

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 ~~serving 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.~~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 (3) of section 385.203, Florida
31 Statutes, is amended to read:

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1 385.203 Diabetes Advisory Council; creation; function;
2 membership.--

3 (3) The council shall be composed of 18 citizens of
4 the state as follows: four practicing physicians; one
5 representative from each medical school; seven interested
6 citizens, at least three of whom shall be persons who have or
7 have had diabetes mellitus or who have a child with diabetes
8 mellitus; the Secretary of Health or his or her designee; one
9 representative from the ~~Division of Children's Medical~~
10 ~~Services of the~~ Department of Health who represents Children's
11 Medical Services; and one professor of nutrition.

12 Section 44. Subsection (8) of section 391.021, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 391.021 Definitions.--When used in this act, unless
15 the context clearly indicates otherwise:

16 (8) "Program" means the Children's Medical Services
17 program established in the ~~Division of Children's Medical~~
18 ~~Services of the~~ department.

19 Section 45. Paragraph (b) of subsection (1) of section
20 391.221, Florida Statutes, 1998 Supplement, is amended to
21 read:

22 391.221 Statewide Children's Medical Services Network
23 Advisory Council.--

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

29 (b) Making recommendations to the director of ~~the~~
30 ~~Division of~~ Children's Medical Services concerning the
31 selection of health care providers for the Children's Medical

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1 Services network.

2 Section 46. Subsection (1) of section 391.222, Florida
3 Statutes, 1998 Supplement, is amended to read:

4 391.222 Cardiac Advisory Council.--

5 (1) The secretary of the department may appoint a
6 Cardiac Advisory Council for the purpose of acting as the
7 advisory body to the Department of Health ~~Division of~~
8 ~~Children's Medical Services~~ in the delivery of cardiac
9 services to children. Specifically, the duties of the council
10 shall include, but not be limited to:

11 (a) Recommending standards for personnel and
12 facilities rendering cardiac services ~~for the Division of~~
13 ~~Children's Medical Services~~;

14 (b) Receiving reports of the periodic review of
15 cardiac personnel and facilities to determine if established
16 standards for the ~~Division of Children's Medical Services~~
17 cardiac services are met;

18 (c) Making recommendations to the ~~division~~ director as
19 to the approval or disapproval of reviewed personnel and
20 facilities;

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

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

26 Section 47. Section 391.223, Florida Statutes, 1998
27 Supplement, is amended to read:

28 391.223 Technical advisory panels.--The secretary of
29 the department may establish technical advisory panels to
30 assist ~~the Division of Children's Medical Services~~ in
31 developing specific policies and procedures for the Children's

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1 Medical Services program.

2 Section 48. Subsection (3) of section 381.731, Florida
 3 Statutes, as amended by section 2 of chapter 98-224, Laws of
 4 Florida, is repealed.

5 Section 49. Subsection (5) of section 383.307, Florida
 6 Statutes, is repealed.

7 Section 50. Subsection (7) of section 404.20, Florida
 8 Statutes, is repealed.

9 Section 51. Section 409.9125, Florida Statutes, is
 10 repealed.

11 Section 52. The building that is known as the "1911
 12 State Board of Health Building" which is part of a
 13 multi-building complex with the address of 1217 Pearl Street,
 14 Jacksonville, Florida, shall be known as the "Wilson T.
 15 Sowder, M.D., Building."

16 Section 53. The building authorized by chapter 98-307,
 17 Laws of Florida, which will be located at the University of
 18 South Florida which will house laboratory facilities for the
 19 Department of Health shall be known as the "William G. 'Doc'
 20 Myers, M.D., Building."

21 Section 54. The Department of Health headquarters
 22 building which will comprise approximately 100,000 square feet
 23 which is authorized by Specific Appropriation 1986 in the
 24 1998-1999 General Appropriations Act shall be known as the "E.
 25 Charlton Prather, M.D., Building."

26 Section 55. The Department of Health may apply for and
 27 become a National Environmental Laboratory Accreditation
 28 Program accrediting authority. The department, as an
 29 accrediting entity, may adopt rules pursuant to sections
 30 120.536(1) and 120.54, Florida Statutes, to implement
 31 standards of the National Environmental Laboratory

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1 Accreditation Program, including requirements for proficiency
2 testing providers and other rules that are not inconsistent
3 with this section, including rules pertaining to fees,
4 application procedures, standards applicable to environmental
5 or public water supply laboratories, and compliance.

6 Section 56. Section 381.0022, Florida Statutes, 1998
7 Supplement, is amended to read:

8 381.0022 Sharing confidential or exempt information.--

9 (1) Notwithstanding any other provision of law to the
10 contrary, the Department of Health and the Department of
11 Children and Family Services may share confidential
12 information or information exempt from disclosure under
13 chapter 119 on any individual who is or has been the subject
14 of a program within the jurisdiction of each agency.
15 Information so exchanged remains confidential or exempt as
16 provided by law.

17 (2) Notwithstanding any other provision of law to the
18 contrary, the Department of Health may share confidential
19 information or information exempt from disclosure under
20 chapter 119 on any individual who is or has been a Medicaid
21 recipient and is or was the subject of a program within the
22 jurisdiction of the Department of Health, for the purpose of
23 requesting, receiving, or auditing payment for services.
24 Information so exchanged remains confidential or exempt as
25 provided by law.

26 Section 57. Paragraph (c) of subsection (2) of section
27 383.011, Florida Statutes, 1998 Supplement, is amended to
28 read:

29 383.011 Administration of maternal and child health
30 programs.--

31 (2) The Department of Health shall follow federal

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1 requirements and may adopt any rules necessary for the
2 implementation of the maternal and child health care program,
3 the WIC program, and the Child Care Food Program.

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

9 Section 58. Section 468.304, Florida Statutes, 1998
10 Supplement, is amended to read:

11 468.304 Certification examination; admission.--The
12 department shall admit to examination for certification any
13 applicant who pays to the department a nonrefundable fee not
14 to exceed \$100 plus the actual per-applicant cost to the
15 department for purchasing the examination from a national
16 organization and submits satisfactory evidence, verified by
17 oath or affirmation, that she or he:

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

20 (2) Is a high school graduate or has successfully
21 completed the requirements for a graduate equivalency diploma
22 (GED) or its equivalent;

23 (3) Is of good moral character; and

24 (4)(a) Has successfully completed an educational
25 program, which program may be established in a hospital
26 licensed pursuant to chapter 395 or in an accredited
27 postsecondary academic institution which is subject to
28 approval by the department as maintaining a satisfactory
29 standard; or

30 (b)1. With respect to an applicant for a basic X-ray
31 machine operator's certificate, has completed a course of

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1 study approved by the department with appropriate study
2 material provided the applicant by the department;

3 2. With respect to an applicant for a basic X-ray
4 machine operator-podiatric medicine certificate, has completed
5 a course of study approved by the department, provided that
6 such course of study shall be limited to that information
7 necessary to perform radiographic procedures within the scope
8 of practice of a podiatric physician licensed pursuant to
9 chapter 461;

10 3. With respect only to an applicant for a general
11 radiographer's certificate who is a basic X-ray machine
12 operator certificateholder, has completed an educational
13 program or a 2-year training program that takes into account
14 the types of procedures and level of supervision usually and
15 customarily practiced in a hospital, which educational or
16 training program complies with the rules of the department; or

17 4. With respect only to an applicant for a nuclear
18 medicine technologist's certificate who is a general
19 radiographer certificateholder, has completed an educational
20 program or a 2-year training program that takes into account
21 the types of procedures and level of supervision usually and
22 customarily practiced in a hospital, which educational or
23 training program complies with the rules of the department.

24
25 No application for a limited computed tomography certificate
26 shall be accepted. All persons holding valid computed
27 tomography certificates as of October 1, 1984, are subject to
28 the provisions of s. 468.309.

29 Section 59. Subsection (4) of section 468.306, Florida
30 Statutes, 1998 Supplement, is amended to read:

31 468.306 Examinations.--All applicants, except those

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1 certified pursuant to s. 468.3065, shall be required to pass
2 an examination. The department is authorized to develop or
3 use examinations for each type of certificate.

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

8 Section 60. Paragraph (a) of subsection (1) of section
9 468.309, Florida Statutes, is amended to read:

10 468.309 Certificate; duration; renewal; reversion to
11 inactive status.--

12 (1)(a) A radiologic technologist's certificate issued
13 in accordance with this part ~~automatically~~ expires as
14 specified in rules adopted by the department which establish a
15 procedure for the biennial renewal of certificates on December
16 ~~31 of the year following the year of issuance~~. A certificate
17 shall be renewed by the department for a period of 2 years
18 upon payment of a renewal fee in an amount not to exceed \$75
19 and upon submission of a renewal application containing such
20 information as the department deems necessary to show that the
21 applicant for renewal is a radiologic technologist in good
22 standing and has completed any continuing education
23 requirements that ~~which may be established by~~ the department
24 establishes.

25 Section 61. Subsection (1) of section 455.565, Florida
26 Statutes, 1998 Supplement, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 Section 62. (1) The Division of Children's Medical
14 Services of the Department of Health shall contract with a
15 private nonprofit provider affiliated with a teaching hospital
16 to conduct clinical trials, approved by a federally-sanctioned
17 institutional review board within the teaching hospital, on
18 the use of the drug Secretin to treat autism.

19 (2) The private nonprofit provider shall report its
20 findings to the Division of Children's Medical Services, the
21 President of the Senate, the Speaker of the House of
22 Representatives, and other appropriate bodies.

23 Section 63. The sum of \$50,000 is appropriated to the
24 Division of Children's Medical Services of the Department of
25 Health from the General Revenue Fund for the purpose of
26 implementing this act.

27 Section 64. Paragraph (b) of subsection (3) of section
28 232.435, Florida Statutes, is amended to read:

29 232.435 Extracurricular athletic activities; athletic
30 trainers.--

31 (3)

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1 (b) If a school district uses the services of an
 2 athletic trainer who is not a teacher athletic trainer or a
 3 teacher apprentice trainer within the requirements of this
 4 section, such athletic trainer must be licensed as required by
 5 part XIII ~~XIV~~ of chapter 468.

6 Section 65. Subsection (2) of section 381.026, Florida
 7 Statutes, 1998 Supplement, is amended to read:

8 381.026 Florida Patient's Bill of Rights and
 9 Responsibilities.--

10 (2) DEFINITIONS.--As used in this section and s.
 11 381.0261, the term:

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

13 (b)~~(a)~~ "Health care facility" means a facility
 14 licensed under chapter 395.

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

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

22 Section 66. Subsection (4) of section 381.0261,
 23 Florida Statutes, 1998 Supplement, is amended to read:

24 381.0261 Summary of patient's bill of rights;
 25 distribution; penalty.--

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

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1 administrative fine. The Agency for Health Care Administration
2 may levy a fine against a health care facility of up to \$5,000
3 for nonwillful violations, and up to \$25,000 for intentional
4 and willful violations. Each intentional and willful violation
5 constitutes a separate violation and is subject to a separate
6 fine.

7 (b) An administrative fine may be imposed by the
8 appropriate regulatory board, or the department if there is no
9 board, when any health care provider fails to make available
10 to patients a summary of their rights, pursuant to s. 381.026
11 and this section. Initial nonwillful violations shall be
12 subject to corrective action and shall not be subject to an
13 administrative fine. The appropriate regulatory board or
14 department agency may levy a fine against a health care
15 provider of up to \$100 for nonwillful violations and up to
16 \$500 for willful violations. Each intentional and willful
17 violation constitutes a separate violation and is subject to a
18 separate fine.

19 Section 67. Subsection (11) of section 409.906,
20 Florida Statutes, 1998 Supplement, is amended to read:

21 409.906 Optional Medicaid services.--Subject to
22 specific appropriations, the agency may make payments for
23 services which are optional to the state under Title XIX of
24 the Social Security Act and are furnished by Medicaid
25 providers to recipients who are determined to be eligible on
26 the dates on which the services were provided. Any optional
27 service that is provided shall be provided only when medically
28 necessary and in accordance with state and federal law.
29 Nothing in this section shall be construed to prevent or limit
30 the agency from adjusting fees, reimbursement rates, lengths
31 of stay, number of visits, or number of services, or making

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1 any other adjustments necessary to comply with the
2 availability of moneys and any limitations or directions
3 provided for in the General Appropriations Act or chapter 216.
4 Optional services may include:

5 (11) HEALTHY START SERVICES.--The agency may pay for a
6 continuum of risk-appropriate medical and psychosocial
7 services for the Healthy Start program in accordance with a
8 federal waiver. The agency may not implement the federal
9 waiver unless the waiver permits the state to limit enrollment
10 or the amount, duration, and scope of services to ensure that
11 expenditures will not exceed funds appropriated by the
12 Legislature or available from local sources. If the Health
13 Care Financing Administration does not approve a federal
14 waiver for Healthy Start services, the agency, in consultation
15 with the Department of Health and the Florida Association of
16 Healthy Start Coalitions, is authorized to establish a
17 Medicaid certified-match program for Healthy Start services.
18 Participation in the Healthy Start certified-match program
19 shall be voluntary and reimbursement shall be limited to the
20 federal Medicaid share to Medicaid-enrolled Healthy Start
21 coalitions for services provided to Medicaid recipients. The
22 agency shall take no action to implement a certified-match
23 program without ensuring that the amendment and review
24 requirements of ss. 216.177 and 216.181 have been met.

25 Section 68. Subsection (21) of section 409.910,
26 Florida Statutes, 1998 Supplement, is renumbered as subsection
27 (22), and a new subsection (21) is added to that section to
28 read:

29 409.910 Responsibility for payments on behalf of
30 Medicaid-eligible persons when other parties are liable.--

31 (21) Entities providing health insurance as defined in

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1 s. 624.603, and health maintenance organizations as defined in
2 chapter 641, requiring tape or electronic billing formats from
3 the agency shall accept Medicaid billings that are prepared
4 using the current Medicare standard billing format. If the
5 insurance entity or health maintenance organization is unable
6 to use the agency format, the entity shall accept paper claims
7 from the agency in lieu of tape or electronic billing,
8 provided that these claims are prepared using current Medicare
9 standard billing formats.

10 Section 69. Section 409.9101, Florida Statutes, is
11 created to read:

12 409.9101 Recovery for payments made on behalf of
13 Medicaid-eligible persons.--

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

16 (2) It is the intent of the Legislature by this
17 section to supplement Medicaid funds that are used to provide
18 medical services to eligible persons. Medicaid estate recovery
19 shall generally be accomplished through the filing of claims
20 against the estates of deceased Medicaid recipients. The
21 recoveries shall be made pursuant to federal authority in s.
22 13612 of the Omnibus Budget Reconciliation Act of 1993, which
23 amends s. 1917(b)(1) of the Social Security Act (42 U.S.C. s.
24 1396p(b)(1)).

25 (3) Pursuant to s. 733.212(4)(a), the personal
26 representative of the estate of the decedent shall serve the
27 agency with a copy of the notice of administration of the
28 estate within 3 months after the first publication of the
29 notice, unless the agency has already filed a claim pursuant
30 to this section.

31 (4) The acceptance of public medical assistance, as

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1 defined by Title XIX (Medicaid) of the Social Security Act,
2 including mandatory and optional supplemental payments under
3 the Social Security Act, shall create a claim, as defined in
4 s. 731.201, in favor of the agency as an interested person as
5 defined in s. 731.201. The claim amount is calculated as the
6 total amount paid to or for the benefit of the recipient for
7 medical assistance on behalf of the recipient after he or she
8 reached 55 years of age. There is no claim under this section
9 against estates of recipients who had not yet reached 55 years
10 of age.

11 (5) At the time of filing the claim, the agency may
12 reserve the right to amend the claim amounts based on medical
13 claims submitted by providers subsequent to the agency's
14 initial claim calculation.

15 (6) The claim of the agency shall be the current total
16 allowable amount of Medicaid payments as denoted in the
17 agency's provider payment processing system at the time the
18 agency's claim or amendment is filed. The agency's provider
19 processing system reports shall be admissible as prima facie
20 evidence in substantiating the agency's claim.

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

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

26 (a) A spouse;

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

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

31 (9) In accordance with s. 4, Art. X of the State

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1 Constitution, no claim under this section shall be enforced
2 against any property that is determined to be the homestead of
3 the deceased Medicaid recipient and is determined to be exempt
4 from the claims of creditors of the deceased Medicaid
5 recipient.

6 (10) The agency shall not recover from an estate if
7 doing so would cause undue hardship for the qualified heirs,
8 as defined in s. 731.201. The personal representative of an
9 estate and any heir may request that the agency waive recovery
10 of any or all of the debt when recovery would create a
11 hardship. A hardship does not exist solely because recovery
12 will prevent any heirs from receiving an anticipated
13 inheritance. The following criteria shall be considered by the
14 agency in reviewing a hardship request:

- 15 (a) The heir:
 - 16 1. Currently resides in the residence of the decedent;
 - 17 2. Resided there at the time of the death of the
 - 18 decedent;
 - 19 3. Has made the residence his or her primary residence
 - 20 for the 12 months immediately preceding the death of the
 - 21 decedent; and
 - 22 4. Owns no other residence;

23 (b) The heir would be deprived of food, clothing,
24 shelter, or medical care necessary for the maintenance of life
25 or health;

26 (c) The heir can document that he or she provided
27 full-time care to the recipient which delayed the recipient's
28 entry into a nursing home. The heir must be either the
29 decedent's sibling or the son or daughter of the decedent and
30 must have resided with the recipient for at least 1 year prior
31 to the recipient's death; or

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1 (d) The cost involved in the sale of the property
2 would be equal to or greater than the value of the property.

