauma service area 3 shall consist of Calhoun,
27 Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison,
28 Taylor, and Wakulla Counties.

29 4. Trauma service area 4 shall consist of Alachua,
30 Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette,
31 Levy, Putnam, Suwannee, and Union Counties.

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- 1 5. Trauma service area 5 shall consist of Baker, Clay,
2 Duval, Nassau, and St. Johns Counties.
- 3 6. Trauma service area 6 shall consist of Citrus,
4 Hernando, and Marion Counties.
- 5 7. Trauma service area 7 shall consist of Flagler and
6 Volusia Counties.
- 7 8. Trauma service area 8 shall consist of Lake,
8 Orange, Osceola, Seminole, and Sumter Counties.
- 9 9. Trauma service area 9 shall consist of Pasco and
10 Pinellas Counties.
- 11 10. Trauma service area 10 shall consist of
12 Hillsborough County.
- 13 11. Trauma service area 11 shall consist of Hardee,
14 Highlands, and Polk Counties.
- 15 12. Trauma service area 12 shall consist of Brevard
16 and Indian River Counties.
- 17 13. Trauma service area 13 shall consist of DeSoto,
18 Manatee, and Sarasota Counties.
- 19 14. Trauma service area 14 shall consist of Martin,
20 Okeechobee, and St. Lucie Counties.
- 21 15. Trauma service area 15 shall consist of Charlotte,
22 Glades, Hendry, and Lee Counties.
- 23 16. Trauma service area 16 shall consist of Palm Beach
24 County.
- 25 17. Trauma service area 17 shall consist of Collier
26 County.
- 27 18. Trauma service area 18 shall consist of Broward
28 County.
- 29 19. Trauma service area 19 shall consist of Dade and
30 Monroe Counties.
- 31 (b) Each trauma service area should have at least one

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1 Level I or Level II trauma center.

2 (c) There shall be no more than a total of 44
3 state-sponsored trauma centers in the state.

4 Section 196. Subsection (1) of section 395.4045,
5 Florida Statutes, is amended to read:

6 395.4045 Emergency medical service providers;
7 transport of trauma victims to trauma centers.--

8 (1) Each emergency medical services provider licensed
9 under chapter 401 shall transport trauma alert victims to
10 hospitals approved as trauma centers, except as may be
11 provided for either in department-approved local or regional
12 trauma transport protocol or, if no local or regional trauma
13 transport protocol is in effect, as provided for in a
14 department-approved provider's trauma transport protocol.
15 Development of regional trauma protocols shall be through
16 consultation with interested parties, including, but not
17 limited to, each approved trauma center; physicians
18 specializing in trauma care, emergency care, and surgery in
19 the region; each trauma system administrator in the region;
20 and each emergency medical service provider in the region
21 licensed under chapter 401. Trauma alert victims shall be
22 identified through the use of a trauma scoring system. The
23 department shall specify by rule the subjects to be included
24 in an emergency medical service provider's trauma transport
25 protocol and shall approve or disapprove each such protocol.

26 Section 197. Section 458.351, Florida Statutes, is
27 created to read:

28 458.351 Reports of adverse incidents in office
29 practice settings.--

30 (1) Any adverse incident that occurs on or after
31 January 1, 2000, in any office maintained by a physician for

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1 the practice of medicine which is not licensed under chapter
2 395 must be reported to the department in accordance with the
3 provisions of this section.

4 (2) Any physician or other licensee under this chapter
5 practicing in this state must notify the department if the
6 physician or licensee was involved in an adverse incident that
7 occurred on or after January 1, 2000, in any office maintained
8 by a physician for the practice of medicine which is not
9 licensed under chapter 395.

10 (3) The required notification to the department must
11 be submitted in writing by certified mail and postmarked
12 within 15 days after the occurrence of the adverse incident.

13 (4) For purposes of notification to the department
14 pursuant to this section, the term "adverse incident" means an
15 event over which the physician or licensee could exercise
16 control and which is associated in whole or in part with a
17 medical intervention, rather than the condition for which such
18 intervention occurred, and which results in the following
19 patient injuries:

20 (a) The death of a patient.

21 (b) Brain or spinal damage to a patient.

22 (c) The performance of a surgical procedure on the
23 wrong patient.

24 (d)1. The performance of a wrong-site surgical
25 procedure;

26 2. The performance of a wrong surgical procedure; or

27 3. The surgical repair of damage to a patient

28 resulting from a planned surgical procedure where the damage
29 is not a recognized specific risk as disclosed to the patient
30 and documented through the informed-consent process

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1 if it results in: death; brain or spinal damage; permanent
2 disfigurement not to include the incision scar; fracture or
3 dislocation of bones or joints; a limitation of neurological,
4 physical or sensory function; or any condition that required
5 the transfer of the patient.

6 (e) A procedure to remove unplanned foreign objects
7 remaining from a surgical procedure.

8 (f) Any condition that required the transfer of a
9 patient to a hospital licensed under chapter 395 from an
10 ambulatory surgical center licensed under chapter 395 or any
11 facility or any office maintained by a physician for the
12 practice of medicine which is not licensed under chapter 395.

13 (5) The department shall review each incident and
14 determine whether it potentially involved conduct by a health
15 care professional who is subject to disciplinary action, in
16 which case s. 455.621 applies. Disciplinary action, if any,
17 shall be taken by the board under which the health care
18 professional is licensed.

19 (6) The board may adopt rules to administer this
20 section.

21 Section 198. Section 459.026, Florida Statutes, is
22 created to read:

23 459.026 Reports of adverse incidents in office
24 practice settings.--

25 (1) Any adverse incident that occurs on or after
26 January 1, 2000, in any office maintained by an osteopathic
27 physician for the practice of osteopathic medicine which is
28 not licensed under chapter 395 must be reported to the
29 department in accordance with the provisions of this section.

30 (2) Any osteopathic physician or other licensee under
31 this chapter practicing in this state must notify the

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1 department if the osteopathic physician or licensee was
2 involved in an adverse incident that occurred on or after
3 January 1, 2000, in any office maintained by an osteopathic
4 physician for the practice of osteopathic medicine which is
5 not licensed under chapter 395.

6 (3) The required notification to the department must
7 be submitted in writing by certified mail and postmarked
8 within 15 days after the occurrence of the adverse incident.

9 (4) For purposes of notification to the department
10 pursuant to this section, the term "adverse incident" means an
11 event over which the physician or licensee could exercise
12 control and which is associated in whole or in part with a
13 medical intervention, rather than the condition for which such
14 intervention occurred, and which results in the following
15 patient injuries:

16 (a) The death of a patient.

17 (b) Brain or spinal damage to a patient.

18 (c) The performance of a surgical procedure on the
19 wrong patient.

20 (d)1. The performance of a wrong-site surgical
21 procedure;

22 2. The performance of a wrong surgical procedure; or

23 3. The surgical repair of damage to a patient

24 resulting from a planned surgical procedure where the damage
25 is not a recognized specific risk as disclosed to the patient
26 and documented through the informed-consent process

27
28 if it results in: death; brain or spinal damage; permanent
29 disfigurement not to include the incision scar; fracture or
30 dislocation of bones or joints; a limitation of neurological,
31 physical or sensory function; or any condition that required

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1 the transfer of the patient.