3 (11) Instances arise in Medicaid estate-recovery cases
4 where the assets include a settlement of a claim against a
5 liable third party. The agency's claim under s. 409.910 must
6 be satisfied prior to including the settlement proceeds as
7 estate assets. The remaining settlement proceeds shall be
8 included in the estate and be available to satisfy the
9 Medicaid estate-recovery claim. The Medicaid estate-recovery
10 share shall be one-half of the settlement proceeds included in
11 the estate. Nothing in this subsection is intended to limit
12 the agency's rights against other assets in the estate not
13 related to the settlement. However, in no circumstances shall
14 the agency's recovery exceed the total amount of Medicaid
15 medical assistance provided to the recipient.

16 (12) In instances where there are no liquid assets to
17 satisfy the Medicaid estate-recovery claim, if there is
18 nonhomestead real property and the costs of sale will not
19 exceed the proceeds, the property shall be sold to satisfy the
20 Medicaid estate-recovery claim. Real property shall not be
21 transferred to the agency in any instance.

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

24 Section 70. Paragraph (d) of subsection (3) of section
25 409.912, Florida Statutes, 1998 Supplement, is amended to
26 read:

27 409.912 Cost-effective purchasing of health care.--The
28 agency shall purchase goods and services for Medicaid
29 recipients in the most cost-effective manner consistent with
30 the delivery of quality medical care. The agency shall
31 maximize the use of prepaid per capita and prepaid aggregate

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1 fixed-sum basis services when appropriate and other
2 alternative service delivery and reimbursement methodologies,
3 including competitive bidding pursuant to s. 287.057, designed
4 to facilitate the cost-effective purchase of a case-managed
5 continuum of care. The agency shall also require providers to
6 minimize the exposure of recipients to the need for acute
7 inpatient, custodial, and other institutional care and the
8 inappropriate or unnecessary use of high-cost services.

9 (3) The agency may contract with:

10 (d) No more than four provider service networks for
11 demonstration projects to test Medicaid direct contracting.

12 ~~One demonstration project must be located in Orange County.~~

13 The demonstration projects may be reimbursed on a
14 fee-for-service or prepaid basis. A provider service network
15 which is reimbursed by the agency on a prepaid basis shall be
16 exempt from parts I and III of chapter 641, but must meet
17 appropriate financial reserve, quality assurance, and patient
18 rights requirements as established by the agency. The agency
19 shall award contracts on a competitive bid basis and shall
20 select bidders based upon price and quality of care. Medicaid
21 recipients assigned to a demonstration project shall be chosen
22 equally from those who would otherwise have been assigned to
23 prepaid plans and MediPass. The agency is authorized to seek
24 federal Medicaid waivers as necessary to implement the
25 provisions of this section. A demonstration project awarded
26 pursuant to this paragraph shall be for 2 years from the date
27 of implementation.

28 Section 71. Paragraph (a) of subsection (24) of
29 section 409.913, Florida Statutes, is amended to read:

30 409.913 Oversight of the integrity of the Medicaid
31 program.--The agency shall operate a program to oversee the

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1 activities of Florida Medicaid recipients, and providers and
 2 their representatives, to ensure that fraudulent and abusive
 3 behavior and neglect of recipients occur to the minimum extent
 4 possible, and to recover overpayments and impose sanctions as
 5 appropriate.

6 (24)(a) The agency may withhold Medicaid payments, in
 7 whole or in part, to a provider upon receipt of reliable
 8 evidence that the circumstances giving rise to the need for a
 9 withholding of payments involve fraud or willful
 10 misrepresentation under the Medicaid program, or a crime
 11 committed while rendering goods or services to Medicaid
 12 recipients, up to the amount of the overpayment as determined
 13 by final agency audit report, pending completion of legal
 14 proceedings under this section. If the agency withholds
 15 payments under this section, the Medicaid payment may not be
 16 reduced by more than 10 percent. If it is ~~has been~~ determined
 17 that fraud, willful misrepresentation, or a crime did not
 18 occur ~~an overpayment has not occurred~~, the payments withheld
 19 must be paid to the provider within 14 ~~60~~ days after such
 20 determination with interest at the rate of 10 percent a year.
 21 Any money withheld in accordance with this paragraph shall be
 22 placed in a suspended account, readily accessible to the
 23 agency, so that any payment ultimately due the provider shall
 24 be made within 14 days. Furthermore, the authority to withhold
 25 payments under this paragraph shall not apply to physicians
 26 whose alleged overpayments are being determined by
 27 administrative proceedings pursuant to chapter 120. ~~If the~~
 28 ~~amount of the alleged overpayment exceeds \$75,000, the agency~~
 29 ~~may reduce the Medicaid payments by up to \$25,000 per month.~~

30 Section 72. Section 409.9131, Florida Statutes, is
 31 created to read:

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1 409.9131 Special provisions relating to integrity of
2 the Medicaid program.--

3 (1) LEGISLATIVE FINDINGS AND INTENT.--It is the intent
4 of the Legislature that physicians, as defined in this
5 section, be subject to Medicaid fraud and abuse investigations
6 in accordance with the provisions set forth in this section as
7 a supplement to the provisions contained in s. 409.913. If a
8 conflict exists between the provisions of this section and s.
9 409.913, it is the intent of the Legislature that the
10 provisions of this section shall control.

11 (2) DEFINITIONS.--For purposes of this section, the
12 term:

13 (a) "Active practice" means a physician must have
14 regularly provided medical care and treatment to patients
15 within the past 2 years.

16 (b) "Medical necessity" or "medically necessary" means
17 any goods or services necessary to palliate the effects of a
18 terminal condition or to prevent, diagnose, correct, cure,
19 alleviate, or preclude deterioration of a condition that
20 threatens life, causes pain or suffering, or results in
21 illness or infirmity, which goods or services are provided in
22 accordance with generally accepted standards of medical
23 practice. For purposes of determining Medicaid reimbursement,
24 the agency is the final arbiter of medical necessity. In
25 making determinations of medical necessity, the agency must,
26 to the maximum extent possible, use a physician in active
27 practice, either employed by or under contract with the
28 agency, of the same specialty or subspecialty as the physician
29 under review. Such determination must be based upon the
30 information available at the time the goods or services were
31 provided.

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1 (c) "Peer" means a Florida licensed physician who is,
2 to the maximum extent possible, of the same specialty or
3 subspecialty, licensed under the same chapter, and in active
4 practice.

5 (d) "Peer review" means an evaluation of the
6 professional practices of a Medicaid physician provider by a
7 peer or peers in order to assess the medical necessity,
8 appropriateness, and quality of care provided, as such care is
9 compared to that customarily furnished by the physician's
10 peers and to recognized health care standards, and to
11 determine whether the documentation in the physician's records
12 is adequate.

13 (e) "Physician" means a person licensed to practice
14 medicine under chapter 458 or a person licensed to practice
15 osteopathic medicine under chapter 459.

16 (f) "Professional services" means procedures provided
17 to a Medicaid recipient, either directly by or under the
18 supervision of a physician who is a registered provider for
19 the Medicaid program.

20 (3) ONSITE RECORDS REVIEW.--As specified in s.
21 409.913(8), the agency may investigate, review, or analyze a
22 physician's medical records concerning Medicaid patients. The
23 physician must make such records available to the agency
24 during normal business hours. The agency must provide notice
25 to the physician at least 24 hours before such visit. The
26 agency and physician shall make every effort to set a mutually
27 agreeable time for the agency's visit during normal business
28 hours and within the 24-hour period. If such a time cannot be
29 agreed upon, the agency may set the time.

30 (4) NOTICE OF DUE PROCESS RIGHTS REQUIRED.--Whenever
31 the agency seeks an administrative remedy against a physician

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1 pursuant to this section or s. 409.913, the physician must be
2 advised of his or her rights to due process under chapter 120.
3 This provision shall not limit or hinder the agency's ability
4 to pursue any remedy available to it under s. 409.913 or other
5 applicable law.

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

8 (a) Use accepted and valid auditing, accounting,
9 analytical, statistical, or peer-review methods, or
10 combinations thereof. Appropriate statistical methods may
11 include, but are not limited to, sampling and extension to the
12 population, parametric and nonparametric statistics, tests of
13 hypotheses, other generally accepted statistical methods,
14 review of medical records, and a consideration of the
15 physician's client case mix. Before performing a review of the
16 physician's Medicaid records, however, the agency shall make
17 every effort to consider the physician's patient case mix,
18 including, but not limited to, patient age and whether
19 individual patients are clients of the Children's Medical
20 Services network established in chapter 391. In meeting its
21 burden of proof in any administrative or court proceeding, the
22 agency may introduce the results of such statistical methods
23 and its other audit findings as evidence of overpayment.

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

28 (c) By March 1, 2000, the agency shall study and
29 report to the Legislature on its current statistical model
30 used to calculate overpayments and advise the Legislature
31 what, if any, changes, improvements, or other modifications

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1 should be made to the statistical model. Such review shall
2 include, but not be limited to, a review of the
3 appropriateness of including physician specialty and case-mix
4 parameters within the statistical model.

5 Section 73. Subsections (4) and (6) of section
6 455.501, Florida Statutes, are amended to read:

7 455.501 Definitions.--As used in this part, the term:

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

15 (6) "Licensee" means any person or entity issued a
16 permit, registration, certificate, or license by the
17 department.

18 Section 74. Section 455.507, Florida Statutes, is
19 amended to read:

20 455.507 Members of Armed Forces in good standing with
21 administrative boards or department.--

22 (1) Any member of the Armed Forces of the United
23 States now or hereafter on active duty who, at the time of ~~his~~
24 becoming such a member, was in good standing with any
25 administrative board of the state, or the department when
26 there is no board,and was entitled to practice or engage in
27 his or her profession or vocation in the state shall be kept
28 in good standing by such administrative board, or the
29 department when there is no board,without registering, paying
30 dues or fees, or performing any other act on his or her part
31 to be performed, as long as he or she is a member of the Armed

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1 Forces of the United States on active duty and for a period of
2 6 months after ~~his~~ discharge from active duty as a member of
3 the Armed Forces of the United States, provided he or she is
4 not engaged in his or her licensed profession or vocation in
5 the private sector for profit.

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

12 Section 75. Section 455.521, Florida Statutes, 1998
13 Supplement, is amended to read:

14 455.521 Department; powers and duties.--The
15 department, for the professions boards under its jurisdiction,
16 shall:

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

24 (2) Appoint the executive director of each board,
25 subject to the approval of the board.

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

28 (4) Develop a training program for persons newly
29 appointed to membership on any board. The program shall
30 familiarize such persons with the substantive and procedural
31 laws and rules and fiscal information relating to the

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1 regulation of the appropriate profession and with the
2 structure of the department.

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

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

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

17 (8) Select only those investigators, or consultants
18 who undertake investigations, who meet criteria established
19 with the advice of the respective boards.

20 (9) Allow applicants for new or renewal licenses and
21 current licensees to be screened by the Title IV-D child
22 support agency pursuant to s. 409.2598 to assure compliance
23 with a support obligation. The purpose of this subsection is
24 to promote the public policy of this state as established in
25 s. 409.2551. The department shall, when directed by the court,
26 suspend or deny the license of any licensee found to have a
27 delinquent support obligation. The department shall issue or
28 reinstate the license without additional charge to the
29 licensee when notified by the court that the licensee has
30 complied with the terms of the court order. The department
31 shall not be held liable for any license denial or suspension

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1 resulting from the discharge of its duties under this
2 subsection.

3 Section 76. Section 455.557, Florida Statutes, 1998
4 Supplement, is amended to read:

5 455.557 Standardized credentialing for health care
6 practitioners.--

7 (1) INTENT.--The Legislature recognizes that an
8 efficient and effective health care practitioner credentialing
9 program helps to ensure access to quality health care and also
10 recognizes that health care practitioner credentialing
11 activities have increased significantly as a result of health
12 care reform and recent changes in health care delivery and
13 reimbursement systems. Moreover, the resulting duplication of
14 health care practitioner credentialing activities is
15 unnecessarily costly and cumbersome for both the practitioner
16 and the entity granting practice privileges. Therefore, it is
17 the intent of this section that a ~~mandatory~~ credentials
18 collection verification program be established which provides
19 that, once a health care practitioner's core credentials data
20 are collected, ~~validated, maintained, and stored,~~ they need
21 not be collected again, except for corrections, updates, and
22 modifications thereto. ~~Participation Mandatory credentialing~~
23 under this section shall initially include those individuals
24 licensed under chapter 458, chapter 459, chapter 460, or
25 chapter 461. However, the department shall, with the approval
26 of the applicable board, include other professions under the
27 jurisdiction of the Division of Medical Quality Assurance in
28 this ~~credentialing~~ program, provided they meet the
29 requirements of s. 455.565.

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

31 (a) "Advisory council" or "council" means the

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1 Credentials ~~Verification~~ Advisory Council.

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

4 **(b)**~~(c)~~ "Certified" or "accredited," as applicable,
5 means approved by a quality assessment program, from the
6 National Committee for Quality Assurance, the Joint Commission
7 on Accreditation of Healthcare Organizations, the American
8 Accreditation HealthCare Commission/URAC Utilization Review
9 ~~Accreditation Commission~~, or any such other nationally
10 recognized and accepted organization authorized by the
11 department, used to assess and certify any credentials
12 verification program, entity, or organization that verifies
13 the credentials of any health care practitioner.

14 ~~(c)~~**(d)** "Core credentials data" means the following
15 data: current name, any former name, and any alias, any
16 professional education, professional training, ~~peer~~
17 ~~references, licensure, current~~ Drug Enforcement Administration
18 certification, social security number, specialty board
19 certification, Educational Commission for Foreign Medical
20 Graduates certification information, hospital or affiliations,
21 ~~managed care organization affiliations,~~ other institutional
22 affiliations, ~~professional society memberships,~~ evidence of
23 professional liability coverage or evidence of financial
24 responsibility as required by s. 458.320 or s. 459.0085
25 ~~insurance, history of~~ claims, suits, judgments, or
26 settlements, final disciplinary action reported pursuant to s.
27 455.565(1)(a)8., and Medicare or Medicaid sanctions, civil or
28 ~~criminal law violations, practitioner profiling data, special~~
29 ~~conditions of impairment, or regulatory exemptions not~~
30 ~~previously reported to the department in accordance with both~~
31 ~~s. 455.565 and the initial licensure reporting requirements~~

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1 ~~specified in the applicable practice act.~~

2 ~~(d)(e)~~ "Credential" or "credentialing" means the
3 process of assessing and verifying ~~validating~~ the
4 qualifications of a licensed health care practitioner or
5 applicant for licensure as a health care practitioner.

6 ~~(e)(f)~~ "Credentials verification organization entity"
7 means any ~~program, entity, or organization that is organized~~
8 ~~and certified or accredited as a credentials verification~~
9 organization ~~for the express purpose of collecting, verifying,~~
10 ~~maintaining, storing, and providing to health care entities a~~
11 ~~health care practitioner's total core credentials data,~~
12 ~~including all corrections, updates, and modifications thereto,~~
13 ~~as authorized by the health care practitioner and in~~
14 ~~accordance with the provisions of this including all~~
15 ~~corrections, updates, and modifications thereto, as authorized~~
16 ~~by the health care practitioner and in accordance with the~~
17 ~~provisions of this section. The division, once certified,~~
18 ~~shall be considered a credentials verification entity for all~~
19 ~~health care practitioners.~~

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

22 ~~(g)(h)~~ "Designated credentials verification
23 organization entity" means the credentials verification
24 ~~program, entity, or organization organized and certified or~~
25 ~~accredited for the express purpose of collecting, verifying,~~
26 ~~maintaining, storing, and providing to health care entities a~~
27 ~~health care practitioner's total core credentials data,~~
28 ~~including all corrections, updates, and modifications thereto,~~
29 ~~which is selected by the health care practitioner as the~~
30 ~~credentials verification entity for all inquiries into his or~~
31 ~~her credentials, if the health care practitioner chooses to~~

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1 make such a designation. ~~Notwithstanding any such designation~~
2 ~~by a health care practitioner, the division, once certified,~~
3 ~~shall also be considered a designated credentials verification~~
4 ~~entity for that health care practitioner.~~

5 (h) "Drug Enforcement Administration certification"
6 means certification issued by the Drug Enforcement
7 Administration for purposes of administration or prescription
8 of controlled substances. Submission of such certification
9 under this section must include evidence that the
10 certification is current and must also include all current
11 addresses to which the certificate is issued.

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

14 ~~(i)(j)~~ "Health care entity" means:

15 1. Any health care facility or other health care
16 organization licensed or certified to provide approved medical
17 and allied health services in this state Florida; or

18 2. Any entity licensed by the Department of Insurance
19 as a prepaid health care plan or health maintenance
20 organization or as an insurer to provide coverage for health
21 care services through a network of providers; or

22 3. Any accredited medical school in this state.

23 ~~(j)(k)~~ "Health care practitioner" means any person
24 licensed, or, for credentialing purposes only, any person
25 applying for licensure, under chapter 458, chapter 459,
26 chapter 460, or chapter 461 or any person licensed or applying
27 for licensure under a chapter subsequently made subject to
28 this section by the department with the approval of the
29 applicable board, except a person registered or applying for
30 registration pursuant to s. 458.345 or s. 459.021.

31 (k) "Hospital or other institutional affiliations"

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1 means each hospital or other institution for which the health
2 care practitioner or applicant has provided medical services.
3 Submission of such information under this section must
4 include, for each hospital or other institution, the name and
5 address of the hospital or institution, the staff status of
6 the health care practitioner or applicant at that hospital or
7 institution, and the dates of affiliation with that hospital
8 or institution.