2 (e) A procedure to remove unplanned foreign objects
3 remaining from a surgical procedure.

4 (f) Any condition that required the transfer of a
5 patient to a hospital licensed under chapter 395 from an
6 ambulatory surgical center licensed under chapter 395 or any
7 facility or any office maintained by a physician for the
8 practice of medicine which is not licensed under chapter 395.

9 (5) The department shall review each incident and
10 determine whether it potentially involved conduct by a health
11 care professional who is subject to disciplinary action, in
12 which case s. 455.621 applies. Disciplinary action, if any,
13 shall be taken by the board under which the health care
14 professional is licensed.

15 (6) The board may adopt rules to administer this
16 section.

17 Section 199. (1) The Department of Health shall
18 establish maximum allowable levels for contaminants in
19 compressed air used for recreational sport diving in this
20 state. In developing the standards, the department must take
21 into consideration the levels of contaminants allowed by the
22 Grade "E" Recreational Diving Standards of the Compressed Gas
23 Association.

24 (2) The standards prescribed under this section do not
25 apply to:

26 (a) Any person providing compressed air for his or her
27 own use.

28 (b) Any governmental entity using a governmentally
29 owned compressed air source for work related to the
30 governmental entity.

31 (c) Foreign registered vessels upon which a compressor

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1 is used to provide compressed air for work related to the
2 operation of the vessel.

3 (3) A person or entity that, for compensation,
4 provides compressed air for recreational sport diving in this
5 state, including compressed air provided as part of a dive
6 package of equipment rental, dive boat rental, or dive boat
7 charter, must ensure that the compressed air is tested
8 quarterly by a laboratory that is accredited by either the
9 American Industrial Hygiene Association or the American
10 Association for Laboratory Accreditation and that the results
11 of such tests are provided quarterly to the Department of
12 Health. In addition, the person or entity must post the
13 certificate issued by the laboratory accredited by the
14 American Industrial Hygiene Association or the American
15 Association for Laboratory Accreditation in a conspicuous
16 location where it can readily be seen by any person purchasing
17 compressed air.

18 (4) The Department of Health shall maintain a record
19 of all quarterly test results provided under this section.

20 (5) It is a misdemeanor of the second degree for any
21 person or entity to provide, for compensation, compressed air
22 for recreational sport diving in this state, including
23 compressed air provided as part of a dive package of equipment
24 rental, dive boat rental, or dive boat charter, without:

25 (a) Having received a valid certificate issued by a
26 laboratory accredited by the American Industrial Hygiene
27 Association or the American Association for Laboratory
28 Accreditation which certifies that the compressed air meets
29 the standards for contaminant levels established by the
30 Department of Health.

31 (b) Posting the certificate issued by a laboratory

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1 accredited by the American Industrial Hygiene Association or
2 the American Association for Laboratory Accreditation in a
3 conspicuous location where it can readily be seen by persons
4 purchasing compressed air.

5 (6) The department shall adopt rules necessary to
6 carry out the provisions of this section, which must include:

7 (a) Maximum allowable levels of contaminants in
8 compressed air used for sport diving.

9 (b) Procedures for the submission of test results to
10 the department.

11 (7) This section shall take effect January 1, 2000.

12 Section 200. The Minority HIV and AIDS Task Force.--

13 (1) There is created within the Department of Health
14 the Minority HIV and AIDS Task Force to develop and provide
15 specific recommendations to the Governor, the Legislature, and
16 the Department of Health on ways to strengthen HIV and AIDS
17 prevention programs and early intervention and treatment
18 efforts in the state's black, Hispanic, and other minority
19 communities, as well as ways to address the many needs of the
20 state's minorities infected with AIDS and their families.

21 (2) The Secretary of Health shall appoint at least 15
22 members to the task force. The members must include, but need
23 not be limited to, representatives from:

24 (a) Persons infected with the human immunodeficiency
25 virus (HIV) or acquired immune deficiency syndrome (AIDS).

26 (b) Minority community-based support organizations.

27 (c) Minority treatment providers.

28 (d) The religious community within groups of persons
29 infected with HIV or AIDS.

30 (e) The Department of Health.

31 (3) The task force shall meet as often as necessary to

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1 carry out its duties and responsibilities. Within existing
2 resources, the Department of Health shall provide support
3 services to the task force.

4 (4) The members of the task force shall serve without
5 compensation.

6 (5) The task force shall prepare and submit a report
7 of its findings and recommendations to the Governor, the
8 President of the Senate, and the Speaker of the House of
9 Representatives by February 1, 2001. The report must include:

10 (a) Specific strategies for reducing the risk of HIV
11 and AIDS in the state's minority communities.

12 (b) A plan for establishing mentor programs and
13 exchanging information and ideas among minority
14 community-based organizations that provide HIV and AIDS
15 prevention services.

16 (c) The needs of prevention and treatment programs
17 within communities and the resources that are available within
18 minority communities.

19 (d) Specific strategies for ensuring that minority
20 persons who are at risk of HIV and AIDS infection seek
21 testing.

22 (e) Specific strategies for ensuring that persons who
23 test positive for HIV or AIDS are provided with access to
24 treatment and secondary prevention services.

25 (f) Specific strategies to help reduce or eliminate
26 high-risk behaviors in persons who test negative but continue
27 to practice high-risk behaviors.

28 (g) A plan to evaluate the implementation of the
29 recommendations of the task force.

30 (6) The task force is abolished on July 1, 2001.

31 Section 201. Statewide HIV and AIDS prevention

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1 campaign.--

2 (1) The Department of Health shall develop and
3 implement a statewide HIV and AIDS prevention campaign that is
4 directed towards minorities who are at risk of HIV infection.
5 The campaign shall include television, radio, and outdoor
6 advertising; public service announcements; and peer-to-peer
7 outreach. Each campaign message and concept shall be evaluated
8 with members of the target group to ensure its effectiveness.
9 The campaign shall provide information on the risk of HIV and
10 AIDS infection and strategies to follow for prevention, early
11 detection, and treatment. The campaign shall use culturally
12 sensitive literature and educational materials and promote the
13 development of individual skills for behavior modification.

14 (2) The Department of Health shall establish four
15 positions within the department for HIV and AIDS regional
16 minority coordinators and one position for a statewide HIV and
17 AIDS minority coordinator. The coordinators shall facilitate
18 statewide efforts to implement and coordinate HIV and AIDS
19 prevention and treatment programs. The statewide coordinator
20 shall report directly to the chief of the Bureau of HIV and
21 AIDS within the Department of Health.

22 (3) The Department of Health shall, with assistance
23 from the Minority HIV and AIDS Task Force and the statewide
24 coordinator, plan and conduct a statewide Black Leadership
25 Conference on HIV and AIDS by January 2000. The conference
26 shall provide workshops for minority organizations in building
27 skills and improving an organization's capacity to conduct HIV
28 and AIDS prevention and treatment programs.