9 (l) "National accrediting organization" means an
10 organization that awards accreditation or certification to
11 hospitals, managed care organizations, credentials
12 verification organizations, or other health care
13 organizations, including, but not limited to, the Joint
14 Commission on Accreditation of Healthcare Organizations, the
15 American Accreditation HealthCare Commission/URAC, and the
16 National Committee for Quality Assurance.

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

20 (n) "Specialty board certification" means
21 certification in a specialty issued by a specialty board
22 recognized by the board in this state that regulates the
23 profession for which the health care practitioner is licensed
24 or seeking licensure.

25 ~~(m) "Primary source verification" means verification~~
26 ~~of professional qualifications based on evidence obtained~~
27 ~~directly from the issuing source of the applicable~~
28 ~~qualification.~~

29 ~~(n) "Recredentialing" means the process by which a~~
30 ~~credentials verification entity verifies the credentials of a~~
31 ~~health care practitioner whose core credentials data,~~

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1 ~~including all corrections, updates, and modifications thereto,~~
2 ~~are currently on file with the entity.~~

3 ~~(o) "Secondary source verification" means confirmation~~
4 ~~of a professional qualification by means other than primary~~
5 ~~source verification, as outlined and approved by national~~
6 ~~accrediting organizations.~~

7 (3) STANDARDIZED CREDENTIALS VERIFICATION PROGRAM.--

8 (a) Every health care practitioner shall:

9 1. Report all core credentials data to the department
10 which is not already on file with the department, either by
11 designating a credentials verification organization to submit
12 the data or by submitting the data directly.

13 2. Notify the department within 45 days of any
14 corrections, updates, or modifications to the core credentials
15 data either through his or her designated credentials
16 verification organization or by submitting the data directly.
17 Corrections, updates, and modifications to the core
18 credentials data provided the department under this section
19 shall comply with the updating requirements of s. 455.565(3)
20 related to profiling.

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

23 1. Maintain a complete, current file of core
24 credentials data on each health care practitioner, which shall
25 include all updates provided in accordance with subparagraph
26 (3)(a)2.

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

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

6 4. Develop, in consultation with the advisory council,
7 standardized forms to be used by the health care practitioner
8 or designated credentials verification organization for the
9 initial reporting of core credentials data, for the health
10 care practitioner to authorize the release of core credentials
11 data, and for the subsequent reporting of corrections,
12 updates, and modifications thereto ~~develop standardized forms~~
13 ~~necessary for the creation of a standardized system as well as~~
14 ~~guidelines for collecting, verifying, maintaining, storing,~~
15 ~~and providing core credentials data on health care~~
16 ~~practitioners through credentials verification entities,~~
17 ~~except as otherwise provided in this section, for the purpose~~
18 ~~of eliminating duplication. Once the core credentials data are~~
19 ~~submitted, the health care practitioner is not required to~~
20 ~~resubmit this initial data when applying for practice~~
21 ~~privileges with health care entities. However, as provided in~~
22 ~~paragraph (d), each health care practitioner is responsible~~
23 ~~for providing any corrections, updates, and modifications to~~
24 ~~his or her core credentials data, to ensure that all~~
25 ~~credentialing data on the practitioner remains current.~~
26 ~~Nothing in this paragraph prevents the designated credentials~~
27 ~~verification entity from obtaining all necessary attestation~~
28 ~~and release form signatures and dates.~~

29 5.(b) Establish ~~There is established~~ a Credentials
30 ~~Verification~~ Advisory Council, consisting of 13 members, to
31 ~~assist the department as provided in this section~~ with the

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1 ~~development of guidelines for establishment of the~~
2 ~~standardized credentials verification program.~~ The secretary,
3 or his or her designee, shall serve as one member and chair of
4 the council and shall appoint the remaining 12 members. Except
5 for any initial lesser term required to achieve staggering,
6 such appointments shall be for 4-year staggered terms, with
7 one 4-year reappointment, as applicable. Three members shall
8 represent hospitals, and two members shall represent health
9 maintenance organizations. One member shall represent health
10 insurance entities. One member shall represent the credentials
11 verification industry. Two members shall represent physicians
12 licensed under chapter 458. One member shall represent
13 osteopathic physicians licensed under chapter 459. One member
14 shall represent chiropractic physicians licensed under chapter
15 460. One member shall represent podiatric physicians licensed
16 under chapter 461.

17 (c) A registered credentials verification organization
18 may be designated by a health care practitioner to assist the
19 health care practitioner to comply with the requirements of
20 subsection (3)(a)2. A designated credentials verification
21 organization shall:

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

24 2. Not provide the health care practitioner's core
25 data, including all corrections, updates, and modifications,
26 without the authorization of the practitioner.

27 ~~(c) The department, in consultation with the advisory~~
28 ~~council, shall develop standard forms for the initial~~
29 ~~reporting of core credentials data for credentialing purposes~~
30 ~~and for the subsequent reporting of corrections, updates, and~~
31 ~~modifications thereto for recredentialing purposes.~~

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1 ~~(d) Each health care practitioner licensed under~~
2 ~~chapter 458, chapter 459, chapter 460, or chapter 461, or any~~
3 ~~person licensed under a chapter subsequently made subject to~~
4 ~~this section, must report any action or information as defined~~
5 ~~in paragraph (2)(d), including any correction, update, or~~
6 ~~modification thereto, as soon as possible but not later than~~
7 ~~30 days after such action occurs or such information is known,~~
8 ~~to the department or his or her designated credentials~~
9 ~~verification entity, if any, who must report it to the~~
10 ~~department. In addition, a licensee must update, at least~~
11 ~~quarterly, his or her data on a form prescribed by the~~
12 ~~department.~~

13 ~~(e) An individual applying for licensure under chapter~~
14 ~~458, chapter 459, chapter 460, or chapter 461, or any person~~
15 ~~applying for licensure under a chapter subsequently made~~
16 ~~subject to this section, must submit the individual's initial~~
17 ~~core credentials data to a credentials verification entity, if~~
18 ~~such information has not already been submitted to the~~
19 ~~department or the appropriate licensing board or to any other~~
20 ~~credentials verification entity.~~

21 ~~(f) Applicants may decide which credentials~~
22 ~~verification entity they want to process and store their core~~
23 ~~credentials data; however, such data shall at all times be~~
24 ~~maintained by the department. An applicant may choose not to~~
25 ~~designate a credentials verification entity, provided the~~
26 ~~applicant has a written agreement with the health care entity~~
27 ~~or entities that are responsible for his or her credentialing.~~
28 ~~In addition, any licensee may choose to move his or her core~~
29 ~~credentials data from one credentials verification entity to~~
30 ~~another.~~

31 ~~(g) Any health care entity that employs, contracts~~

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1 ~~with, or allows health care practitioners to treat its~~
2 ~~patients must use the designated credentials verification~~
3 ~~entity to obtain core credentials data on a health care~~
4 ~~practitioner applying for privileges with that entity, if the~~
5 ~~health care practitioner has made such a designation, or may~~
6 ~~use the division in lieu thereof as the designated credentials~~
7 ~~verification entity required for obtaining core credentials~~
8 ~~data on such health care practitioner. Any additional~~
9 ~~information required by the health care entity's credentialing~~
10 ~~process may be collected from the primary source of that~~
11 ~~information either by the health care entity or its contractee~~
12 ~~or by the designated credentials verification entity.~~

13 ~~(h) Nothing in this section may be construed to~~
14 ~~restrict the right of any health care entity to request~~
15 ~~additional information necessary for credentialing.~~

16 ~~(i) Nothing in this section may be construed to~~
17 ~~restrict access to the National Practitioner Data Bank by the~~
18 ~~department, any health care entity, or any credentials~~
19 ~~verification entity.~~

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

25 ~~(4) DELEGATION BY CONTRACT.--A health care entity may~~
26 ~~contract with any credentials verification entity to perform~~
27 ~~the functions required under this section. The submission of~~
28 ~~an application for health care privileges with a health care~~
29 ~~entity shall constitute authorization for the health care~~
30 ~~entity to access the applicant's core credentials data with~~
31 ~~the department or the applicant's designated credentials~~

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1 ~~verification entity, if the applicant has made such a~~
2 ~~designation.~~

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

4 ~~(a) The department shall make available to a health~~
5 ~~care entity or credentials verification entity registered with~~
6 ~~the department all core credentials data it collects on any~~
7 ~~licensee that is otherwise confidential and exempt from the~~
8 ~~provisions of chapter 119 and s. 24(a), Art. I of the State~~
9 ~~Constitution, including corrections, updates, and~~
10 ~~modifications thereto, if a health care entity submits proof~~
11 ~~of the licensee's current pending application for purposes of~~
12 ~~credentialing the applicant based on the core credentials data~~
13 ~~maintained by the department.~~

14 ~~(b) Each credentials verification entity shall make~~
15 ~~available to a health care entity the licensee has authorized~~
16 ~~to receive the data, and to the department at the credentials~~
17 ~~verification entity's actual cost of providing the data, all~~
18 ~~core credentials data it collects on any licensee, including~~
19 ~~all corrections, updates, and modifications thereto.~~

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

26 ~~(4)(6) DUPLICATION OF DATA PROHIBITED.--~~

27 ~~(a) A health care entity or credentials verification~~
28 ~~organization is prohibited from collecting or attempting may~~
29 ~~not collect or attempt to collect duplicate core credentials~~
30 ~~data from any individual health care practitioner or from any~~
31 ~~primary source if the information is available from already on~~

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1 ~~file with the department or with any credentials verification~~
2 ~~entity. This section shall not be construed to restrict the~~
3 ~~right of any health care entity or credentials verification~~
4 ~~organization to collect additional information from the health~~
5 ~~care practitioner which is not included in the core~~
6 ~~credentials data file. This section shall not be construed to~~
7 ~~prohibit a health care entity or credentials verification~~
8 ~~organization from obtaining all necessary attestation and~~
9 ~~release form signatures and dates.~~

10 (b) Effective July 1, 2002, a state agency in this
11 state which credentials health care practitioners may not
12 collect or attempt to collect duplicate core credentials data
13 from any individual health care practitioner if the
14 information is already available from the department. This
15 section shall not be construed to restrict the right of any
16 such state agency to request additional information not
17 included in the core credential data file, but which is deemed
18 necessary for the agency's specific credentialing purposes.

19 ~~(b) A credentials verification entity other than the~~
20 ~~department may not attempt to collect duplicate core~~
21 ~~credentials data from any individual health care practitioner~~
22 ~~if the information is already on file with another credentials~~
23 ~~verification entity or with the appropriate licensing board of~~
24 ~~another state, provided the other state's credentialing~~
25 ~~program meets national standards and is certified or~~
26 ~~accredited, as outlined by national accrediting organizations,~~
27 ~~and agrees to provide all data collected under such program on~~
28 ~~that health care practitioner.~~

29 ~~(7) RELIABILITY OF DATA. Any credentials verification~~
30 ~~entity may rely upon core credentials data, including all~~
31 ~~corrections, updates, and modifications thereto, from the~~

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1 ~~department if the department certifies that the information~~
 2 ~~was obtained in accordance with primary source verification~~
 3 ~~procedures; and the department may rely upon core credentials~~
 4 ~~data, including all corrections, updates, and modifications~~
 5 ~~thereto, from any credentials verification entity if the~~
 6 ~~designated credentials verification entity certifies that the~~
 7 ~~information was obtained in accordance with primary source~~
 8 ~~verification procedures.~~

9 (5)(8) STANDARDS AND REGISTRATION.--

10 (a) The department's credentials verification
 11 procedures must meet national standards, as outlined by
 12 national accrediting organizations.

13 (b) Any credentials verification organization entity
 14 that does business in this state Florida must be fully
 15 accredited or certified as a credentials verification
 16 organization meet national standards, as outlined by a
 17 national accrediting organization as specified in paragraph
 18 (2)(b) organizations, and must register with the department.
 19 The department may charge a reasonable registration fee, set
 20 in consultation with the advisory council, not to exceed an
 21 amount sufficient to cover its actual expenses in providing
 22 and enforcing for such registration. The department shall
 23 establish by rule for biennial renewal of such registration.
 24 Failure by a registered Any credentials verification
 25 organization to maintain full accreditation or certification,
 26 to provide data as authorized by the health care practitioner,
 27 to report to the department changes, updates, and
 28 modifications to a health care practitioner's records within
 29 the time period specified in subparagraph (3)(a)2., or to
 30 comply with the prohibition against collection of duplicate
 31 core credentials data from a practitioner may result in denial

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1 of an application for renewal of registration or in revocation
2 or suspension of a registration entity that fails to meet the
3 standards required to be certified or accredited, fails to
4 register with the department, or fails to provide data
5 collected on a health care practitioner may not be selected as
6 the designated credentials verification entity for any health
7 care practitioner.

8 (6)(9) LIABILITY.--No civil, criminal, or
9 administrative action may be instituted, and there shall be no
10 liability, against any registered credentials verification
11 organization or health care entity on account of its reliance
12 on any data obtained directly from the department a
13 credentials verification entity.

14 (10) REVIEW.--Before releasing a health care
15 practitioner's core credentials data from its data bank, a
16 designated credentials verification entity other than the
17 department must provide the practitioner up to 30 days to
18 review such data and make any corrections of fact.

19 (11) VALIDATION OF CREDENTIALS.--Except as otherwise
20 acceptable to the health care entity and applicable certifying
21 or accrediting organization listed in paragraph (2)(c), the
22 department and all credentials verification entities must
23 perform primary source verification of all credentialing
24 information submitted to them pursuant to this section;
25 however, secondary source verification may be utilized if
26 there is a documented attempt to contact primary sources. The
27 validation procedures used by the department and credentials
28 verification entities must meet the standards established by
29 rule pursuant to this section.

30 (7)(12) LIABILITY INSURANCE REQUIREMENTS.--The
31 department, in consultation with the Credentials Verification

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1 ~~Advisory Council, shall establish the minimum liability~~
 2 ~~insurance requirements for Each credentials verification~~
 3 ~~organization entity doing business in this state shall~~
 4 ~~maintain liability insurance appropriate to meet the~~
 5 ~~certification or accreditation requirements established in~~
 6 ~~this section.~~

7 (8)(13) RULES.--The department, in consultation with
 8 the advisory council ~~applicable board~~, shall adopt rules
 9 necessary to develop and implement the standardized core
 10 credentials data collection verification program established
 11 by this section.

12 (9) COUNCIL ABOLISHED; DEPARTMENT AUTHORITY.--The
 13 council shall be abolished October 1, 1999. After the council
 14 is abolished, all duties of the department required under this
 15 section to be in consultation with the council may be carried
 16 out by the department on its own.

17 Section 77. Subsections (1), (2), (6), (7), (8), and
 18 (9) of section 455.564, Florida Statutes, 1998 Supplement, are
 19 amended to read:

20 455.564 Department; general licensing provisions.--

21 (1) Any person desiring to be licensed in a profession
 22 within the jurisdiction of the department shall apply to the
 23 department in writing to take the licensure examination. The
 24 application shall be made on a form prepared and furnished by
 25 the department and shall require the social security number of
 26 the applicant. The form shall be supplemented as needed to
 27 reflect any material change in any circumstance or condition
 28 stated in the application which takes place between the
 29 initial filing of the application and the final grant or
 30 denial of the license and which might affect the decision of
 31 the department. An incomplete application shall expire 1 year

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1 after initial filing.In order to further the economic
2 development goals of the state, and notwithstanding any law to
3 the contrary, the department may enter into an agreement with
4 the county tax collector for the purpose of appointing the
5 county tax collector as the department's agent to accept
6 applications for licenses and applications for renewals of
7 licenses. The agreement must specify the time within which the
8 tax collector must forward any applications and accompanying
9 application fees to the department.

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

30 (6) As a condition of renewal of a license, the Board
31 of Medicine, the Board of Osteopathic Medicine, the Board of

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

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1 management for attending a board meeting at which another
2 licensee is disciplined, serving as a volunteer expert witness
3 for the department in a disciplinary case, or serving as a
4 member of a probable cause panel following the expiration of a
5 board member's term.

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

18 (8) Any board that currently requires continuing
19 education for renewal of a license, or the department if there
20 is no board, shall adopt rules to establish the criteria for
21 continuing education courses. The rules may provide that up
22 to a maximum of 25 percent of the required continuing
23 education hours can be fulfilled by the performance of pro
24 bono services to the indigent or to underserved populations or
25 in areas of critical need within the state where the licensee
26 practices. The board, or the department if there is no board,
27 must require that any pro bono services be approved in advance
28 in order to receive credit for continuing education under this
29 subsection. The standard for determining indigency shall be
30 that recognized by the Federal Poverty Income Guidelines
31 produced by the United States Department of Health and Human

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1 Services. The rules may provide for approval by the board, or
2 the department if there is no board, that a part of the
3 continuing education hours can be fulfilled by performing
4 research in critical need areas or for training leading to
5 advanced professional certification. The board, or the
6 department if there is no board, may make rules to define
7 underserved and critical need areas. The department shall
8 adopt rules for administering continuing education
9 requirements adopted by the boards or the department if there
10 is no board.

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

18 Section 78. Present subsections (5), (6), and (7) of
19 section 455.5651, Florida Statutes, 1998 Supplement, are
20 renumbered as subsections (6), (7), and (8), respectively, and
21 a new subsection (5) is added to that section, to read:

22 455.5651 Practitioner profile; creation.--

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

26 Section 79. Section 455.567, Florida Statutes, is
27 amended to read:

28 455.567 Sexual misconduct; disqualification for
29 license, certificate, or registration.--

30 (1) Sexual misconduct in the practice of a health care
31 profession means violation of the professional relationship

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

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

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

22 (b)~~(2)~~ Committed any act in any other state or any
23 territory or possession of the United States which if
24 committed in this state would constitute sexual misconduct.
25

26 For purposes of this subsection,a licensing authority's
27 acceptance of a candidate's relinquishment of a license which
28 is offered in response to or in anticipation of the filing of
29 administrative charges against the candidate's license
30 constitutes the surrender of the license.