29 Section 202. The sum of \$250,000 is appropriated from
30 the General Revenue Fund to the Department of Health for the
31 purpose of carrying out the provisions of sections 201 and 202

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1 of this act during the 1999-2000 fiscal year.

2 Section 203. Subsection (9) is added to section 20.41,
3 Florida Statutes, to read:

4 20.41 Department of Elderly Affairs.--There is created
5 a Department of Elderly Affairs.

6 (9) Area agencies on aging are subject to chapter 119,
7 relating to public records, and, when considering any
8 contracts requiring the expenditure of funds, are subject to
9 ss. 286.011-286.012, relating to public meetings.

10 Section 204. Effective October 1, 1999, part XV of
11 chapter 468, Florida Statutes, consisting of sections 468.821,
12 468.822, 468.823, 468.824, 468.825, 468.826, 468.827, and
13 468.828, Florida Statutes, is created to read:

14 468.821 Definitions.--As used in this part, the term:

15 (1) "Approved training program" means:

16 (a) A course of training conducted by a public sector
17 or private sector educational center licensed by the
18 Department of Education to implement the basic curriculum for
19 nursing assistants which is approved by the Department of
20 Education.

21 (b) A training program operated under s. 400.141.

22 (2) "Certified nursing assistant" means a person who
23 meets the qualifications specified in this part and who is
24 certified by the department as a certified nursing assistant.

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

26 (4) "Registry" means the listing of certified nursing
27 assistants maintained by the department.

28 468.822 Duties and powers of the department.--The
29 department shall maintain, or contract with or approve another
30 entity to maintain, a state registry of certified nursing
31 assistants. The registry must consist of the name of each

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1 certified nursing assistant in this state; other identifying
2 information defined by department rule; certification status;
3 the effective date of certification; other information
4 required by state or federal law; information regarding any
5 crime or any abuse, neglect, or exploitation as provided under
6 chapter 435; and any disciplinary action taken against the
7 certified nursing assistant. The registry shall be accessible
8 to the public, the certificateholder, employers, and other
9 state agencies. The department shall adopt by rule testing
10 procedures for use in certifying nursing assistants and shall
11 adopt rules regulating the practice of certified nursing
12 assistants to enforce this part. The department may contract
13 with or approve another entity or organization to provide the
14 examination services, including the development and
15 administration of examinations. The provider shall pay all
16 reasonable costs and expenses incurred by the department in
17 evaluating the provider's application and performance during
18 the delivery of services, including examination services and
19 procedures for maintaining the certified nursing assistant
20 registry.

21 468.823 Certified nursing assistants; certification
22 requirement.--

23 (1) The department shall issue a certificate to
24 practice as a certified nursing assistant to any person who
25 demonstrates a minimum competency to read and write and meets
26 one of the following requirements:

27 (a) Has successfully completed an approved training
28 program and achieved a minimum score, established by rule of
29 the department, on the nursing assistant competency
30 examination, which consists of a written portion and
31 skills-demonstration portion approved by the department and

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1 administered at a site and by personnel approved by the
2 department.

3 (b) Has achieved a minimum score, established by rule
4 of the department, on the nursing assistant competency
5 examination, which consists of a written portion and
6 skills-demonstration portion, approved by the department and
7 administered at a site and by personnel approved by the
8 department and:

9 1. Has a high school diploma, or its equivalent; or
10 2. Is at least 18 years of age.

11 (c) Is currently certified in another state; is listed
12 on that state's certified nursing assistant registry; has not
13 been found to have committed abuse, neglect, or exploitation
14 in that state; and has successfully completed a national
15 nursing assistant evaluation in order to receive certification
16 in that state.

17 (2) If an applicant fails to pass the nursing
18 assistant competency examination in three attempts, the
19 applicant is not eligible for reexamination unless the
20 applicant completes an approved training program.

21 (3) An oral examination shall be administered as a
22 substitute for the written portion of the examination upon
23 request. The oral examination shall be administered at a site
24 and by personnel approved by the department.

25 (4) The department shall adopt rules to provide for
26 the initial certification of certified nursing assistants.

27 (5) A certified nursing assistant shall maintain a
28 current address with the department in accordance with s.
29 455.717.

30 468.824 Denial, suspension, or revocation of
31 certification; disciplinary actions.--

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1 (1) The following acts constitute grounds for which
2 the department may impose disciplinary sanctions as specified
3 in subsection (2):

4 (a) Obtaining or attempting to obtain an exemption, or
5 possessing or attempting to possess a letter of exemption, by
6 bribery, misrepresentation, deceit, or through an error of the
7 department.

8 (b) Intentionally violating any provision of this
9 chapter, chapter 455, or the rules adopted by the department.

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

13 (a) Denial, suspension, or revocation of
14 certification.

15 (b) Imposition of an administrative fine not to exceed
16 \$150 for each count or separate offense.

17 (c) Imposition of probation or restriction of
18 certification, including conditions such as corrective actions
19 as retraining or compliance with an approved treatment program
20 for impaired practitioners.

21 (3) The department may, upon the request of a
22 certificateholder, exempt the certificateholder from
23 disqualification of certification or disqualification of
24 employment in accordance with chapter 435 and issue a letter
25 of exemption.

26
27 After January 1, 2000, the department must notify an applicant
28 seeking an exemption from disqualification from certification
29 or employment of its decision to approve or deny the request
30 within 30 days after the date the department receives all
31 required documentation.

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1 468.825 Availability of disciplinary records and
2 proceedings.--Pursuant to s. 455.621, any complaint or record
3 maintained by the Department of Health pursuant to the
4 discipline of a certified nursing assistant and any proceeding
5 held by the department to discipline a certified nursing
6 assistant shall remain open and available to the public.

7 468.826 Exemption from liability.--If an employer
8 terminates or denies employment to a certified nursing
9 assistant whose certification is inactive as shown on the
10 certified nursing assistant registry or whose name appears on
11 the central abuse registry and tracking system of the
12 Department of Children and Family Services or on a criminal
13 screening report of the Department of Law Enforcement, the
14 employer is not civilly liable for such termination and a
15 cause of action may not be brought against the employer for
16 damages, regardless of whether the employee has filed for an
17 exemption from the department under s. 468.824(1). There may
18 not be any monetary liability on the part of, and a cause of
19 action for damages may not arise against, any licensed
20 facility, its governing board or members thereof, medical
21 staff, disciplinary board, agents, investigators, witnesses,
22 employees, or any other person for any action taken in good
23 faith without intentional fraud in carrying out this section.

24 468.827 Penalties.--It is a misdemeanor of the first
25 degree, punishable as provided under s. 775.082 or s. 775.083,
26 for any person, knowingly or intentionally, to fail to
27 disclose, by false statement, misrepresentation,
28 impersonation, or other fraudulent means, in any application
29 for voluntary or paid employment or licensure regulated under
30 this part, a material fact used in making a determination as
31 to such person's qualifications to be an employee or licensee.

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1 468.828 Background screening information; rulemaking
2 authority.--

3 (1) The Agency for Health Care Administration shall
4 allow the department to electronically access its background
5 screening database and records and the Department of Children
6 and Families shall allow the department to electronically
7 access its central abuse registry and tracking system under
8 chapter 415.

9 (2) An employer, or an agent thereof, may not use
10 criminal records, juvenile records, or information obtained
11 from the central abuse hotline under chapter 415 for any
12 purpose other than determining if the person meets the
13 requirements of this part. Such records and information
14 obtained by the department shall remain confidential and
15 exempt from s. 119.07(1).

16 (3) If the requirements of the Omnibus Budget
17 Reconciliation Act of 1987, as amended, for the certification
18 of nursing assistants are in conflict with this part, the
19 federal requirements shall prevail for those facilities
20 certified to provide care under Title XVIII (Medicare) or
21 Title XIX (Medicaid) of the Social Security Act.

22 (4) The department shall adopt rules to administer
23 this part.

24 Section 205. Certified nursing assistant registry.--

25 (1) By October 1, 1999, and by October 1 of every year
26 thereafter, each employer of certified nursing assistants
27 shall submit to the Department of Health a list of the names
28 and social security numbers of each person employed by the
29 employer as a certified nursing assistant in a nursing-related
30 occupation for a minimum of 8 hours for monetary compensation
31 during the preceding 24 months. Employers may submit such

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1 information electronically through the department's Internet
2 site.

3 (2) The department shall update the certified nursing
4 assistant registry upon receipt of the lists of certified
5 nursing assistants, and shall complete the first of such
6 updates by December 31, 1999.

7 (3) Each certified nursing assistant whose name is not
8 reported to the department under subsection (1) on October 1,
9 1999, shall be assigned an inactive certification on January
10 1, 2000. A certified nursing assistant may remove such an
11 inactive certification by submitting documentation to the
12 department that he or she was employed for a minimum of 8
13 hours for monetary compensation as a certified nursing
14 assistant in a nursing-related occupation during the preceding
15 24 months.

16 (4) This section is repealed October 2, 2001.

17 Section 206. Effective October 1, 1999, section
18 400.211, Florida Statutes, 1998 Supplement, is amended to
19 read:

20 400.211 Persons employed as nursing assistants;
21 certification requirement.--

22 (1) A person must be certified under part XV of
23 chapter 468 pursuant to this section, except a registered
24 nurse or practical nurse licensed in accordance with ~~the~~
25 ~~provisions of~~ chapter 464 or an applicant for such licensure
26 who is permitted to practice nursing in accordance with rules
27 adopted promulgated by the Board of Nursing pursuant to
28 chapter 464, to serve as a nursing assistant in any nursing
29 home. ~~The Department of Health shall issue a certificate to~~
30 ~~any person who:~~

31 ~~(a) Has successfully completed a nursing assistant~~

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1 ~~program in a state-approved school and has achieved a minimum~~
2 ~~score of 75 percent on the written portion of the Florida~~
3 ~~Nursing Assistant Certification Test approved by the~~
4 ~~Department of Health and administered by state-approved test~~
5 ~~site personnel;~~

6 ~~(b) Has achieved a minimum score of 75 percent on the~~
7 ~~written and performance portions of the Florida Nursing~~
8 ~~Assistant Certification Test approved by the Department of~~
9 ~~Health and administered by state-approved test site personnel;~~
10 ~~or~~

11 ~~(c) Is currently certified in another state, is on~~
12 ~~that state's registry, has no findings of abuse, and has~~
13 ~~achieved a minimum score of 75 percent on the written portion~~
14 ~~of the Florida Nursing Assistant Certification Test approved~~
15 ~~by the Department of Health and administered by state-approved~~
16 ~~test site personnel.~~

17
18 ~~An oral examination shall be administered upon request.~~

19 ~~(2) The agency may deny, suspend, or revoke the~~
20 ~~certification of any person to serve as a nursing assistant,~~
21 ~~based upon written notification from a court of competent~~
22 ~~jurisdiction, law enforcement agency, or administrative agency~~
23 ~~of any finding of guilt of, regardless of adjudication, or a~~
24 ~~plea of nolo contendere or guilty to, any offense set forth in~~
25 ~~the level 1 screening standards of chapter 435 or any~~
26 ~~confirmed report of abuse of a vulnerable adult.~~

27 ~~(2)(3)~~ The following categories of persons who are not
28 certified as nursing assistants under this part may be
29 employed by a nursing facility for a period of 4 months:

30 (a) Persons who are enrolled in a state-approved
31 nursing assistant program; or

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1 (b) Persons who have been positively verified by a
2 state-approved test site as certified and on the registry in
3 another state with no findings of abuse, but who have not
4 completed the written examination required under this section.

5
6 The certification requirement must be met within 4 months of
7 initial employment as a nursing assistant in a licensed
8 nursing facility.

9 ~~(4) A person certified under this section on or after~~
10 ~~September 30, 1990, who has not worked for pay as a nursing~~
11 ~~assistant in a nursing-related occupation for a period of time~~
12 ~~during a consecutive 24-month period must be recertified under~~
13 ~~this section to be eligible to work in a nursing facility.~~

14 (3)(5) Nursing homes shall require persons seeking
15 employment as a certified nursing assistant to submit an
16 employment history to the facility. The facility shall verify
17 the employment history unless, through diligent efforts, such
18 verification is not possible. There shall be no monetary
19 liability on the part of, and no cause of action for damages
20 shall arise against, a former employer who reasonably and in
21 good faith communicates his or her honest opinion about a
22 former employee's job performance.

23 ~~(6) If the requirements pursuant to the Omnibus Budget~~
24 ~~Reconciliation Act of 1987, as amended, for the certification~~
25 ~~of nursing assistants are in conflict with this section, the~~
26 ~~federal requirements shall prevail for those facilities~~
27 ~~certified to provide care under Title XVIII (Medicare) or~~
28 ~~Title XIX (Medicaid) of the Social Security Act.~~

29 ~~(7) The Department of Health may adopt such rules as~~
30 ~~are necessary to carry out this section.~~

31 Section 207. Subsection (36) is added to section

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1 409.912, Florida Statutes, 1998 Supplement, to read:

2 409.912 Cost-effective purchasing of health care.--The
3 agency shall purchase goods and services for Medicaid
4 recipients in the most cost-effective manner consistent with
5 the delivery of quality medical care. The agency shall
6 maximize the use of prepaid per capita and prepaid aggregate
7 fixed-sum basis services when appropriate and other
8 alternative service delivery and reimbursement methodologies,
9 including competitive bidding pursuant to s. 287.057, designed
10 to facilitate the cost-effective purchase of a case-managed
11 continuum of care. The agency shall also require providers to
12 minimize the exposure of recipients to the need for acute
13 inpatient, custodial, and other institutional care and the
14 inappropriate or unnecessary use of high-cost services.

15 (36) The agency shall enter into agreements with
16 not-for-profit organizations based in this state for the
17 purpose of providing vision screening.