31 Section 80. Subsection (2) of section 455.574, Florida

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1 Statutes, 1998 Supplement, is amended to read:

2 455.574 Department of Health; examinations.--

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

25 Section 81. Subsection (1) of section 455.587, Florida
26 Statutes, is amended, present subsections (2) through (7) are
27 renumbered as subsections (3) through (8), respectively, and a
28 new subsection (2) is added to that section, to read:

29 455.587 Fees; receipts; disposition for boards within
30 the department.--

31 (1) Each board within the jurisdiction of the

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

28 (2) Each board, or the department if there is no
29 board, may charge a fee not to exceed \$25, as determined by
30 rule, for the issuance of a wall certificate pursuant to s.
31 455.564(2) requested by a licensee who was licensed prior to

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1 July 1, 1998, or for the issuance of a duplicate wall
2 certificate requested by any licensee.

3 Section 82. Section 455.601, Florida Statutes, is
4 amended to read:

5 455.601 Hepatitis B or human immunodeficiency
6 carriers.--

7 (1) The department and each appropriate board within
8 the Division of Medical Quality Assurance shall have the
9 authority to establish procedures to handle, counsel, and
10 provide other services to health care professionals within
11 their respective boards who are infected with hepatitis B or
12 the human immunodeficiency virus.

13 (2) Any person licensed by the department and any
14 other person employed by a health care facility who contracts
15 a blood-borne infection shall have a rebuttable presumption
16 that the illness was contracted in the course and scope of his
17 or her employment, provided that the person, as soon as
18 practicable, reports to the person's supervisor or the
19 facility's risk manager any significant exposure, as that term
20 is defined in s. 381.004(2)(c), to blood or body fluids. The
21 employer may test the blood or body fluid to determine if it
22 is infected with the same disease contracted by the employee.
23 The employer may rebut the presumption by the preponderance of
24 the evidence. Except as expressly provided in this subsection,
25 there shall be no presumption that a blood-borne infection is
26 a job-related injury or illness.

27 Section 83. Subsections (1) and (6) of section
28 455.604, Florida Statutes, 1998 Supplement, are amended to
29 read:

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

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1 deficiency syndrome.--

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

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

29 Section 84. Subsection (1) of section 455.607, Florida
30 Statutes, is amended to read:

31 455.607 Athletic trainers and massage therapists;

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

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

15 Section 85. Paragraphs (t), (u), (v), (w), and (x) are
16 added to subsection (1) of section 455.624, Florida Statutes,
17 subsection (2) of that section is amended, present subsection
18 (3) of that section is renumbered as subsection (4) and
19 amended, present subsections (4) and (5) of that subsection
20 are renumbered as subsections (5) and (6), respectively, and a
21 new subsection (3) is added to that section, to read:

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

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

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

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

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

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

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

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

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

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

5 (a) Refusal to certify, or to certify with
 6 restrictions, an application for a license.

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

8 (c) Restriction of practice.

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

11 (e) Issuance of a reprimand.

12 (f) Placement of the licensee on probation for a
 13 period of time and subject to such conditions as the board, or
 14 the department when there is no board, may specify. Those
 15 conditions may include, but are not limited to, requiring the
 16 licensee to undergo treatment, attend continuing education
 17 courses, submit to be reexamined, work under the supervision
 18 of another licensee, or satisfy any terms which are reasonably
 19 tailored to the violations found.

20 (g) Corrective action.

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

23

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

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

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

25 Section 86. Section 455.664, Florida Statutes, is
26 amended to read:

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

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

19 Section 87. Subsections (7) and (16) of section
 20 455.667, Florida Statutes, 1998 Supplement, are amended to
 21 read:

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

24 (7)(a)1. ~~The department may obtain patient records and~~
 25 ~~insurance information, if the complaint being investigated~~
 26 ~~alleges inadequate medical care based on termination of~~
 27 ~~insurance.~~The department may obtain patient ~~access these~~
 28 records pursuant to a subpoena without written authorization
 29 from the patient if the department and the probable cause
 30 panel of the appropriate board, if any, find reasonable cause
 31 to believe that a health care practitioner has excessively or

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

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

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

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

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

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1 thereof are protected under the psychotherapist-patient
2 privilege.

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

10 Section 88. Subsection (3) is added to section
11 455.687, Florida Statutes, to read:

12 455.687 Certain health care practitioners; immediate
13 suspension of license.--

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

25 Section 89. Section 455.694, Florida Statutes, 1998
26 Supplement, is amended to read:

27 455.694 Financial responsibility requirements for
28 ~~Boards regulating~~ certain health care practitioners.--

29 (1) As a prerequisite for licensure or license
30 renewal, the Board of Acupuncture, the Board of Chiropractic
31 Medicine, the Board of Podiatric Medicine, and the Board of

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

11 (2) The board or department may grant exemptions upon
12 application by practitioners meeting any of the following
13 criteria:

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

23 (b) Any person whose license or certification has
24 become inactive under chapter 457, chapter 460, chapter 461,
25 chapter 464, ~~or~~ chapter 466, or chapter 467 and who is not
26 practicing in this state. Any person applying for
27 reactivation of a license must show either that such licensee
28 maintained tail insurance coverage which provided liability
29 coverage for incidents that occurred on or after October 1,
30 1993, or the initial date of licensure in this state,
31 whichever is later, and incidents that occurred before the

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1 date on which the license became inactive; or such licensee
2 must submit an affidavit stating that such licensee has no
3 unsatisfied medical malpractice judgments or settlements at
4 the time of application for reactivation.

5 (c) Any person holding a limited license pursuant to
6 s. 455.561, and practicing under the scope of such limited
7 license.

8 (d) Any person licensed or certified under chapter
9 457, chapter 460, chapter 461, s. 464.012, ~~or~~ chapter 466, or
10 chapter 467 who practices only in conjunction with his or her
11 teaching duties at an accredited school or in its main
12 teaching hospitals. Such person may engage in the practice of
13 medicine to the extent that such practice is incidental to and
14 a necessary part of duties in connection with the teaching
15 position in the school.

16 (e) Any person holding an active license or
17 certification under chapter 457, chapter 460, chapter 461, s.
18 464.012, ~~or~~ chapter 466, or chapter 467 who is not practicing
19 in this state. If such person initiates or resumes practice
20 in this state, he or she must notify the department of such
21 activity.

22 (f) Any person who can demonstrate to the board or
23 department that he or she has no malpractice exposure in the
24 state.

25 (3) Notwithstanding the provisions of this section,
26 the financial responsibility requirements of ss. 458.320 and
27 459.0085 shall continue to apply to practitioners licensed
28 under those chapters.

29 Section 90. Section 455.712, Florida Statutes, is
30 created to read:

31 455.712 Business establishments; requirements for

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1 active status licenses.--

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

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

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

27 (4) The status or a change in status of a business
28 establishment license does not alter in any way the right of
29 the board, or of the department if there is no board, to
30 impose discipline or to enforce discipline previously imposed
31 on a business establishment for acts or omissions committed by

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1 the business establishment while holding a license, whether
 2 active or null.

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

9 Section 91. Subsection (7) is added to section
 10 457.102, Florida Statutes, 1998 Supplement, to read:

11 457.102 Definitions.--As used in this chapter:

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

16 Section 92. Subsections (2) and (4) of section
 17 458.307, Florida Statutes, 1998 Supplement, are amended to
 18 read:

19 458.307 Board of Medicine.--

20 (2) Twelve members of the board must be licensed
 21 physicians in good standing in this state who are residents of
 22 the state and who have been engaged in the active practice or
 23 teaching of medicine for at least 4 years immediately
 24 preceding their appointment. One of the physicians must be on
 25 the full-time faculty of a medical school in this state, and
 26 one of the physicians must be in private practice and on the
 27 full-time staff of a statutory teaching hospital in this state
 28 as defined in s. 408.07. At least one of the physicians must
 29 be a graduate of a foreign medical school. The remaining
 30 three members must be residents of the state who are not, and
 31 never have been, licensed health care practitioners. One

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1 member must be a health care hospital risk manager licensed
2 ~~certified~~ under s. 395.10974 ~~part IX of chapter 626~~. At least
3 one member of the board must be 60 years of age or older.

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

14 Section 93. Subsection (3) is added to section
15 458.309, Florida Statutes, 1998 Supplement, to read:

16 458.309 Authority to make rules.--

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

29 Section 94. Section 458.311, Florida Statutes, 1998
30 Supplement, is amended to read:

31 458.311 Licensure by examination; requirements;

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1 fees.--

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

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

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

16 (c) Is of good moral character.

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

20 (e) For any applicant who has graduated from medical
21 school after October 1, 1992, has completed the equivalent of
22 2 academic years of preprofessional, postsecondary education,
23 as determined by rule of the board, which shall include, at a
24 minimum, courses in such fields as anatomy, biology, and
25 chemistry prior to entering medical school.

26 (f) Meets one of the following medical education and
27 postgraduate training requirements:

28 1.a. Is a graduate of an allopathic medical school or
29 allopathic college recognized and approved by an accrediting
30 agency recognized by the United States Office of Education or
31 is a graduate of an allopathic medical school or allopathic

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1 college within a territorial jurisdiction of the United States
2 recognized by the accrediting agency of the governmental body
3 of that jurisdiction;

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

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

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

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

23 c. Has completed an approved residency of at least 1
24 year.

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

27 b. Has had his or her medical credentials evaluated by
28 the Educational Commission for Foreign Medical Graduates,
29 holds an active, valid certificate issued by that commission,
30 and has passed the examination utilized by that commission;
31 and

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

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

13 (h) Has obtained a passing score, as established by
14 rule of the board, on the licensure examination of the United
15 States Medical Licensing Examination (USMLE); or a combination
16 of the United States Medical Licensing Examination (USMLE),
17 the examination of the Federation of State Medical Boards of
18 the United States, Inc. (FLEX), or the examination of the
19 National Board of Medical Examiners up to the year 2000; or
20 for the purpose of examination of any applicant who was
21 licensed on the basis of a state board examination and who is
22 currently licensed in at least one other jurisdiction of the
23 United States or Canada, and who has practiced pursuant to
24 such licensure for a period of at least 10 years, use of the
25 Special Purpose Examination of the Federation of State Medical
26 Boards of the United States (SPEX) upon receipt of a passing
27 score as established by rule of the board. However, for the
28 purpose of examination of any applicant who was licensed on
29 the basis of a state board examination prior to 1974, who is
30 currently licensed in at least three other jurisdictions of
31 the United States or Canada, and who has practiced pursuant to

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1 such licensure for a period of at least 20 years, this
2 paragraph does not apply.

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

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

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

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

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

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

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1 examination equivalent.

2 (4) The department and the board shall assure that
3 applicants for licensure meet the criteria in subsection (1)
4 through an investigative process. When the investigative
5 process is not completed within the time set out in s.
6 120.60(1) and the department or board has reason to believe
7 that the applicant does not meet the criteria, the secretary
8 or the secretary's designee may issue a 90-day licensure delay
9 which shall be in writing and sufficient to notify the
10 applicant of the reason for the delay. The provisions of this
11 subsection shall control over any conflicting provisions of s.
12 120.60(1).

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

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

30 (7) Upon certification by the board, the department
31 shall impose conditions, limitations, or restrictions on a

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1 license ~~by examination~~ if the applicant is on probation in
2 another jurisdiction for an act which would constitute a
3 violation of this chapter.

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

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

11 (b) Certification to the department of an application
12 for licensure, certification, or registration with
13 restrictions on the scope of practice of the licensee; or

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

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

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1 ~~applicant's successful completion of the licensure examination~~
2 ~~as described in paragraph (1)(a) and who the board certifies~~
3 ~~has met the following requirements:~~

4 ~~1. Is a graduate of a World Health Organization~~
5 ~~recognized foreign medical institution located in a country in~~
6 ~~the Western Hemisphere.~~

7 ~~2. Received a medical education which has been~~
8 ~~determined by the board to be substantially similar, at the~~
9 ~~time of the applicant's graduation, to approved United States~~
10 ~~medical programs.~~

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

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

16 ~~5. Successfully completed the Educational Commission~~
17 ~~for Foreign Medical Graduates Examination or Foreign Medical~~
18 ~~Graduate Examination in the Medical Sciences or successfully~~
19 ~~completed a course developed for the University of Miami for~~
20 ~~physician training equivalent to the course developed for such~~
21 ~~purposes pursuant to chapter 74-105, Laws of Florida. No~~
22 ~~person shall be permitted to enroll in the physician training~~
23 ~~course until he or she has been certified by the board as~~
24 ~~having met the requirements of this paragraph or conditionally~~
25 ~~certified by the board as having substantially complied with~~
26 ~~the requirements of this paragraph. Any person conditionally~~
27 ~~certified by the board shall be required to establish, to the~~
28 ~~board's satisfaction, full compliance with all the~~
29 ~~requirements of this paragraph prior to completion of the~~
30 ~~physician training course and shall not be permitted to sit~~
31 ~~for the licensure examination unless the board certifies that~~

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1 ~~all of the requirements of this paragraph have been met.~~

2

3 ~~However, applicants eligible for licensure under s. 455.581 or~~
4 ~~subsection (9), 1988 Supplement to the Florida Statutes 1987,~~
5 ~~as amended by s. 18, chapter 89-162, Laws of Florida, and ss.~~
6 ~~5 and 42, chapter 89-374, Laws of Florida, and renumbered as~~
7 ~~subsection (8) by s. 5, chapter 89-374, Laws of Florida, shall~~
8 ~~not be eligible to apply under this subsection.~~

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

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

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

29 ~~(e) Rules necessary to implement and carry out the~~
30 ~~provisions of this subsection shall be promulgated by the~~
31 ~~board.~~

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

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

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

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

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

22 Section 95. Section 458.3115, Florida Statutes, 1998
23 Supplement, is amended to read:

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

28 (1)(a) Notwithstanding any other provision of law, the
29 department ~~agency~~ shall provide procedures under which certain
30 physicians who are or were foreign-licensed and have practiced
31 medicine no less than 2 years may take the USMLE or an

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

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

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

26 1. Has taken, upon approval by the board, and
27 completed, in November 1990 or November 1992, one of the
28 special preparatory medical update courses authorized by the
29 board and the University of Miami Medical School and
30 subsequently passed the final course examination; upon
31 approval by the board to take the course completed in 1990 or

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- 1 in 1992, has a certificate of successful completion of that
2 course from the University of Miami or the Stanley H. Kaplan
3 course; or can document to the department that he or she was
4 one of the persons who took and successfully completed the
5 Stanley H. Kaplan course that was approved by the board of
6 ~~Medicine~~ and supervised by the University of Miami. At a
7 minimum, the documentation must include class attendance
8 records and the test score on the final course examination;
- 9 2. Applies to the department ~~agency~~ and submits an
10 application fee that is nonrefundable and equivalent to the
11 fee required for full licensure;
- 12 3. Documents no less than 2 years of the active
13 practice of medicine in any ~~another~~ jurisdiction;
- 14 4. Submits an examination fee that is nonrefundable
15 and equivalent to the fee required for full licensure plus the
16 actual per-applicant cost to the department ~~agency~~ to provide
17 either examination described in this section;
- 18 5. Has not committed any act or offense in this or any
19 other jurisdiction that would constitute a substantial basis
20 for disciplining a physician under this chapter or part II of
21 chapter 455; and
- 22 6. Is not under discipline, investigation, or
23 prosecution in this or any other jurisdiction for an act that
24 would constitute a violation of this chapter or part II of
25 chapter 455 and that substantially threatened or threatens the
26 public health, safety, or welfare.
- 27 (d) Every person eligible for restricted licensure
28 under this section may sit for the USMLE or the
29 department-developed ~~agency and board-developed~~ examination
30 five times within 5 calendar years. Applicants desiring to
31 use portions of the FLEX and the USMLE may do so up to the

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1 year 2000. However, notwithstanding subparagraph (c)3.,
2 applicants applying under this section who fail the
3 examination up to a total of five times will only be required
4 to pay the examination fee required for full licensure for the
5 second and subsequent times they take the examination.

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

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

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

25 1. Periodic and random department ~~agency~~ audits of the
26 licensee's patient records and review of those records by the
27 board or the department ~~agency~~.

28 2. Periodic appearances of the licensee before the
29 board or the department ~~agency~~.

30 3. Submission of written reports to the board or the
31 department ~~agency~~.

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1 (b) A restricted licensee under this section shall
2 practice under the supervision of a full licensee approved by
3 the board with the first year of the licensure period being
4 under direct supervision as defined by board rule and the
5 second year being under indirect supervision as defined by
6 board rule.

7 (c) The board may adopt rules necessary to implement
8 this subsection.

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

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

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

31 (4) The board shall adopt rules necessary to carry out

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1 the provisions of this section.

2 Section 96. Subsections (1), (2), and (8) of section
3 458.313, Florida Statutes, are amended to read:

4 458.313 Licensure by endorsement; requirements;
5 fees.--

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

11 (a) Has met the qualifications for licensure in s.
12 458.311(1)(b)-(g) or in s. 458.311(1)(b)-(e) and (g) and (3);

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

25 (c) Has submitted evidence of the active licensed
26 practice of medicine in another jurisdiction, for at least 2
27 of the immediately preceding 4 years, or evidence of
28 successful completion of either a board-approved postgraduate
29 training program within 2 years preceding filing of an
30 application,~~or a board-approved clinical competency~~
31 ~~examination,~~within the year preceding the filing of an

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1 application for licensure. For purposes of this paragraph,
2 "active licensed practice of medicine" means that practice of
3 medicine by physicians, including those employed by any
4 governmental entity in community or public health, as defined
5 by this chapter, medical directors under s. 641.495(11) who
6 are practicing medicine, and those on the active teaching
7 faculty of an accredited medical school.