18 Section 208. Except as otherwise expressly provided in
19 this act, this act shall take effect July 1, 1999.

20
21

22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete everything before the enacting clause,

25
26 and insert:

27 A bill to be entitled
28 An act relating to health care; providing for
29 the issuance of Medicaid numbers to certain
30 children; amending s. 20.43, F.S.; revising
31 powers and the internal structure of the

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1 department; amending s. 110.205, F.S.;
2 exempting certain positions from career
3 service; amending s. 120.80, F.S.; exempting
4 certain hearings within the department from the
5 requirement of being conducted by an
6 administrative law judge from the Division of
7 Administrative Hearings; amending s. 154.504,
8 F.S.; revising standards for eligibility to
9 participate in a primary care for children and
10 families challenge grant; amending s. 287.155,
11 F.S.; authorizing the department to purchase
12 vehicles and automotive equipment for county
13 health departments; amending s. 372.6672, F.S.;
14 deleting an obsolete reference to the
15 Department of Health and Rehabilitative
16 Services; amending s. 381.004, F.S.;
17 prescribing conditions under which an HIV test
18 may be performed without obtaining consent;
19 amending s. 381.0051, F.S.; authorizing the
20 Department of Health to adopt rules to
21 implement the Comprehensive Family Planning
22 Act; amending s. 381.006, F.S.; providing the
23 department with rule authority relating to
24 inspection of certain group care facilities;
25 amending s. 381.0061, F.S.; providing the
26 department with authority to impose certain
27 fines; amending s. 381.0062, F.S.; redefining
28 the term "private water system" and defining
29 the term "multi-family water system"; providing
30 that either type of system may include a rental
31 residence in its service; regulating

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1 multi-family systems; amending s. 381.90, F.S.;
2 revising membership of the Health Information
3 Systems Council; prescribing its duties with
4 respect to developing a review process;
5 requiring a report; amending s. 382.003, F.S.;
6 revising powers and duties of the department
7 with respect to vital records; providing for
8 forms and documents to be submitted under oath;
9 amending s. 382.004, F.S.; restating the
10 admissibility of copies of records; amending s.
11 382.008, F.S.; deleting provisions relating to
12 restriction on disclosure of a decedent's
13 social security number; amending s. 382.013,
14 F.S.; revising provisions relating to who must
15 file a birth registration; amending s. 382.015,
16 F.S.; revising provisions relating to issuance
17 of new birth certificates upon determination of
18 paternity; amending s. 382.016, F.S.;
19 prescribing procedures for amending records;
20 amending s. 382.019, F.S.; providing for
21 dismissal of an application for delayed
22 registration which is not actively pursued;
23 amending s. 382.025, F.S.; exempting certain
24 birth records from confidentiality
25 requirements; amending s. 382.0255, F.S.;
26 revising provisions relating to disposition of
27 the additional fee imposed on certification of
28 birth records; amending s. 383.14, F.S.;
29 conforming a reference to the name of a
30 program; amending s. 385.202, F.S.; deleting
31 provisions relating to reimbursing hospitals

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1 reporting information for the statewide cancer
2 registry; amending s. 385.203, F.S.;
3 establishing requirements and membership for
4 the Diabetes Advisory Council; amending s.
5 391.028, F.S.; revising provisions relating to
6 administration of the Children's Medical
7 Services program; amending s. 391.0315, F.S.;
8 revising standards for benefits provided under
9 the program for certain children; amending s.
10 392.69, F.S.; providing for an advisory board
11 for the A. G. Holley State Hospital; amending
12 s. 401.25, F.S.; providing qualifications for
13 licensure as basic or advanced life support
14 service; amending s. 401.27, F.S.; providing
15 standards for certification of emergency
16 medical technicians and paramedics; creating s.
17 401.2701, F.S.; establishing criteria for
18 emergency medical services training programs;
19 creating s. 401.2715, F.S.; providing for
20 recertification training of emergency medical
21 technicians and paramedics; providing for fees;
22 amending s. 401.30, F.S.; providing for use and
23 maintenance of records; amending s. 401.35,
24 F.S.; providing rulemaking authority; amending
25 s. 409.9126, F.S.; revising requirements for
26 capitation payments to Children's Medical
27 Services programs; amending s. 465.019, F.S.;
28 revising definitions; amending s. 499.005,
29 F.S.; revising the elements of certain offenses
30 relating to purchase or receipt of legend
31 drugs, recordkeeping with respect to drugs,

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1 cosmetics, and household products, and permit
2 and registration requirements; amending s.
3 499.007, F.S.; revising conditions under which
4 a drug is considered misbranded; amending s.
5 499.028, F.S.; providing an exemption from the
6 prohibition against possession of a drug
7 sample; amending s. 499.069, F.S.; providing
8 penalties for certain violations of s. 499.005,
9 F.S.; amending s. 742.10, F.S.; revising
10 procedures relating to establishing paternity
11 for children born out of wedlock; amending ss.
12 39.303, 385.203, 391.021, 391.221, 391.222,
13 391.223, F.S., to conform to the renaming of
14 the Division of Children's Medical Services;
15 repealing s. 381.731(3), F.S., relating to the
16 date for submission of a report; repealing s.
17 383.307(5), F.S., relating to licensure of
18 birth center staff and consultants; repealing
19 s. 404.20(7), F.S., relating to transportation
20 of radioactive materials; repealing s.
21 409.9125, F.S., relating to the study of
22 Medicaid alternative networks; naming a certain
23 building in Jacksonville the "Wilson T. Sowder,
24 M.D., Building"; naming a certain building in
25 Tampa the "William G. 'Doc' Myers, M.D.,
26 Building"; naming the department headquarters
27 building the "Charlton E. Prather, M.D.,
28 Building"; authorizing the Department of Health
29 to become an accrediting authority for
30 environmental laboratory standards; providing
31 intent and rulemaking authority for the

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1 Department of Health to implement standards of
2 the National Environmental Laboratory
3 Accreditation Program Accreditation Program;
4 amending s. 381.0022, F.S.; authorizing the
5 Department of Health to share certain
6 information on Medicaid recipients regarding
7 payment for services; amending s. 383.011,
8 F.S.; amending requirements for rules relating
9 to the Child Care Food Program; amending s.
10 468.304, F.S.; revising the application fees to
11 be paid for radiologic technology certification
12 examination; amending s. 468.306, F.S.;
13 revising certain fees for radiologic technology
14 certification examination; amending s. 468.309,
15 F.S.; amending the timing of biennial
16 certification renewal for radiologic
17 technologists; amending ss. 455.57 and 455.565,
18 F.S.; ensuring that an intern in a hospital is
19 not subject to the credentialing or profiling
20 laws; providing for clinical trials to be
21 conducted on the use of the drug Secretin by a
22 nonprofit provider; requiring a report;
23 providing an appropriation; amending s.
24 232.435, F.S.; correcting a reference; amending
25 s. 381.026, F.S.; providing a definition;
26 amending s. 381.0261, F.S.; providing that the
27 Department of Health or a regulatory board,
28 rather than the Agency for Health Care
29 Administration, may impose an administrative
30 fine against any health care provider who fails
31 to make available to patients a summary of

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1 their rights as required by law; amending s.
2 409.906, F.S.; authorizing the Agency for
3 Health Care Administration to develop a
4 certified-match program for Healthy Start
5 services under certain circumstances; amending
6 s. 409.910, F.S.; providing for use of Medicare
7 standard billing formats for certain
8 data-exchange purposes; creating s. 409.9101,
9 F.S.; providing a short title; providing
10 legislative intent relating to Medicaid estate
11 recovery; requiring certain notice of
12 administration of the estate of a deceased
13 Medicaid recipient; providing that receipt of
14 Medicaid benefits creates a claim and interest
15 by the agency against an estate; specifying the
16 right of the agency to amend the amount of its
17 claim based on medical claims submitted by
18 providers subsequent to the agency's initial
19 claim calculation; providing the basis of
20 calculation of the amount of the agency's
21 claim; specifying a claim's class standing;
22 providing circumstances for nonenforcement of
23 claims; providing criteria for use in
24 considering hardship requests; providing for
25 recovery when estate assets result from a claim
26 against a third party; providing for estate
27 recovery in instances involving real property;
28 providing agency rulemaking authority; amending
29 s. 409.912, F.S.; eliminating a requirement
30 that a Medicaid provider service network
31 demonstration project be located in Orange

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1 County; amending s. 409.913, F.S.; revising
2 provisions relating to the agency's authority
3 to withhold Medicaid payments pending
4 completion of certain legal proceedings;
5 providing for disbursement of withheld Medicaid
6 provider payments; creating s. 409.9131, F.S.;
7 providing legislative findings and intent
8 relating to integrity of the Medicaid program;
9 providing definitions; authorizing onsite
10 reviews of physician records by the agency;
11 requiring notice for such reviews; requiring
12 notice of due process rights in certain
13 circumstances; specifying procedures for
14 determinations of overpayment; requiring a
15 study of certain statistical models used by the
16 agency; requiring a report; amending s.
17 455.501, F.S.; redefining the terms "health
18 care practitioner" and "licensee"; amending s.
19 455.507, F.S.; revising provisions relating to
20 good standing of members of the Armed Forces
21 with administrative boards to provide
22 applicability to the department when there is
23 no board; providing gender neutral language;
24 amending s. 455.521, F.S.; providing powers and
25 duties of the department for the professions,
26 rather than boards, under its jurisdiction;
27 amending s. 455.557, F.S.; revising the
28 credentials collection program for health care
29 practitioners; revising and providing
30 definitions; providing requirements for health
31 care practitioners and the Department of Health

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1 under the program; renaming the advisory
2 council and abolishing it at a future date;
3 prohibiting duplication of data available from
4 the department; authorizing collection of
5 certain other information; revising
6 requirements for registration of credentials
7 verification organizations; providing for
8 biennial renewal of registration; providing
9 grounds for suspension or revocation of
10 registration; revising liability insurance
11 requirements; revising rulemaking authority;
12 specifying authority of the department after
13 the council is abolished; amending s. 455.564,
14 F.S.; prescribing the expiration date of an
15 incomplete license application; revising the
16 form and style of licenses; providing authority
17 to the department when there is no board to
18 adopt rules; revising and providing
19 requirements relating to obtaining continuing
20 education credit in risk management; correcting
21 a reference; amending s. 455.5651, F.S.;
22 prohibiting inclusion of certain information in
23 practitioner profiles; amending s. 455.567,
24 F.S.; defining sexual misconduct and
25 prohibiting it in the practice of a health care
26 profession; providing penalties; amending s.
27 455.574, F.S.; revising provisions relating to
28 review of an examination after failure to pass
29 it; amending s. 455.587, F.S.; providing
30 authority to the department when there is no
31 board to determine by rule the amount of

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1 license fees for the profession regulated;
2 providing for a fee for issuance of a wall
3 certificate to certain licensees or for a
4 duplicate wall certificate; amending s.
5 455.601, F.S.; providing, for purposes of
6 workers' compensation, a rebuttable presumption
7 relating to blood-borne infections; amending s.
8 455.604, F.S.; requiring instruction on human
9 immunodeficiency virus and acquired immune
10 deficiency syndrome as a condition of licensure
11 and relicensure to practice dietetics and
12 nutrition or nutrition counseling; amending s.
13 455.607, F.S.; correcting a reference; amending
14 s. 455.624, F.S.; revising and providing
15 grounds for discipline; providing penalties;
16 providing for assessment of certain costs;
17 amending s. 455.664, F.S.; requiring additional
18 health care practitioners to include a certain
19 statement in advertisements for free or
20 discounted services; correcting terminology;
21 amending s. 455.667, F.S.; authorizing the
22 department to obtain patient records, billing
23 records, insurance information, provider
24 contracts, and all attachments thereto under
25 certain circumstances for purposes of
26 disciplinary proceedings; providing for charges
27 for making reports or records available for
28 digital scanning; amending s. 455.687, F.S.;
29 providing for the suspension or restriction of
30 the license of any health care practitioner who
31 tests positive for drugs under certain

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1 circumstances; amending s. 455.694, F.S.;

2 providing financial responsibility requirements

3 for midwives; creating s. 455.712, F.S.;

4 providing requirements for active status

5 licensure of certain business establishments;

6 amending s. 457.102, F.S.; defining the term

7 "prescriptive rights" with respect to

8 acupuncture; amending s. 458.307, F.S.;

9 correcting terminology and a reference;

10 removing an obsolete date; amending s. 458.309,

11 F.S.; providing for registration and inspection

12 of certain offices performing levels 2 and 3

13 surgery; amending s. 458.311, F.S.; revising

14 provisions relating to licensure as a physician

15 by examination; eliminating an obsolete

16 provision relating to licensure of medical

17 students from Nicaragua and another provision

18 relating to taking the examination without

19 applying for a license; amending s. 458.3115,

20 F.S.; updating terminology; amending s.

21 458.313, F.S.; revising provisions relating to

22 licensure by endorsement; repealing provisions

23 relating to reactivation of certain licenses

24 issued by endorsement; amending s. 458.315,

25 F.S.; providing additional requirements for

26 recipients of a temporary certificate for

27 practice in areas of critical need; amending s.

28 458.3165, F.S.; prescribing authorized

29 employment for holders of public psychiatry

30 certificates; correcting a reference; amending

31 s. 458.317, F.S.; providing for conversion of

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1 an active license to a limited license for a
2 specified purpose; amending s. 458.319, F.S.;
3 revising requirements for submitting
4 fingerprints to the department for renewal of
5 licensure as a physician; amending s. 458.331,
6 F.S.; providing grounds for discipline;
7 providing penalties; amending s. 458.347, F.S.;
8 revising provisions relating to temporary
9 licensure as a physician assistant; amending s.
10 459.005, F.S.; providing for registration and
11 inspection of certain offices performing levels
12 2 and 3 surgery; amending s. 459.0075, F.S.;
13 providing for conversion of an active license
14 to a limited license for a specified purpose;
15 amending s. 459.008, F.S.; revising
16 requirements for submitting fingerprints to the
17 department for renewal of licensure as an
18 osteopathic physician; amending s. 459.015,
19 F.S.; revising and providing grounds for
20 discipline; providing penalties; amending s.
21 460.402, F.S.; providing an exemption from
22 regulation under ch. 460, F.S., relating to
23 chiropractic, for certain students; amending s.
24 460.403, F.S.; defining the term
25 "community-based internship" for purposes of
26 ch. 460, F.S.; redefining the terms "direct
27 supervision" and "registered chiropractic
28 assistant"; amending s. 460.406, F.S.; revising
29 requirements for licensure as a chiropractic
30 physician by examination to remove a provision
31 relating to a training program; amending s.