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

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

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

30 Section 97. Subsection (1) of section 458.315, Florida
31 Statutes, is amended to read:

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1 458.315 Temporary certificate for practice in areas of
2 critical need.--Any physician who is licensed to practice in
3 any other state, whose license is currently valid, and who
4 pays an application fee of \$300 may be issued a temporary
5 certificate to practice in communities of Florida where there
6 is a critical need for physicians. A certificate may be
7 issued to a physician who will be employed by a county health
8 department, correctional facility, community health center
9 funded by s. 329, s. 330, or s. 340 of the United States
10 Public Health Services Act, or other entity that provides
11 health care to indigents and that is approved by the State
12 Health Officer. The Board of Medicine may issue this
13 temporary certificate with the following restrictions:

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

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

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

30 Section 98. Section 458.3165, Florida Statutes, is
31 amended to read:

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

10 (1) Such certificate shall:

11 (a) Authorize the holder to practice only in a public
12 mental health facility or program funded in part or entirely
13 by state funds.

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

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

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

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

30 Section 99. Subsection (4) is added to section
31 458.317, Florida Statutes, 1998 Supplement, to read:

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1 458.317 Limited licenses.--

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

11 Section 100. Paragraph (mm) is added to subsection (1)
12 of section 458.331, Florida Statutes, 1998 Supplement, and
13 subsection (2) of that section is amended to read:

14 458.331 Grounds for disciplinary action; action by the
15 board and department.--

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

19 (mm) Failing to comply with the requirements of ss.
20 381.026 and 381.0261 to provide patients with information
21 about their patient rights and how to file a patient
22 complaint.

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

28 (a) Refusal to certify, or certification with
29 restrictions, to the department an application for licensure,
30 certification, or registration.

31 (b) Revocation or suspension of a license.

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- 1 (c) Restriction of practice.
2 (d) Imposition of an administrative fine not to exceed
3 ~~\$10,000~~~~\$5,000~~ for each count or separate offense.
4 (e) Issuance of a reprimand.
5 (f) Placement of the physician on probation for a
6 period of time and subject to such conditions as the board may
7 specify, including, but not limited to, requiring the
8 physician to submit to treatment, to attend continuing
9 education courses, to submit to reexamination, or to work
10 under the supervision of another physician.
11 (g) Issuance of a letter of concern.
12 (h) Corrective action.
13 (i) Refund of fees billed to and collected from the
14 patient.
15 (j) Imposition of an administrative fine in accordance
16 with s. 381.0261 for violations regarding patient rights.
17

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

26 Section 101. Subsection (7) of section 458.347,
27 Florida Statutes, 1998 Supplement, is amended to read:

28 458.347 Physician assistants.--

29 (7) PHYSICIAN ASSISTANT LICENSURE.--

30 (a) Any person desiring to be licensed as a physician
31 assistant must apply to the department. The department shall

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1 issue a license to any person certified by the council as
2 having met the following requirements:

- 3 1. Is at least 18 years of age.
- 4 2. Has satisfactorily passed a proficiency examination
5 by an acceptable score established by the National Commission
6 on Certification of Physician Assistants. If an applicant
7 does not hold a current certificate issued by the National
8 Commission on Certification of Physician Assistants and has
9 not actively practiced as a physician assistant within the
10 immediately preceding 4 years, the applicant must retake and
11 successfully complete the entry-level examination of the
12 National Commission on Certification of Physician Assistants
13 to be eligible for licensure.
- 14 3. Has completed the application form and remitted an
15 application fee not to exceed \$300 as set by the boards. An
16 application for licensure made by a physician assistant must
17 include:
 - 18 a. A certificate of completion of a physician
19 assistant training program specified in subsection (6).
 - 20 b. A sworn statement of any prior felony convictions.
 - 21 c. A sworn statement of any previous revocation or
22 denial of licensure or certification in any state.
 - 23 d. Two letters of recommendation.

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

- 27 a. Has completed the application form and remitted a
28 nonrefundable application fee not to exceed \$500 and an
29 examination fee not to exceed \$300, plus the actual cost to
30 the department to provide the examination. The examination
31 fee is refundable if the applicant is found to be ineligible

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

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

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1 A notarized copy of an Educational Commission for Foreign
2 Medical Graduates (ECFMG) certificate may also be used to
3 demonstrate the ability to communicate in basic English.
4 b. Is an unlicensed physician who graduated from a
5 foreign medical school listed with the World Health
6 Organization who has not previously taken and failed the
7 examination of the National Commission on Certification of
8 Physician Assistants and who has been certified by the Board
9 of Medicine as having met the requirements for licensure as a
10 medical doctor by examination as set forth in s. 458.311(1),
11 (3), (4), and (5), with the exception that the applicant is
12 not required to have completed an approved residency of at
13 least 1 year and the applicant is not required to have passed
14 the licensing examination specified under s. 458.311 or hold a
15 valid, active certificate issued by the Educational Commission
16 for Foreign Medical Graduates.
17 c. Was eligible and made initial application for
18 certification as a physician assistant in this state between
19 July 1, 1990, and June 30, 1991.
20 d. Was a resident of this state on July 1, 1990, or
21 was licensed or certified in any state in the United States as
22 a physician assistant on July 1, 1990.
23 2. The department may grant temporary licensure to an
24 applicant who meets the requirements of subparagraph 1.
25 Between meetings of the council, the department may grant
26 temporary licensure to practice based on the completion of all
27 temporary licensure requirements. All such administratively
28 issued licenses shall be reviewed and acted on at the next
29 regular meeting of the council. A temporary license expires
30 30 days after ~~upon~~ receipt and notice of scores to the
31 licenseholder from the first available examination specified

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1 in subparagraph 1. following licensure by the department. An
2 applicant who fails the proficiency examination is no longer
3 temporarily licensed, but may apply for a one-time extension
4 of temporary licensure after reapplying for the next available
5 examination. Extended licensure shall expire upon failure of
6 the licenseholder to sit for the next available examination or
7 upon receipt and notice of scores to the licenseholder from
8 such examination.

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

30 (c) The license must be renewed biennially. Each
31 renewal must include:

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

3 2. A sworn statement of no felony convictions in the
4 previous 2 years.

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

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

16 (f) Notwithstanding subparagraph (a)2., the department
17 may grant to a recent graduate of an approved program, as
18 specified in subsection (6), who expects to take the first
19 examination administered by the National Commission on
20 Certification of Physician Assistants available for
21 registration after the applicant's graduation, a temporary
22 license. The temporary license shall to expire 30 days after
23 upon receipt of scores of the proficiency examination
24 administered by the National Commission on Certification of
25 Physician Assistants. Between meetings of the council, the
26 department may grant a temporary license to practice based on
27 the completion of all temporary licensure requirements. All
28 such administratively issued licenses shall be reviewed and
29 acted on at the next regular meeting of the council. The
30 recent graduate may be licensed prior to employment, but must
31 comply with paragraph (e). An applicant who has passed the

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1 proficiency examination may be granted permanent licensure. An
2 applicant failing the proficiency examination is no longer
3 temporarily licensed, but may reapply for a 1-year extension
4 of temporary licensure. An applicant may not be granted more
5 than two temporary licenses and may not be licensed as a
6 physician assistant until he or she passes the examination
7 administered by the National Commission on Certification of
8 Physician Assistants. As prescribed by board rule, the council
9 may require an applicant who does not pass the licensing
10 examination after five or more attempts to complete additional
11 remedial education or training. The council shall prescribe
12 the additional requirements in a manner that permits the
13 applicant to complete the requirements and be reexamined
14 within 2 years after the date the applicant petitions the
15 council to retake the examination a sixth or subsequent time.

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

22 Section 102. Section 459.005, Florida Statutes, 1998
23 Supplement, is amended to read:

24 459.005 Rulemaking authority.--

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

28 (2) All physicians who perform level 2 procedures
29 lasting more than 5 minutes and all level 3 surgical
30 procedures in an office setting must register the office with
31 the department unless that office is licensed as a facility

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1 pursuant to chapter 395. The department shall inspect the
2 physician's office annually unless the office is accredited by
3 a nationally recognized accrediting agency or an accrediting
4 organization subsequently approved by the Board of Osteopathic
5 Medicine. The actual costs for registration and inspection or
6 accreditation shall be paid by the person seeking to register
7 and operate the office setting in which office surgery is
8 performed.

9 Section 103. Subsection (7) is added to section
10 459.0075, Florida Statutes, to read:

11 459.0075 Limited licenses.--

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

22 Section 104. Paragraph (oo) is added to subsection (1)
23 of section 459.015, Florida Statutes, 1998 Supplement, and
24 subsection (2) of that section is amended to read:

25 459.015 Grounds for disciplinary action by the
26 board.--

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

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

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

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

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

9 (b) Revocation or suspension of a license or
10 certificate.

11 (c) Restriction of practice.

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

14 (e) Issuance of a reprimand.

15 (f) Issuance of a letter of concern.

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

23 (h) Corrective action.

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

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

28

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

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

6 Section 105. Subsection (6) is added to section
7 460.402, Florida Statutes, to read:

8 460.402 Exceptions.--The provisions of this chapter
9 shall not apply to:

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

16 Section 106. Present subsections (4) through (10) of
17 section 460.403, Florida Statutes, 1998 Supplement, are
18 renumbered as subsections (5) through (11), respectively, a
19 new subsection (4) is added to that section, and present
20 subsections (6) and (9) are amended, to read:

21 460.403 Definitions.--As used in this chapter, the
22 term:

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

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

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

17 Section 107. Subsection (1) of section 460.406,
18 Florida Statutes, 1998 Supplement, is amended to read:

19 460.406 Licensure by examination.--

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

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1 (a) Completed the application form and remitted the
2 appropriate fee.

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

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

18 (d)1. For an applicant who has matriculated in a
19 chiropractic college prior to July 2, 1990, completed at least
20 2 years of residence college work, consisting of a minimum of
21 one-half the work acceptable for a bachelor's degree granted
22 on the basis of a 4-year period of study, in a college or
23 university accredited by an accrediting agency recognized and
24 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, 1990, shall have been
28 granted a bachelor's degree, based upon 4 academic years of
29 study, by a college or university accredited by a regional
30 accrediting agency which is a member of the Commission on
31 Recognition of Postsecondary Accreditation.

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

17 ~~(e) Completed not less than a 3-month training program~~
18 ~~in this state of not less than 300 hours with a chiropractic~~
19 ~~physician licensed in this state. The chiropractic physician~~
20 ~~candidate may perform all services offered by the licensed~~
21 ~~chiropractic physician, but must be under the supervision of~~
22 ~~the licensed chiropractic physician until the results of the~~
23 ~~first licensure examination for which the candidate has~~
24 ~~qualified have been received, at which time the candidate's~~
25 ~~training program shall be terminated. However, an applicant~~
26 ~~who has practiced chiropractic medicine in any other state,~~
27 ~~territory, or jurisdiction of the United States or any foreign~~
28 ~~national jurisdiction for at least 5 years as a licensed~~
29 ~~chiropractic physician need not be required to complete the~~
30 ~~3-month training program as a requirement for licensure.~~

31 (e)(f) Successfully completed the National Board of

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1 Chiropractic Examiners certification examination in parts I
2 and II and clinical competency, with a score approved by the
3 board, within 10 years immediately preceding application to
4 the department for licensure.

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

10 Section 108. Paragraphs (p) and (dd) of subsection (1)
11 and paragraph (b) of subsection (2) of section 460.413,
12 Florida Statutes, 1998 Supplement, are amended to read:

13 460.413 Grounds for disciplinary action; action by the
14 board.--

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

18 (p) Prescribing, dispensing, or administering any
19 medicinal drug except as authorized by s. 460.403(9)(c)2.~~s.~~
20 ~~460.403(8)(c)2.~~, performing any surgery, or practicing
21 obstetrics.

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

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

27 (d) Imposition of an administrative fine not to exceed
28 \$10,000~~\$2,000~~ for each count or separate offense.

29
30 In determining what action is appropriate, the board must
31 first consider what sanctions are necessary to protect the

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

7 Section 109. Section 460.4165, Florida Statutes, is
8 amended to read:

9 460.4165 Certified chiropractic physician's
10 assistants.--

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

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

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

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

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

6 (d) On calls outside of the ~~said~~ office of the
7 chiropractic physician to whom she or he is assigned, on the
8 direct order of the chiropractic physician to whom she or he
9 is assigned.

10 (3) THIRD-PARTY PAYOR. This chapter does not prevent
11 third-party payors from reimbursing employers of chiropractic
12 physicians' assistants for covered services rendered by
13 certified chiropractic physicians' assistants.

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

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

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

30 (b) The board shall create groups of specialty
31 classifications of training for certified chiropractic

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1 physician's assistants. These classifications shall reflect
2 the training and experience of the certified chiropractic
3 physician's assistant. The certified chiropractic physician's
4 assistant may receive training in one or more such
5 classifications, which shall be shown on the certificate
6 issued.

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

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

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

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

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

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

3 2. A sworn statement of any prior felony conviction in
4 any jurisdiction.

5 3. A sworn statement of any previous revocation or
6 denial of licensure or certification in any state or
7 jurisdiction.

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

14 ~~1. The qualifications, including related experience,~~
15 ~~of the certified chiropractic physician's assistant intended~~
16 ~~to be employed.~~

17 ~~2. The professional background and specialty of the~~
18 ~~chiropractic physician or the group of chiropractic~~
19 ~~physicians.~~

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

24
25 ~~The board shall certify an application by a licensed~~
26 ~~chiropractic physician to supervise a certified chiropractic~~
27 ~~physician's assistant when the proposed assistant is a~~
28 ~~graduate of an approved program or its equivalent and is fully~~
29 ~~qualified by reason of experience and education to perform~~
30 ~~chiropractic services under the responsible supervision of a~~
31 ~~licensed chiropractic physician and when the board is~~

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1 ~~satisfied that the public will be adequately protected by the~~
2 ~~arrangement proposed in the application.~~

3 ~~(b) The board shall certify no more than two certified~~
4 ~~chiropractic physician's assistants for any chiropractic~~
5 ~~physician practicing alone; no more than four chiropractic~~
6 ~~physician's assistants for two chiropractic physicians~~
7 ~~practicing together formally or informally; or no more than a~~
8 ~~ratio of two certified chiropractic physician's assistants to~~
9 ~~three chiropractic physicians in any group of chiropractic~~
10 ~~physicians practicing together formally or informally.~~

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

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

25 ~~(9)(8)~~ FEES.--

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

30 (b) Upon approval of an application for certification
31 of a certified chiropractic physician's assistant in a

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1 specialty area, the applicant shall be charged an initial
2 certification fee for the first biennium not to exceed \$250;
3 and a biennial renewal fee not to exceed \$250 shall accompany
4 each application for renewal of the certified chiropractic
5 physician's assistant certificate.

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

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

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

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

26 (a) Each renewal must include:

27 1. A renewal fee as set by board pursuant to this
28 section.

29 2. A sworn statement of no felony convictions in the
30 previous 2 years in any jurisdiction.

31 (b) Each certified chiropractic physician's assistant

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1 shall biennially complete 24 hours of continuing education
2 courses sponsored by chiropractic colleges accredited by the
3 Council on Chiropractic Education and approved by the board.
4 The board shall approve those courses that build upon the
5 basic courses required for the practice of chiropractic
6 medicine, and the board may also approve courses in adjunctive
7 modalities. The board may make exception from the requirements
8 of this section in emergency or hardship cases. The board may
9 adopt rules within the requirements of this section which are
10 necessary for its implementation.

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

18 Section 110. Persons holding certificates as certified
19 chiropractic physicians' assistants on the effective date of
20 this act need not reapply for certification, but must comply
21 with biennial renewal requirements as provided in section
22 460.4165(6), Florida Statutes. The requirement for completion
23 of the continuing education requirements for biennial renewal
24 of the certificate shall not take effect until the beginning
25 of the next biennial renewal period following the effective
26 date of this act.

27 Section 111. Section 460.4166, Florida Statutes, 1998
28 Supplement, is amended to read:

29 460.4166 Registered chiropractic assistants.--

30 (1) DEFINITION.--As used in this section, "registered
31 chiropractic assistant" means a professional, multiskilled

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1 person dedicated to assisting in all aspects of chiropractic
2 medical practice under the direct supervision and
3 responsibility of a chiropractic physician or certified
4 chiropractic physician's assistant. A registered chiropractic
5 assistant assists with patient care management, executes
6 administrative and clinical procedures, and often performs
7 managerial and supervisory functions. Competence in the field
8 also requires that a registered chiropractic assistant adhere
9 to ethical and legal standards of professional practice,
10 recognize and respond to emergencies, and demonstrate
11 professional characteristics.

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

- 16 (a) Perform clinical procedures, which include:
- 17 1. Preparing patients for the chiropractic physician's
18 care.
 - 19 2. Taking vital signs.
 - 20 3. Observing and reporting patients' signs or
21 symptoms.
- 22 (b) Administer basic first aid.
- 23 (c) Assist with patient examinations or treatments
24 other than manipulations or adjustments.
- 25 (d) Operate office equipment.
- 26 (e) Collect routine laboratory specimens as directed
27 by the chiropractic physician or certified chiropractic
28 physician's assistant.
- 29 (f) Administer nutritional supplements as directed by
30 the chiropractic physician or certified chiropractic
31 physician's assistant.

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1 (g) Perform office procedures required by the
2 chiropractic physician or certified chiropractic physician's
3 assistant under direct supervision of the chiropractic
4 physician or certified chiropractic physician's assistant.

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

8 Section 112. Section 461.003, Florida Statutes, 1998
9 Supplement, is amended to read:

10 461.003 Definitions.--As used in this chapter:

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

12 (1)(2) "Board" means the Board of Podiatric Medicine
13 as created in this chapter.

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

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

25 ~~(3) "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 (4) "Podiatric physician" means any person licensed to
 6 practice podiatric medicine pursuant to this chapter.

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

18 Section 113. Paragraph (d) of subsection (1) of
 19 section 461.006, Florida Statutes, 1998 Supplement, is amended
 20 to read:

21 461.006 Licensure by examination.--

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

26 (d) ~~Beginning October 1, 1995,~~Has satisfactorily
 27 completed one of the following clinical experience
 28 requirements:

29 1. One year of residency in a residency program
 30 approved by the board, and if it has been 4 or more years
 31 since the completion of that residency, active licensed

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1 practice of podiatric medicine in another jurisdiction for at
2 least 2 of the immediately preceding 4 years, or successful
3 completion of a board-approved postgraduate program or
4 board-approved course within the year preceding the filing of
5 the application. For the purpose of this subparagraph, "active
6 licensed practice" means the licensed practice of podiatric
7 medicine as defined in s. 461.003(5) by podiatric physicians,
8 including podiatric physicians employed by any governmental
9 entity, on the active teaching faculty of an accredited school
10 of podiatric medicine, or practicing administrative podiatric
11 medicine.

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

18 Section 114. Subsection (1) of section 461.007,
19 Florida Statutes, 1998 Supplement, is amended to read:

20 461.007 Renewal of license.--

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

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1 medicine" means the licensed practice of podiatric medicine as
2 defined in s. 461.003(5) by podiatric physicians, including
3 podiatric physicians employed by any governmental entity, on
4 the active teaching faculty of an accredited school of
5 podiatric medicine, or practicing administrative podiatric
6 medicine. An applicant for a renewed license must also submit
7 the information required under s. 455.565 to the department on
8 a form and under procedures specified by the department, along
9 with payment in an amount equal to the costs incurred by the
10 Department of Health for the statewide criminal background
11 check of the applicant. The applicant must submit a set of
12 fingerprints to the Department of Health on a form and under
13 procedures specified by the department, along with payment in
14 an amount equal to the costs incurred by the department for a
15 national criminal background check of the applicant for the
16 initial renewal of his or her license after January 1, 2000.
17 If the applicant fails to submit either the information
18 required under s. 455.565 or a set of fingerprints to the
19 department as required by this section, the department shall
20 issue a notice of noncompliance, and the applicant will be
21 given 30 additional days to comply. If the applicant fails to
22 comply within 30 days after the notice of noncompliance is
23 issued, the department or board, as appropriate, may issue a
24 citation to the applicant and may fine the applicant up to \$50
25 for each day that the applicant is not in compliance with the
26 requirements of s. 455.565. The citation must clearly state
27 that the applicant may choose, in lieu of accepting the
28 citation, to follow the procedure under s. 455.621. If the
29 applicant disputes the matter in the citation, the procedures
30 set forth in s. 455.621 must be followed. However, if the
31 applicant does not dispute the matter in the citation with the

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1 department within 30 days after the citation is served, the
2 citation becomes a final order and constitutes discipline.
3 Service of a citation may be made by personal service or
4 certified mail, restricted delivery, to the subject at the
5 applicant's last known address. If an applicant has submitted
6 fingerprints to the department for a national criminal history
7 check upon initial licensure and is renewing his or her
8 license for the first time, then the applicant need only
9 submit the information and fee required for a statewide
10 criminal history check.

11 Section 115. Paragraph (bb) is added to subsection (1)
12 of section 461.013, Florida Statutes, 1998 Supplement, and
13 subsection (2) of that section is amended, to read:

14 461.013 Grounds for disciplinary action; action by the
15 board; investigations by department.--

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

19 (bb) Failing to comply with the requirements of ss.
20 381.026 and 381.0261 to provide patients with information
21 about their patient rights and how to file a patient
22 complaint.

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

26 (a) Refusal to certify to the department an
27 application for licensure.

28 (b) Revocation or suspension of a license.

29 (c) Restriction of practice.

30 (d) Imposition of an administrative fine not to exceed
31 \$10,000~~\$1,000~~ for each count or separate offense.

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1 (e) Issuance of a reprimand.

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

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

10 Section 116. Section 461.0135, Florida Statutes, is
11 created to read:

12 461.0135 Operation of X-ray machines by podiatric
13 X-ray assistants.--A licensed podiatric physician may utilize
14 an X-ray machine, expose X-ray films, and interpret or read
15 such films. The provision of part IV of chapter 468 to the
16 contrary notwithstanding, a licensed podiatric physician may
17 authorize or direct a certified podiatric X-ray assistant to
18 operate such equipment and expose such films under the
19 licensed podiatric physician's direction and supervision,
20 pursuant to rules adopted by the board in accordance with s.
21 461.004, which ensures that such certified podiatric X-ray
22 assistant is competent to operate such equipment in a safe and
23 efficient manner by reason of training, experience, and
24 passage of a board-approved course which includes an
25 examination. The board shall issue a certificate to an
26 individual who successfully completes the board-approved
27 course and passes the examination to be administered by the
28 training authority upon completion of such course.

29 Section 117. Subsection (3) is added to section
30 464.008, Florida Statutes, to read:

31 464.008 Licensure by examination.--

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

12 Section 118. Subsection (13) is added to section
13 464.022, Florida Statutes, to read:

14 464.022 Exceptions.--No provision of this chapter
15 shall be construed to prohibit:

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

18 Section 119. Subsection (12) of section 465.003,
19 Florida Statutes, is amended, subsections (4) through (14) of
20 said section are renumbered as subsections (5) through (15),
21 respectively, and a new subsection (4) is added to said
22 section, to read:

23 465.003 Definitions.--As used in this chapter, the
24 term:

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

29 ~~(13)~~(12) "Practice of the profession of pharmacy"
30 includes compounding, dispensing, and consulting concerning
31 contents, therapeutic values, and uses of any medicinal drug;

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1 ~~and~~ consulting concerning therapeutic values and interactions
2 of patent or proprietary preparations, whether pursuant to
3 prescriptions or in the absence and entirely independent of
4 such prescriptions or orders; and other pharmaceutical
5 services. For purposes of this subsection, "other
6 pharmaceutical services" means the monitoring of the patient's
7 drug therapy and assisting the patient in the management of
8 his or her drug therapy, and includes review of the patient's
9 drug therapy and communication with the patient's prescribing
10 health care provider as licensed under chapter 458, chapter
11 459, chapter 461, or chapter 466, or similar statutory
12 provision in another jurisdiction, or such provider's agent or
13 such other persons as specifically authorized by the patient,
14 regarding the drug therapy. However, nothing in this
15 subsection may be interpreted to permit an alteration of a
16 prescriber's directions, the diagnosis or treatment of any
17 disease, the initiation of any drug therapy, the practice of
18 medicine, or the practice of osteopathic medicine, unless
19 otherwise permitted by law."Practice of the profession of
20 pharmacy"~~The phrase~~ also includes any other act, service,
21 operation, research, or transaction incidental to, or forming
22 a part of, any of the foregoing acts, requiring, involving, or
23 employing the science or art of any branch of the
24 pharmaceutical profession, study, or training, and shall
25 expressly permit a pharmacist to transmit information from
26 persons authorized to prescribe medicinal drugs to their
27 patients.

28 Section 120. Paragraph (1) of subsection (1) and
29 paragraph (c) of subsection (2) of section 465.016, Florida
30 Statutes, are amended, and paragraph (q) is added to
31 subsection (1) of that section, to read:

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1 465.016 Disciplinary actions.--

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

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

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

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

21 (c) Imposition of an administrative fine not to exceed
22 \$5,000~~\$1,000~~ for each count or separate offense.

23 Section 121. Section 465.014, Florida Statutes, is
24 amended to read:

25 465.014 Pharmacy technician.--No person other than a
26 licensed pharmacist or pharmacy intern may engage in the
27 practice of the profession of pharmacy, except that a licensed
28 pharmacist may delegate to nonlicensed pharmacy technicians
29 those duties, tasks, and functions which do not fall within
30 the purview of s. 465.003(13)~~(12)~~. All such delegated acts
31 shall be performed under the direct supervision of a licensed

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

13 Section 122. Paragraph (c) of subsection (2) of
14 section 465.015, Florida Statutes, is amended to read:

15 465.015 Violations and penalties.--

16 (2) It is unlawful for any person:

17 (c) To sell or dispense drugs as defined in s.
18 465.003(8)(~~7~~) without first being furnished with a
19 prescription.

20 Section 123. Section 465.0196, Florida Statutes, is
21 amended to read:

22 465.0196 Special pharmacy permits.--Any person
23 desiring a permit to operate a pharmacy which does not fall
24 within the definitions set forth in s. 465.003(11)(~~10~~)(a)1.,
25 2., and 3. shall apply to the department for a special
26 pharmacy permit. If the board certifies that the application
27 complies with the applicable laws and rules of the board
28 governing the practice of the profession of pharmacy, the
29 department shall issue the permit. No permit shall be issued
30 unless a licensed pharmacist is designated to undertake the
31 professional supervision of the compounding and dispensing of

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

8 Section 124. Subsection (3) of section 468.812,
9 Florida Statutes, is amended to read:

10 468.812 Exemptions from licensure.--

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

26 Section 125. Subsection (19) of section 499.003,
27 Florida Statutes, is amended to read:

28 499.003 Definitions of terms used in ss.

29 499.001-499.081.--As used in ss. 499.001-499.081, the term:

30 (19) "Legend drug," "prescription drug," or "medicinal
31 drug" means any drug, including, but not limited to, finished

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1 dosage forms, or active ingredients subject to, defined by, or
2 described by s. 503(b) of the Federal Food, Drug, and Cosmetic
3 Act or s. 465.003~~(8)(7)~~, s. 499.007(12), or s. 499.0122(1)(b)
4 or (c).

5 Section 126. (1) There is created within the
6 Department of Health a Task Force for the Study of
7 Collaborative Drug Therapy Management. The department shall
8 provide staff support for the task force. The task force shall
9 consist of not more than 13 members nominated by the
10 associations and entities named in this section and appointed
11 by the Secretary of Health. Members of the task force shall
12 not receive compensation, per diem, or reimbursement for
13 travel expenses for service on the task force. Participation
14 in the task force is optional and at the discretion of each
15 identified group or entity. The task force shall include:

16 (a) One representative from each of the following
17 associations:

- 18 1. Florida Society of Health-System Pharmacists.
- 19 2. Florida Pharmacy Association.
- 20 3. Florida Medical Association.
- 21 4. Florida Osteopathic Medical Association.
- 22 5. Florida Retail Federation.
- 23 6. Florida Nurses Association.
- 24 7. Florida Academy of Family Physicians.
- 25 8. Pharmaceutical Research Manufacturing Association.
- 26 9. American Society of Consultant Pharmacists.
- 27 10. American Society of Health-System Pharmacists.

28 (b) One representative from each of the following
29 entities:

- 30 1. Department of Health.
- 31 2. Board of Medicine, which representative must be a

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1 member of the board who is licensed under chapter 458, Florida
2 Statutes.

3 3. Board of Osteopathic Medicine, which representative
4 must be a member of the board who is licensed under chapter
5 459, Florida Statutes.

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

9 5. Agency for Health Care Administration.

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

17 (3) The task force shall be charged with the
18 responsibility to:

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

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

26 (c) Determine the efficacy of collaborative drug
27 therapy management in improving health care outcomes of
28 patients.

29 Section 127. Section 466.021, Florida Statutes, is
30 amended to read:

31 466.021 Employment of unlicensed persons by dentist;

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

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

14 Section 128. Paragraph (b) of subsection (2),
15 paragraph (b) of subsection (3), and subsection (4) of section
16 468.1155, Florida Statutes, are amended to read:

17 468.1155 Provisional license; requirements.--

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

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

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1 established by the Commission on Recognition of Postsecondary
2 Accreditation in order to qualify. The applicant must have
3 completed 60 semester hours that include:

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

9 2. Six semester hours in audiology.

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

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

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

31 1. Fundamental information applicable to the normal

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

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

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

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

19 Section 129. Section 468.1215, Florida Statutes, is
20 amended to read:

21 468.1215 Speech-language pathology assistant and
22 audiology assistant; certification.--

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

26 (1)(2) The department shall issue a certificate as a
27 speech-language pathology assistant ~~or as an audiology~~
28 ~~assistant~~ to each applicant who the board certifies has:

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

31 (b) Earned a bachelor's degree from a college or

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1 university accredited by a regional association of colleges
2 and schools recognized by the Department of Education which
3 includes at least 24 semester hours of coursework as approved
4 by the board at an institution accredited by an accrediting
5 agency recognized by the Commission on Recognition of
6 Postsecondary Accreditation.

7 (2) The department shall issue a certificate as an
8 audiology assistant to each applicant who the board certifies
9 has:

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

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

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

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

24 Section 130. Subsection (1) of section 468.307,
25 Florida Statutes, 1998 Supplement, is amended to read:

26 468.307 Certificate; issuance; possession; display.--

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

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1 procedure or specific type of equipment.

2 Section 131. Section 468.506, Florida Statutes, 1998
3 Supplement, is amended to read:

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

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1 compensation and pay their expenses in the same manner as
2 provided in s. 455.534.

3 Section 132. Section 468.701, Florida Statutes, 1998
4 Supplement, is amended to read:

5 468.701 Definitions.--As used in this part, the term:

6 (1) "Athlete" means a person who participates in an
7 athletic activity.

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

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

18 (4) "Athletic trainer" means a person licensed under
19 this part.

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

22 (6) "~~Board Council~~" means the Board Council of
23 Athletic Training.

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

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

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

29 (9)~~(10)~~ "Supervision" means the easy availability of
30 the supervisor to the athletic trainer, which includes the
31 ability to communicate by telecommunications.

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1 Section 133. Section 468.703, Florida Statutes, 1998
2 Supplement, is amended to read:

3 468.703 Board Council of Athletic Training.--

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

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

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

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

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

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

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

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

31 (6) The board shall maintain its official headquarters

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1 in Tallahassee.

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

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

9 ~~(b) Monitoring the practice of athletic training in~~
10 ~~other jurisdictions.~~

11 ~~(c) Educating the public about the role of athletic~~
12 ~~trainers.~~

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

15 ~~(e) Addressing concerns and problems of athletic~~
16 ~~trainers in order to promote improved safety in the practice~~
17 ~~of athletic training.~~

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

22 Section 134. Section 468.705, Florida Statutes, 1998
23 Supplement, is amended to read:

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

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1 continuing education requirements, fees, records, and reports
2 to be filed by licensees, protocols, and any other
3 requirements necessary to regulate the practice of athletic
4 training.

5 Section 135. Section 468.707, Florida Statutes, 1998
6 Supplement, is amended to read:

7 468.707 Licensure by examination; requirements.--

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

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

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

14 2. Is at least 21 years of age.

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

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

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

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1 board department.

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

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

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

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

14 2. Is at least 21 years of age.

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

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

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

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

28 Section 136. Section 468.709, Florida Statutes, is
29 amended to read:

30 468.709 Fees.--

31 (1) The board department shall, by rule, establish

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1 fees for the following purposes:

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

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

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

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

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

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

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

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

10 (2) The board department shall establish fees at a
11 level, not to exceed the statutory fee cap, that is adequate
12 to ensure the continued operation of the regulatory program
13 under this part. The board department shall neither set nor
14 maintain the fees at a level that will substantially exceed
15 this need.

16 Section 137. Subsections (2) and (3) of section
17 468.711, Florida Statutes, 1998 Supplement, are amended to
18 read:

19 468.711 Renewal of license; continuing education.--

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

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

31 Section 138. Subsection (2) of section 468.719,

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

2 468.719 Disciplinary actions.--

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

7 Section 139. Section 468.721, Florida Statutes, is
8 amended to read:

9 468.721 Saving clause.--

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

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

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

29 Section 140. Paragraph (g) of subsection (3) of
30 section 20.43, Florida Statutes, 1998 Supplement, is amended
31 to read:

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1 20.43 Department of Health.--There is created a
2 Department of Health.

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

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

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

9 2. Health care services pools, as provided under s.
10 402.48.

11 3. The Board of Acupuncture, created under chapter
12 457.

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

14 5. The Board of Osteopathic Medicine, created under
15 chapter 459.

16 6. The Board of Chiropractic Medicine, created under
17 chapter 460.

18 7. The Board of Podiatric Medicine, created under
19 chapter 461.

20 8. Naturopathy, as provided under chapter 462.

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

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

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

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

25 13. Midwifery, as provided under chapter 467.

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

28 15. The Board of Nursing Home Administrators, created
29 under part II of chapter 468.

30 16. The Board of Occupational Therapy, created under
31 part III of chapter 468.

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1 17. Respiratory therapy, as provided under part V of
2 chapter 468.

3 18. Dietetics and nutrition practice, as provided
4 under part X of chapter 468.

5 19. The Board of Athletic Training ~~trainers~~, created
6 ~~as provided~~ under part XIII of chapter 468.

7 20. The Board of Orthotists and Prosthetists, created
8 under part XIV of chapter 468.

9 21. Electrolysis, as provided under chapter 478.

10 22. The Board of Massage Therapy, created under
11 chapter 480.

12 23. The Board of Clinical Laboratory Personnel,
13 created under part III of chapter 483.

14 24. Medical physicists, as provided under part IV of
15 chapter 483.

16 25. The Board of Opticianry, created under part I of
17 chapter 484.