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1 460.407, F.S.; revising requirements for
2 submitting fingerprints to the department for
3 renewal of licensure as a chiropractic
4 physician; amending s. 460.413, F.S.;
5 increasing the administrative fine; conforming
6 cross-references; amending s. 460.4165, F.S.;
7 revising requirements for certification of
8 chiropractic physician's assistants; providing
9 for supervision of registered chiropractic
10 physician's assistants; providing for biennial
11 renewal; providing fees; providing
12 applicability to current certificateholders;
13 amending s. 460.4166, F.S.; authorizing
14 registered chiropractic assistants to be under
15 the direct supervision of a certified
16 chiropractic physician's assistant; amending s.
17 461.003, F.S.; defining the term "certified
18 podiatric X-ray assistant" and the term "direct
19 supervision" with respect thereto; redefining
20 the term "practice of podiatric medicine";
21 amending s. 461.006, F.S.; revising the
22 residency requirement to practice podiatric
23 medicine; amending s. 461.007, F.S.; revising
24 requirements for renewal of license to practice
25 podiatric medicine; revising requirements for
26 submitting fingerprints to the department for
27 renewal of licensure; amending s. 461.013,
28 F.S.; revising and providing grounds for
29 discipline; providing penalties; creating s.
30 461.0135, F.S.; providing requirements for
31 operation of X-ray machines by certified

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1 podiatric X-ray assistants; amending s.
2 464.008, F.S.; providing for remediation upon
3 failure to pass the examination to practice
4 nursing a specified number of times; amending
5 s. 464.022, F.S.; providing an exemption from
6 regulation relating to remedial courses;
7 amending s. 465.003, F.S.; defining the term
8 "data communication device"; revising the
9 definition of the term "practice of the
10 profession of pharmacy"; amending s. 465.016,
11 F.S.; authorizing the redispensing of unused or
12 returned unit-dose medication by correctional
13 facilities under certain conditions; providing
14 a ground for which a pharmacist may be subject
15 to discipline by the Board of Pharmacy;
16 increasing the administrative fine; amending
17 ss. 465.014, 465.015, 465.0196, 468.812,
18 499.003, F.S.; correcting cross-references, to
19 conform; creating the Task Force for the Study
20 of Collaborative Drug Therapy Management;
21 providing for staff support from the
22 department; providing for participation by
23 specified associations and entities; providing
24 responsibilities; requiring a report to the
25 Legislature; amending s. 466.021, F.S.;
26 revising requirements relating to dental work
27 orders required of unlicensed persons; amending
28 s. 468.1155, F.S.; revising requirements for
29 provisional licensure to practice
30 speech-language pathology or audiology;
31 amending s. 468.1215, F.S.; revising

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1 requirements for certification as a
2 speech-language pathologist or audiologist
3 assistant; amending s. 468.307, F.S.;
4 authorizing the issuance of subcategory
5 certificates in the field of radiologic
6 technology; amending s. 468.506, F.S.;
7 correcting references; amending s. 468.701,
8 F.S.; revising and removing definitions;
9 amending s. 468.703, F.S.; replacing the
10 Council of Athletic Training with a Board of
11 Athletic Training; providing for appointment of
12 board members and their successors; providing
13 for staggering of terms; providing for
14 applicability of other provisions of law
15 relating to activities of regulatory boards;
16 providing for the board's headquarters;
17 amending ss. 468.705, 468.707, 468.709,
18 468.711, 468.719, 468.721, F.S., relating to
19 rulemaking authority, licensure by examination,
20 fees, continuing education, disciplinary
21 actions, and certain regulatory transition;
22 transferring to the board certain duties of the
23 department relating to regulation of athletic
24 trainers; amending s. 20.43, F.S.; placing the
25 board under the Division of Medical Quality
26 Assurance of the department; providing for
27 termination of the council and the terms of
28 council members; authorizing consideration of
29 former council members for appointment to the
30 board; amending s. 468.805, F.S.; revising
31 grandfathering provisions for the practice of

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1 orthotics, prosthetics, or pedorthics; amending
2 s. 468.806, F.S.; providing for approval of
3 continuing education providers; amending s.
4 478.42, F.S.; redefining the term "electrolysis
5 or electrology"; amending s. 483.041, F.S.,
6 redefining the terms "clinical laboratory" and
7 "licensed practitioner" and defining the term
8 "clinical laboratory examination"; amending s.
9 483.803, F.S.; redefining the terms "clinical
10 laboratory examination" and "licensed
11 practitioner of the healing arts"; revising a
12 reference; amending s. 483.807, F.S.; revising
13 provisions relating to fees for approval as a
14 laboratory training program; amending s.
15 483.809, F.S.; revising requirements relating
16 to examination of clinical laboratory personnel
17 for licensure and to registration of clinical
18 laboratory trainees; amending s. 483.812, F.S.;
19 revising qualification requirements for
20 licensure of public health laboratory
21 scientists; amending s. 483.813, F.S.;
22 eliminating a provision authorizing conditional
23 licensure of clinical laboratory personnel for
24 a specified period; amending s. 483.821, F.S.;
25 authorizing continuing education or retraining
26 for candidates who fail an examination a
27 specified number of times; amending s. 483.824,
28 F.S.; revising qualifications of clinical
29 laboratory directors; amending s. 483.825,
30 F.S.; revising and providing grounds for
31 discipline; providing penalties; amending s.

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1 483.901, F.S.; correcting a reference;
2 eliminating a provision authorizing temporary
3 licensure as a medical physicist; correcting
4 the name of a trust fund; amending s. 484.007,
5 F.S.; revising requirements for opticians who
6 supervise apprentices; amending s. 484.0512,
7 F.S.; requiring sellers of hearing aids to
8 refund within a specified period all moneys
9 required to be refunded under trial-period
10 provisions; amending s. 484.053, F.S.;
11 increasing the penalty applicable to prohibited
12 acts relating to the dispensing of hearing
13 aids; amending s. 484.056, F.S.; providing that
14 violation of trial-period requirements is a
15 ground for disciplinary action; providing
16 penalties; amending ss. 486.041, 486.081,
17 486.103, and 486.107, F.S.; eliminating
18 provisions authorizing issuance of a temporary
19 permit to work as a physical therapist or
20 physical therapist assistant; amending s.
21 490.005, F.S.; revising educational
22 requirements for licensure as a psychologist by
23 examination; changing a date, to defer certain
24 educational requirements; amending s. 490.006,
25 F.S.; providing additional requirements for
26 licensure as a psychologist by endorsement;
27 amending s. 490.0085, F.S.; correcting the name
28 of a trust fund; amending s. 491.0045, F.S.;
29 revising requirements for registration as a
30 clinical social worker intern, marriage and
31 family therapist intern, or mental health

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1 counselor intern; amending s. 491.0046, F.S.;

2 revising requirements for provisional licensure

3 of clinical social workers, marriage and family

4 therapists, and mental health counselors;

5 amending s. 491.005, F.S.; revising

6 requirements for licensure of clinical social

7 workers, marriage and family therapists, and

8 mental health counselors; providing for

9 certification of education of interns;

10 providing rulemaking authority to implement

11 education and experience requirements for

12 licensure as a clinical social worker, marriage

13 and family therapist, or mental health

14 counselor; revising future licensure

15 requirements for mental health counselors and

16 providing rulemaking authority for

17 implementation thereof; amending s. 491.006,

18 F.S.; revising requirements for licensure or

19 certification by endorsement; amending s.