18 26. The Board of Hearing Aid Specialists, created
19 under part II of chapter 484.

20 27. The Board of Physical Therapy Practice, created
21 under chapter 486.

22 28. The Board of Psychology, created under chapter
23 490.

24 29. School psychologists, as provided under chapter
25 490.

26 30. The Board of Clinical Social Work, Marriage and
27 Family Therapy, and Mental Health Counseling, created under
28 chapter 491.

29
30 The department may contract with the Agency for Health Care
31 Administration who shall provide consumer complaint,

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1 investigative, and prosecutorial services required by the
2 Division of Medical Quality Assurance, councils, or boards, as
3 appropriate.

4 Section 141. The Council of Athletic Training and the
5 terms of all council members are terminated on July 1, 1999.
6 However, such termination in no way precludes the Governor
7 from considering any former council member for appointment to
8 the Board of Athletic Training created by this act.

9 Section 142. Section 468.805, Florida Statutes, is
10 amended to read:

11 468.805 Grandfathering ~~Licensure without examination~~
12 ~~provisional licensure.--~~

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

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1 practice is defined under s. 468.80(7).

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

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

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

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

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

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

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

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

14 (5)(4) This section is repealed July 1, 2002.

15 Section 143. Subsection (3) of section 468.806,
 16 Florida Statutes, is amended to read:

17 468.806 Biennial renewal of license.--

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

24 Section 144. Subsection (5) of section 478.42, Florida
 25 Statutes, is amended to read:

26 478.42 Definitions.--As used in this chapter, the
 27 term:

28 (5) "Electrolysis or electrology" means the permanent
 29 removal of hair by destroying ~~introducing, into and beneath~~
 30 ~~the skin, ionizing (galvanic current) or nonionizing radiation~~
 31 ~~(thermolysis or high-frequency current) to destroy the~~

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1 hair-producing cells of the skin and vascular system, using
2 equipment and ~~needle-type epilation~~ devices approved by the
3 board which have been cleared by and ~~that are~~ registered with
4 the United States Food and Drug Administration and that are
5 used pursuant to protocols approved by the ~~council and the~~
6 board.

7 Section 145. Section 483.041, Florida Statutes, is
8 amended to read:

9 483.041 Definitions.--As used in this part, the term:

10 (1) "Agency" means the Agency for Health Care
11 Administration.

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

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

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

23 (c) Cytology laboratory services are the examinations
24 of cells from individual tissues or fluid taken from the human
25 body.

26 (3) "Clinical laboratory examination" means a
27 procedure performed to deliver the services defined in
28 subsection (2), including the oversight or interpretation
29 thereof.

30 (4)~~(3)~~ "Clinical laboratory proficiency testing
31 program" means a program approved by the agency for evaluating

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1 the performance of clinical laboratories.

2 (5)~~(4)~~ "Collection station" or "branch office" means a
3 facility operated by a clinical laboratory where materials or
4 specimens are withdrawn or collected from patients or
5 assembled after being withdrawn or collected from patients
6 elsewhere, for subsequent delivery to another location for
7 examination.

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

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

22 (8)~~(7)~~ "Person" means the State of Florida or any
23 individual, firm, partnership, association, corporation,
24 county, municipality, political subdivision, or other entity,
25 whether organized for profit or not.

26 (9)~~(8)~~ "Validation inspection" means an inspection of
27 a clinical laboratory by the agency to assess whether a review
28 by an accrediting organization has adequately evaluated the
29 clinical laboratory according to state standards.

30 (10)~~(9)~~ "Waived test" means a test that the federal
31 Health Care Financing Administration has determined qualifies

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1 for a certificate of waiver under the federal Clinical
2 Laboratory Improvement Amendments of 1988, and the federal
3 rules adopted thereunder.

4 Section 146. Subsections (2), (3), and (7) of section
5 483.803, Florida Statutes, are amended to read:

6 483.803 Definitions.--As used in this part, the term:

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

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

15 (7) "Licensed practitioner of the healing arts" means
16 a physician licensed under ~~pursuant to~~ chapter 458, chapter
17 459, ~~or~~ chapter 460, or chapter 461; a dentist licensed under
18 ~~pursuant to~~ chapter 466; or a person licensed under ~~pursuant~~
19 ~~to chapter 461 or chapter 462.~~

20 Section 147. Subsection (9) of section 483.807,
21 Florida Statutes, 1998 Supplement, is amended to read:

22 483.807 Fees; establishment; disposition.--

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

26 Section 148. Subsections (2) and (3) of section
27 483.809, Florida Statutes, are amended to read:

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

30 (2) EXAMINATIONS.--The department shall conduct
31 examinations required by board rules to determine in part the

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

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

12 Section 149. Section 483.812, Florida Statutes, is
13 amended to read:

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

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

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

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

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

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

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

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

24 Section 150. Section 483.813, Florida Statutes, is
25 amended to read:

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

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

7 Section 151. Subsection (3) is added to section
8 483.821, Florida Statutes, to read:

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

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

14 Section 152. Section 483.824, Florida Statutes, is
15 amended to read:

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

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

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

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

30 Section 153. Section 483.825, Florida Statutes, is
31 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 Section 154. Paragraph (g) of subsection (4) and

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1 subsections (6) and (8) of section 483.901, Florida Statutes,
2 1998 Supplement, are amended to read:

3 483.901 Medical physicists; definitions; licensure.--

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

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

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

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

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

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1 must be accompanied by a nonrefundable application fee for
2 each specialty.

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

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

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

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

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

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

29 c. Earned from an accredited college or university a
30 bachelor's degree in physics and has at least 5 years'
31 experience in the practice of the medical physics specialty

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1 for which application is made.

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

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

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

26 (f) A licensee shall:

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

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

31 (g) The following acts are grounds for which the

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1 disciplinary actions in paragraph (h) may be taken:

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

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

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

7 13. Judicially determined mental incompetency.

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

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

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

27 c. With respect to any proceeding under this
28 subparagraph, the record of proceedings or the orders entered
29 by the department may not be used against a licensee in any
30 other proceeding.

31 (h) When the department finds any person guilty of any

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1 of the grounds set forth in paragraph (g), including conduct
2 that would constitute a substantial violation of paragraph (g)
3 which occurred prior to licensure, it may enter an order
4 imposing one or more of the following penalties:

5 1. Deny the application for licensure.
6 2. Revoke or suspend the license.
7 3. Impose an administrative fine for each count or
8 separate offense.

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

14 5. Restrict a licensee's practice.
15 6. Issue a reprimand to the licensee.

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

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

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

31 (8) DISPOSITION OF FEES.--The department shall deposit

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1 all funds received into the Medical Quality Assurance ~~Health~~
2 ~~Care~~ Trust Fund.

3 Section 155. Paragraph (d) of subsection (1) of
4 section 484.007, Florida Statutes, is amended to read:

5 484.007 Licensure of opticians; permitting of optical
6 establishments.--

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

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

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

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

30 4. Has registered as an apprentice with the department
31 and paid a registration fee not to exceed \$60, as set by rule

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1 of the board. The apprentice shall complete 6,240 hours of
2 training under the supervision of an optician licensed in this
3 state for at least 1 year or of, a physician, or an
4 optometrist licensed under the laws of this state. These
5 requirements must be met within 5 years after the date of
6 registration. However, any time spent in a recognized school
7 may be considered as part of the apprenticeship program
8 provided herein. The board may establish administrative
9 processing fees sufficient to cover the cost of administering
10 apprentice rules as promulgated by the board.

11 Section 156. Subsection (3) is added to section
12 484.0512, Florida Statutes, to read:

13 484.0512 Thirty-day trial period; purchaser's right to
14 cancel; notice; refund; cancellation fee.--

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

18 Section 157. Section 484.053, Florida Statutes, is
19 amended to read:

20 484.053 Prohibitions; penalties.--

21 (1) A person may not:

22 (a) Practice dispensing hearing aids unless the person
23 is a licensed hearing aid specialist;

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

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

27 (d) Give false, incomplete, or forged evidence to the
28 board or a member thereof for the purposes of obtaining a
29 license;

30 (e) Use or attempt to use a hearing aid specialist
31 license that is delinquent or has been suspended, revoked, or

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1 placed on inactive or ~~delinquent~~ status;

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

4 (g) Knowingly conceal information relative to
5 violations of this part.

6 (2) Any person who violates any of the provisions of
7 this section is guilty of a felony ~~misdemeanor~~ of the third
8 ~~second degree~~, punishable as provided in s. 775.082 or s.
9 775.083.

10 (3) If a person licensed under this part allows the
11 sale of a hearing aid by an unlicensed person not registered
12 as a trainee or fails to comply with the requirements of s.
13 484.0445(2) relating to supervision of trainees, the board
14 shall, upon determination of that violation, order the full
15 refund of moneys paid by the purchaser upon return of the
16 hearing aid to the seller's place of business.

17 Section 158. Paragraph (a) of subsection (1) of
18 section 484.056, Florida Statutes, 1998 Supplement, is amended
19 to read:

20 484.056 Disciplinary proceedings.--

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

28 (a) Violation of any provision of s. 455.624(1), s.
29 484.0512, or s. 484.053.

30 Section 159. Section 486.041, Florida Statutes, is
31 amended to read:

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1 486.041 Physical therapist; application for license;
2 ~~fee; temporary permit.--~~

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

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

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

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

22 Section 160. Section 486.081, Florida Statutes, is
23 amended to read:

24 486.081 Physical therapist; issuance of license
25 without examination to person passing examination of another
26 authorized examining board; ~~temporary permit; fee.--~~

27 (1) The board may cause a license to be issued through
28 the department without examination to any applicant who
29 presents evidence satisfactory to the board of having passed
30 the American Registry Examination prior to 1971 or an
31 examination in physical therapy before a similar lawfully

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1 authorized examining board of another state, the District of
2 Columbia, a territory, or a foreign country, if the standards
3 for licensure in physical therapy in such other state,
4 district, territory, or foreign country are determined by the
5 board to be as high as those of this state, as established by
6 rules adopted pursuant to this chapter. Any person who holds a
7 license pursuant to this section may use the words "physical
8 therapist" or "physiotherapist," or the letters "P.T.," in
9 connection with her or his name or place of business to denote
10 her or his licensure hereunder.

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

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

21 Section 161. Section 486.103, Florida Statutes, is
22 amended to read:

23 486.103 Physical therapist assistant; application for
24 license; fee; ~~temporary permit.~~--

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

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1 to exceed \$100, as fixed by the board.

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

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

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

13 Section 162. Section 486.107, Florida Statutes, is
14 amended to read:

15 486.107 Physical therapist assistant; issuance of
16 license without examination to person licensed in another
17 jurisdiction; ~~temporary permit; fee.--~~

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

30 (2) At the time of making application for licensing
31 without examination pursuant to the terms of this section, the

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1 applicant shall pay to the department a fee not to exceed \$175
 2 as fixed by the board, no part of which will be returned.

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

9 Section 163. Paragraph (b) of subsection (1) of
 10 section 490.005, Florida Statutes, 1998 Supplement, is amended
 11 to read:

12 490.005 Licensure by examination.--

13 (1) Any person desiring to be licensed as a
 14 psychologist shall apply to the department to take the
 15 licensure examination. The department shall license each
 16 applicant who the board certifies has:

17 (b) Submitted proof satisfactory to the board that the
 18 applicant has:

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

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

30 3. Received and submitted to the board, prior to July
 31 1, 1999, certification of an augmented doctoral-level

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1 psychological education from the program director of a
 2 doctoral-level psychology program accredited by a programmatic
 3 agency recognized and approved by the United States Department
 4 of Education; or

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

20 Section 164. Subsection (1) of section 490.006,
 21 Florida Statutes, is amended to read:

22 490.006 Licensure by endorsement.--

23 (1) The department shall license a person as a
 24 psychologist or school psychologist who, upon applying to the
 25 department and remitting the appropriate fee, demonstrates to
 26 the department or, in the case of psychologists, to the board
 27 that the applicant:

28 (a) Holds a valid license or certificate in another
 29 state to practice psychology or school psychology, as
 30 applicable, provided that, when the applicant secured such
 31 license or certificate, the requirements were substantially

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1 equivalent to or more stringent than those set forth in this
 2 chapter at that time; and, if no Florida law existed at that
 3 time, then the requirements in the other state must have been
 4 substantially equivalent to or more stringent than those set
 5 forth in this chapter at the present time; ~~or~~

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

8 (c) Possesses a doctoral degree in psychology as
 9 described in s. 490.003 and has at least 20 years of
 10 experience as a licensed psychologist in any jurisdiction or
 11 territory of the United States within 25 years preceding the
 12 date of application.

13 Section 165. Subsection (2) of section 490.0085,
 14 Florida Statutes, is amended to read:

15 490.0085 Continuing education; approval of providers,
 16 programs, and courses; proof of completion.--

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

22 Section 166. Section 491.0045, Florida Statutes, is
 23 amended to read:

24 491.0045 Intern registration; requirements.--

25 (1) Effective January 1, 1998, an individual who
 26 intends to practice in Florida to satisfy the postgraduate or
 27 post-master's level experience requirements, as specified in
 28 s. 491.005(1)(c), (3)(c), or (4)(c), must register as an
 29 intern in the profession for which he or she is seeking
 30 licensure prior to commencing the post-master's experience
 31 requirement or an individual who intends to satisfy part of

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1 the required graduate-level practicum, internship, or field
2 experience, outside the academic arena for any profession,
3 must register as an intern in the profession for which he or
4 she is seeking licensure prior to commencing the practicum,
5 internship, or field experience.

6 (2) The department shall register as a clinical social
7 worker intern, marriage and family therapist intern, or mental
8 health counselor intern each applicant who the board certifies
9 has:

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

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

17 2. Submitted an acceptable supervision plan, as
18 determined by the board, for meeting the practicum,
19 internship, or field work required for licensure that was not
20 satisfied in his or her graduate program.

21 (c) Identified a qualified supervisor.

22 (3) An individual registered under this section must
23 remain under supervision until he or she is in receipt of a
24 license or a letter from the department stating that he or she
25 is licensed to practice the profession for which he or she
26 applied.

27 (4) An individual who has applied for intern
28 registration on or before December 31, 2001, and has satisfied
29 the education requirements of s. 491.005 that are in effect
30 through December 31, 2000, will have met the educational
31 requirements for licensure for the profession for which he or

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1 she has applied.

2 (5) Individuals who have commenced the experience
3 requirement as specified in s. 491.005(1)(c), (3)(c), or
4 (4)(c) but failed to register as required by subsection (1)
5 shall register with the department before January 1, 2000.
6 Individuals who fail to comply with this subsection shall not
7 be granted a license, and any time spent by the individual
8 completing the experience requirement prior to registering as
9 an intern shall not count toward completion of such
10 requirement.

11 Section 167. Subsections (1) and (2) of section
12 491.0046, Florida Statutes, are amended to read:

13 491.0046 Provisional license; requirements.--

14 (1) An individual applying for licensure by
15 examination who has satisfied the clinical experience
16 requirements of s. 491.005 or an individual applying for
17 licensure by endorsement pursuant to s. 491.006 intending to
18 provide clinical social work, marriage and family therapy, or
19 mental health counseling services in Florida while satisfying
20 coursework or examination requirements for licensure must be
21 provisionally licensed in the profession for which he or she
22 is seeking licensure prior to beginning practice.

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

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

30 (b) ~~Earned a graduate degree in social work, a~~
31 graduate degree with a major emphasis in marriage and family

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1 therapy or a closely related field, or a graduate degree in a
2 major related to the practice of mental health counseling;
3 ~~and, and satisfied the clinical experience requirements for~~
4 ~~licensure pursuant to s. 491.005; or~~

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

7 (c) Has met the following minimum coursework
8 requirements:

9 1. For clinical social work, a minimum of 15 semester
10 hours or 22 quarter hours of the coursework required by s.
11 491.005(1)(b)2.b.

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

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

19 Section 168. Section 491.005, Florida Statutes, is
20 amended to read:

21 491.005 Licensure by examination.--

22 (1) CLINICAL SOCIAL WORK.--Upon verification of
23 documentation and payment of a fee not to exceed \$200, as set
24 by board rule, plus the actual per applicant cost to the
25 department for purchase of the examination from the American
26 Association of State Social Worker's Boards or a similar
27 national organization, the department shall issue a license as
28 a clinical social worker to an applicant who the board
29 certifies:

30 (a) Has made application therefor and paid the
31 appropriate fee.

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1 (b)1. Has received a doctoral degree in social work
2 from a graduate school of social work which at the time the
3 applicant graduated was accredited by an accrediting agency
4 recognized by the United States Department of Education or has
5 received a master's degree in social work from a graduate
6 school of social work which at the time the applicant
7 graduated:

8 a. Was accredited by the Council on Social Work
9 Education;

10 b. Was accredited by the Canadian Association of
11 Schools of Social Work; or

12 c. Has been determined to have been a program
13 equivalent to programs approved by the Council on Social Work
14 Education by the Foreign Equivalency Determination Service of
15 the Council on Social Work Education. An applicant who
16 graduated from a program at a university or college outside of
17 the United States or Canada must present documentation of the
18 equivalency determination from the council in order to
19 qualify.

20 2. The applicant's graduate program must have
21 emphasized direct clinical patient or client health care
22 services, including, but not limited to, coursework in
23 clinical social work, psychiatric social work, medical social
24 work, social casework, psychotherapy, or group therapy. The
25 applicant's graduate program must have included all of the
26 following coursework:

27 a. A supervised field placement which was part of the
28 applicant's advanced concentration in direct practice, during
29 which the applicant provided clinical services directly to
30 clients.