20 491.0085, F.S.; requiring laws and rules

21 courses and providing for approval thereof,

22 including providers and programs; correcting

23 the name of a trust fund; amending s. 491.014,

24 F.S.; revising an exemption from regulation

25 relating to certain temporally limited

26 services; amending s. 499.012, F.S.; redefining

27 the term "wholesale distribution," relating to

28 the distribution of prescription drugs, to

29 provide for the exclusion of certain

30 activities; amending ss. 626.883, 641.316,

31 F.S.; requiring payments to a health care

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1 provider by a fiscal intermediary to include an
2 explanation of services provided; creating a
3 Task Force on Telehealth; providing its duties;
4 requiring a report; amending s. 468.352, F.S.;
5 redefining the term "board"; amending s.
6 468.353, F.S.; conforming provision; providing
7 for the adoption of rules; amending s. 468.354,
8 F.S.; creating the Board of Respiratory Care;
9 providing for membership, powers, and duties;
10 amending s. 468.355, F.S.; providing for
11 periodic rather than annual review of certain
12 examinations and standards; amending s.
13 458.357, F.S.; conforming provisions; deleting
14 obsolete provisions; amending s. 468.364, F.S.;
15 deleting an examination fee; amending s.
16 468.365, F.S.; conforming provisions; amending
17 s. 464.016, F.S., providing that the use of the
18 title "nurse" without being licensed or
19 certified is a crime; amending s. 458.3115,
20 F.S.; revising requirements with respect to
21 eligibility of certain foreign-licensed
22 physicians to take and pass standardized
23 examinations; amending s. 458.3124, F.S.;
24 changing the date by which application for a
25 restricted license must be submitted; amending
26 s. 301, ch. 98-166, Laws of Florida;
27 prescribing fees for foreign-licensed
28 physicians taking a certain examination;
29 providing for a detailed study and analysis of
30 clinical laboratory services for kidney
31 dialysis patients; amending s. 455.651, F.S.;

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1 providing for treble damages, reasonable
2 attorney fees, and costs for improper
3 disclosure of confidential information;
4 amending ss. 641.261 and 641.411, F.S.;
5 conforming references and cross-references;
6 amending s. 733.212, F.S.; establishing the
7 agency as a reasonably ascertainable creditor
8 with respect to administration of certain
9 estates; requiring that a task force be
10 appointed to review sources of revenue for the
11 trust fund; providing for appointments of its
12 members and specifying topics to be studied;
13 providing for its staffing; providing for
14 meetings; requiring a report and
15 recommendations; creating s. 395.40, F.S.;
16 declaring legislative findings and intent with
17 respect to creation of a statewide inclusive
18 trauma system, as defined; amending s. 395.401,
19 F.S.; deleting the definitions of the terms
20 "local trauma agency" and "regional trauma
21 agency"; defining the terms "trauma agency" and
22 "trauma alert victim"; prescribing duties of
23 the Department of Health with respect to
24 implementation of inclusive trauma systems and
25 trauma agency plans; amending s. 395.402, F.S.;
26 removing legislative findings; prescribing
27 duties of the department with respect to
28 assignment of counties to trauma service areas;
29 amending s. 395.4045, F.S.; prescribing
30 transport requirements for emergency medical
31 services providers; creating ss. 458.351 and

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1 459.026, F.S.; requiring reports to the
2 Department of Health of adverse incidents in
3 specified settings; providing for review of
4 such incidents and initiation of disciplinary
5 proceedings, where appropriate; authorizing
6 department access to certain records and
7 preserving exemption from public access
8 thereto; providing rulemaking authority;
9 requiring the Department of Health to establish
10 standards for compressed air used in
11 recreational sport diving; providing that
12 certain persons and entities are exempt from
13 compliance with such standards; providing for
14 testing compressed air; requiring that test
15 results be provided to the department;
16 requiring that persons or entities selling
17 compressed air post a certificate of testing in
18 a conspicuous location; providing a penalty;
19 authorizing rules; creating the Minority HIV
20 and AIDS Task Force within the Department of
21 Health; requiring the task force to develop
22 recommendations on ways to strengthen HIV and
23 AIDS prevention and treatment programs in
24 minority communities; requiring the Secretary
25 of Health to appoint the members of the task
26 force; requiring that the task force include
27 representatives of certain groups and
28 organizations; providing for the members to
29 serve without compensation; requiring a report
30 to the Legislature; providing for the task
31 force to be abolished on a specified date;

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1 requiring that the Department of Health develop
2 and implement a statewide HIV and AIDS
3 prevention campaign that is directed to
4 minorities; providing requirements for the
5 campaign; requiring the department to establish
6 positions within the department for regional
7 and statewide coordinators; requiring that the
8 department conduct a Black Leadership
9 Conference on HIV and AIDS by a specified date;
10 providing an appropriation; amending s. 20.41,
11 F.S.; providing that area agencies on aging are
12 subject to ch. 119 and ss. 286.011-286.012,
13 F.S., as specified; creating part XV of chapter
14 468, F.S.; providing definitions; requiring
15 that the Department of Health maintain a state
16 registry of certified nursing assistants;
17 authorizing the department to contract for
18 examination services; providing requirements
19 for obtaining certification as a certified
20 nursing assistant; requiring that the
21 department adopt rules governing initial
22 certification; specifying grounds for which the
23 department may deny, suspend, or revoke a
24 person's certification; authorizing the
25 department to exempt an applicant or
26 certificateholder from disqualification of
27 certification; providing requirements for
28 records and meetings held for disciplinary
29 actions; exempting an employer from liability
30 for terminating a certified nursing assistant
31 under certain circumstances; providing

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1 penalties; providing for background screening;
 2 providing rulemaking authority; requiring
 3 persons who employ certified nursing assistants
 4 to make certain reports to the Department of
 5 Health; requiring that the department update
 6 the certified nursing assistant registry;
 7 providing for future repeal of such provisions;
 8 amending s. 400.211, F.S.; deleting obsolete
 9 provisions with respect to the regulation of
 10 certified nursing assistants; amending s.
 11 409.912, F.S.; requiring the Agency for Health
 12 Care Administration to enter into agreements
 13 with certain organizations for purposes of
 14 providing vision screening; providing effective
 15 dates.

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