31 b. Completion of 24 semester hours or 32 37 quarter

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1 hours in theory of human behavior and practice methods as
2 courses in clinically oriented services, including a minimum
3 of one course in psychopathology, and no more than one course
4 in research, taken in a school of social work accredited or
5 approved pursuant to subparagraph 1.

6 3. If the course title which appears on the
7 applicant's transcript does not clearly identify the content
8 of the coursework, the applicant shall be required to provide
9 additional documentation, including, but not limited to, a
10 syllabus or catalog description published for the course.

11 (c) Has had not less than 2 years of clinical social
12 work experience, which took place subsequent to completion of
13 a graduate degree in social work at an institution meeting the
14 accreditation requirements of this section, under the
15 supervision of a licensed clinical social worker or the
16 equivalent who is a qualified supervisor as determined by the
17 board. An individual who intends to practice in Florida to
18 satisfy clinical experience requirements must register
19 pursuant to s. 491.0045 prior to commencing practice. If the
20 applicant's graduate program was not a program which
21 emphasized direct clinical patient or client health care
22 services as described in subparagraph (b)2.s. 491.003, the
23 supervised experience requirement must take place after the
24 applicant has completed a minimum of 15 semester hours or 22
25 quarter hours of the coursework required. A doctoral
26 internship may be applied toward the clinical social work
27 experience requirement. The experience requirement may be met
28 by work performed on or off the premises of the supervising
29 clinical social worker or the equivalent, provided the
30 off-premises work is not the independent private practice
31 rendering of clinical social work that does not have a

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1 licensed mental health professional, as determined by the
2 board, on the premises at the same time the intern is
3 providing services.

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

6 (e) Has demonstrated, in a manner designated by rule
7 of the board, knowledge of the laws and rules governing the
8 practice of clinical social work, marriage and family therapy,
9 and mental health counseling.

10 (2) CLINICAL SOCIAL WORK.--

11 (a) Notwithstanding the provisions of paragraph
12 (1)(b), coursework which was taken at a baccalaureate level
13 shall not be considered toward completion of education
14 requirements for licensure unless an official of the graduate
15 program certifies in writing on the graduate school's
16 stationery that a specific course, which students enrolled in
17 the same graduate program were ordinarily required to complete
18 at the graduate level, was waived or exempted based on
19 completion of a similar course at the baccalaureate level. If
20 this condition is met, the board shall apply the baccalaureate
21 course named toward the education requirements.

22 (b) An applicant from a master's or doctoral program
23 in social work which did not emphasize direct patient or
24 client services may complete the clinical curriculum content
25 requirement by returning to a graduate program accredited by
26 the Council on Social Work Education or the Canadian
27 Association of Schools of Social Work, or to a clinical social
28 work graduate program with comparable standards, in order to
29 complete the education requirements for examination. However,
30 a maximum of 6 semester or 9 quarter hours of the clinical
31 curriculum content requirement may be completed by credit

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1 awarded for independent study coursework as defined by board
2 rule.

3 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification
4 of documentation and payment of a fee not to exceed \$200, as
5 set by board rule, plus the actual cost to the department for
6 the purchase of the examination from the Association of
7 Marital and Family Therapy Regulatory Board, or similar
8 national organization, the department shall issue a license as
9 a marriage and family therapist to an applicant who the board
10 certifies:

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

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

16 a. Twenty-seven semester hours or 41 quarter hours of
17 graduate coursework, which must include a minimum of 2
18 semester hours or 3 quarter hours of graduate-level course
19 credits in each of the following nine areas: dynamics of
20 marriage and family systems; marriage therapy and counseling
21 theory and techniques; family therapy and counseling theory
22 and techniques; individual human development theories
23 throughout the life cycle; personality theory;
24 psychopathology; human sexuality theory and counseling
25 techniques; general counseling theory and techniques; and
26 psychosocial theory. Content may be combined, provided no more
27 than two of the nine content areas are included in any one
28 graduate-level course and the applicant can document that the
29 equivalent of 2 semester hours of coursework was devoted to
30 each content area. Courses in research, evaluation, appraisal,
31 assessment, or testing theories and procedures; thesis or

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1 dissertation work; or practicums, internships, or fieldwork
2 may not be applied toward this requirement.

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

8 c. A minimum of one graduate-level course of 2
9 semester hours or 3 quarter hours in diagnosis, appraisal,
10 assessment, and testing for individual or interpersonal
11 disorder or dysfunction; and a minimum of one 2-semester-hour
12 or 3-quarter-hour graduate-level course in behavioral research
13 which focuses on the interpretation and application of
14 research data as it applies to clinical practice. Credit for
15 thesis or dissertation work, practicums, internships, or
16 fieldwork may not be applied toward this requirement.

17 d. A minimum of one supervised clinical practicum,
18 internship, or field experience in a marriage and family
19 counseling setting, during which the student provided 180
20 direct client contact hours of marriage and family therapy
21 services under the supervision of an individual who met the
22 requirements for supervision under paragraph (c). This
23 requirement may be met by a supervised practice experience
24 which took place outside the academic arena, but which is
25 certified as equivalent to a graduate-level practicum or
26 internship program which required a minimum of 180 direct
27 client contact hours of marriage and family therapy services
28 currently offered within an academic program of a college or
29 university accredited by an accrediting agency approved by the
30 United States Department of Education, or an institution which
31 is publicly recognized as a member in good standing with the

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1 Association of Universities and Colleges of Canada or a
2 training institution accredited by the Commission on
3 Accreditation for Marriage and Family Therapy Education
4 recognized by the United States Department of Education.
5 Certification shall be required from an official of such
6 college, university, or training institution.

7 2. If the course title which appears on the
8 applicant's transcript does not clearly identify the content
9 of the coursework, the applicant shall be required to provide
10 additional documentation, including, but not limited to, a
11 syllabus or catalog description published for the course.
12

13 The required master's degree must have been received in an
14 institution of higher education which at the time the
15 applicant graduated was: fully accredited by a regional
16 accrediting body recognized by the Commission on Recognition
17 of Postsecondary Accreditation; publicly recognized as a
18 member in good standing with the Association of Universities
19 and Colleges of Canada; or an institution of higher education
20 located outside the United States and Canada, which at the
21 time the applicant was enrolled and at the time the applicant
22 graduated maintained a standard of training substantially
23 equivalent to the standards of training of those institutions
24 in the United States which are accredited by a regional
25 accrediting body recognized by the Commission on Recognition
26 of Postsecondary Accreditation. Such foreign education and
27 training must have been received in an institution or program
28 of higher education officially recognized by the government of
29 the country in which it is located as an institution or
30 program to train students to practice as professional marriage
31 and family therapists or psychotherapists. The burden of

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1 establishing that the requirements of this provision have been
2 met shall be upon the applicant, and the board shall require
3 documentation, such as, but not limited to, an evaluation by a
4 foreign equivalency determination service, as evidence that
5 the applicant's graduate degree program and education were
6 equivalent to an accredited program in this country. An
7 applicant with a master's degree from a program which did not
8 emphasize marriage and family therapy may complete the
9 coursework requirement in a training institution fully
10 accredited by the Commission on Accreditation for Marriage and
11 Family Therapy Education recognized by the United States
12 Department of Education.

13 (c) Has had not less than 2 years of clinical
14 experience during which 50 percent of the applicant's clients
15 were receiving marriage and family therapy services, which
16 must be at the post-master's level under the supervision of a
17 licensed marriage and family therapist with at least 5 years
18 of experience, or the equivalent, who is a qualified
19 supervisor as determined by the board. An individual who
20 intends to practice in Florida to satisfy the clinical
21 experience requirements must register pursuant to s. 491.0045
22 prior to commencing practice. If a graduate has a master's
23 degree with a major emphasis in marriage and family therapy or
24 a closely related field that did not include all the
25 coursework required under sub-subparagraphs (b)1.a.-c., credit
26 for the post-master's level clinical experience shall not
27 commence until the applicant has completed a minimum of 10 of
28 the courses required under sub-subparagraphs (b)1.a.-c., as
29 determined by the board, and at least 6 semester hours or 9
30 quarter hours of the course credits must have been completed
31 in the area of marriage and family systems, theories, or

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1 techniques. Within the 3 years of required experience, the
2 applicant shall provide direct individual, group, or family
3 therapy and counseling, to include the following categories of
4 cases: unmarried dyads, married couples, separating and
5 divorcing couples, and family groups including children. A
6 doctoral internship may be applied toward the clinical
7 experience requirement. The clinical experience requirement
8 may be met by work performed on or off the premises of the
9 supervising marriage and family therapist or the equivalent,
10 provided the off-premises work is not the independent private
11 practice rendering of marriage and family therapy services
12 that does not have a licensed mental health professional, as
13 determined by the board, on the premises at the same time the
14 intern is providing services.

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

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

21 (f) For the purposes of dual licensure, the department
22 shall license as a marriage and family therapist any person
23 who meets the requirements of s. 491.0057. Fees for dual
24 licensure shall not exceed those stated in this subsection.

25 (4) MENTAL HEALTH COUNSELING.--Upon verification of
26 documentation and payment of a fee not to exceed \$200, as set
27 by board rule, plus the actual per applicant cost to the
28 department for purchase of the examination from the
29 Professional Examination Service for the National Academy of
30 Certified Clinical Mental Health Counselors or a similar
31 national organization, the department shall issue a license as

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1 a mental health counselor to an applicant who the board
2 certifies:

3 (a) Has made application therefor and paid the
4 appropriate fee.

5 (b)1. Has received a minimum of an earned master's
6 degree with a major related to the practice of mental health
7 counseling, and has completed all of the following
8 requirements:

9 a. Twenty-one semester hours or 32 quarter hours of
10 graduate coursework, which must include a minimum of 2
11 semester hours or 3 quarter hours of graduate-level coursework
12 in each of the following seven content areas: counseling
13 theories and practice; human development theories; personality
14 theory; psychopathology or abnormal psychology; human
15 sexuality theories; group theories and practice; and
16 individual evaluation and assessment. Content may be
17 combined, provided no more than two of the seven content areas
18 are included in any one graduate-level course and the
19 applicant can document that the equivalent of 2 semester hours
20 of content was devoted to each content area. Courses in
21 research, thesis or dissertation work, practicums,
22 internships, or fieldwork may not be applied toward this
23 requirement.

24 b. A minimum of one 2-semester-hour or 3-quarter-hour
25 graduate-level course in research or in career or vocational
26 counseling. Credit for thesis or dissertation work,
27 practicums, internships, or fieldwork may not be applied
28 toward this requirement.

29 c. A minimum of 2 semester hours or 3 quarter hours of
30 graduate-level coursework in legal, ethical, and professional
31 standards issues in the practice of mental health counseling,

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1 which includes goals and objectives of professional counseling
2 organizations, codes of ethics, legal considerations,
3 standards of preparation, certifications and licensing, and
4 the role identity of counselors. Courses in research, thesis
5 or dissertation work, practicums, internships, or fieldwork
6 may not be applied toward this requirement.

7 d. A minimum of one supervised practicum, internship,
8 or field experience in a counseling setting. This requirement
9 may be met by a supervised practice experience which takes
10 place outside the academic arena, but which is certified as
11 equivalent to a graduate-level practicum in a clinical mental
12 health counseling setting currently offered within an academic
13 program of a college or university accredited by an
14 accrediting agency approved by the United States Department of
15 Education. Such certification shall be required from an
16 official of such college or university.

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

22
23 Except as provided in sub-subparagraph 1.d., education and
24 training in mental health counseling must have been received
25 in an institution of higher education which at the time the
26 applicant graduated was: fully accredited by a regional
27 accrediting body recognized by the Commission on Recognition
28 of Postsecondary Accreditation; publicly recognized as a
29 member in good standing with the Association of Universities
30 and Colleges of Canada; or an institution of higher education
31 located outside the United States and Canada, which at the

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1 time the applicant was enrolled and at the time the applicant
2 graduated maintained a standard of training substantially
3 equivalent to the standards of training of those institutions
4 in the United States which are accredited by a regional
5 accrediting body recognized by the Commission on Recognition
6 of Postsecondary Accreditation. Such foreign education and
7 training must have been received in an institution or program
8 of higher education officially recognized by the government of
9 the country in which it is located as an institution or
10 program to train students to practice as mental health
11 counselors. The burden of establishing that the requirements
12 of this provision have been met shall be upon the applicant,
13 and the board shall require documentation, such as, but not
14 limited to, an evaluation by a foreign equivalency
15 determination service, as evidence that the applicant's
16 graduate degree program and education were equivalent to an
17 accredited program in this country.

18 (c) Has had not less than 2 years of clinical
19 experience in mental health counseling, which must be at the
20 post-master's level under the supervision of a licensed mental
21 health counselor or the equivalent who is a qualified
22 supervisor as determined by the board. An individual who
23 intends to practice in Florida to satisfy the clinical
24 experience requirements must register pursuant to s. 491.0045
25 prior to commencing practice. If a graduate has a master's
26 degree with a major related to the practice of mental health
27 counseling which did not include all the coursework required
28 under sub-subparagraphs (b)1.a.-c., credit for the
29 post-master's level clinical experience shall not commence
30 until the applicant has completed a minimum of seven of the
31 courses required under sub-subparagraphs (b)1.a.-c., as

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1 determined by the board, one of which must be a course in
2 psychopathology or abnormal psychology. A doctoral internship
3 may be applied toward the clinical experience requirement. The
4 clinical experience requirement may be met by work performed
5 on or off the premises of the supervising mental health
6 counselor or the equivalent, provided the off-premises work is
7 not the independent private practice rendering of services
8 that does not have a licensed mental health professional, as
9 determined by the board, on the premises at the same time the
10 intern is providing services.

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

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

17 (5) INTERNSHIP.--An individual who is registered as an
18 intern and has satisfied all of the educational requirements
19 for the profession for which the applicant seeks licensure
20 shall be certified as having met the educational requirements
21 for licensure under this section.

22 (6) RULES.--The board may adopt rules necessary to
23 implement any education or experience requirement of this
24 section for licensure as a clinical social worker, marriage
25 and family therapist, or mental health counselor.

26 Section 169. Effective January 1, 2001, paragraph (b)
27 of subsection (4) of section 491.005, Florida Statutes, as
28 amended by section 13 of chapter 97-198 and section 205 of
29 chapter 97-264, Laws of Florida, and as amended by this act,
30 is amended, and subsection (6) of that section, as created by
31 this act, is reenacted, to read:

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1 491.005 Licensure by examination.--

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

11 (b)1. Has a minimum of an earned master's degree from
12 a mental health counseling program accredited by the Council
13 for the Accreditation of Counseling and Related Educational
14 Programs that consists of at least 60 semester hours or 80
15 quarter hours of clinical and didactic instruction, including
16 a course in human sexuality and a course in substance abuse.
17 If the master's degree is earned from a program related to the
18 practice of mental health counseling that is not accredited by
19 the Council for the Accreditation of Counseling and Related
20 Educational Programs, then the coursework and practicum,
21 internship, or fieldwork must consist of at least 60 semester
22 hours or 80 quarter hours and meet the following requirements:

23 a. Thirty-three ~~Thirty-six~~ semester hours or 44 ~~48~~
24 quarter hours of graduate coursework, which must include a
25 minimum of 3 semester hours or 4 quarter hours of
26 graduate-level coursework in each of the following 11 ~~12~~
27 content areas: counseling theories and practice; human growth
28 and development; diagnosis and treatment of psychopathology;
29 human sexuality; group theories and practice; individual
30 evaluation and assessment; career and lifestyle assessment;
31 research and program evaluation; social and cultural

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1 foundations; ~~foundations of mental health counseling~~;
2 counseling in community settings; and substance abuse. Courses
3 in research, thesis or dissertation work, practicums,
4 internships, or fieldwork may not be applied toward this
5 requirement.

6 b. A minimum of 3 semester hours or 4 quarter hours of
7 graduate-level coursework in legal, ethical, and professional
8 standards issues in the practice of mental health counseling,
9 which includes goals, objectives, and practices of
10 professional counseling organizations, codes of ethics, legal
11 considerations, standards of preparation, certifications and
12 licensing, and the role identity and professional obligations
13 of mental health counselors. Courses in research, thesis or
14 dissertation work, practicums, internships, or fieldwork may
15 not be applied toward this requirement.

16 c. The equivalent, as determined by the board,of at
17 least 1,000 hours of university-sponsored supervised clinical
18 practicum, internship, or field experience as required in the
19 accrediting standards of the Council for Accreditation of
20 Counseling and Related Educational Programs for mental health
21 counseling programs. ~~If the academic practicum, internship, or~~
22 ~~field experience was less than 1,000 hours, experience gained~~
23 ~~outside the academic arena in clinical mental health settings~~
24 ~~under the supervision of a qualified supervisor as determined~~
25 ~~by the board may be applied.~~This experience may not be used
26 to satisfy the post-master's clinical experience requirement.

27 2. If the course title which appears on the
28 applicant's transcript does not clearly identify the content
29 of the coursework, the applicant shall be required to provide
30 additional documentation, including, but not limited to, a
31 syllabus or catalog description published for the course.

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1
2 Education and training in mental health counseling must have
3 been received in an institution of higher education which at
4 the time the applicant graduated was: fully accredited by a
5 regional accrediting body recognized by the Commission on
6 Recognition of Postsecondary Accreditation; publicly
7 recognized as a member in good standing with the Association
8 of Universities and Colleges of Canada; or an institution of
9 higher education located outside the United States and Canada,
10 which at the time the applicant was enrolled and at the time
11 the applicant graduated maintained a standard of training
12 substantially equivalent to the standards of training of those
13 institutions in the United States which are accredited by a
14 regional accrediting body recognized by the Commission on
15 Recognition of Postsecondary Accreditation. Such foreign
16 education and training must have been received in an
17 institution or program of higher education officially
18 recognized by the government of the country in which it is
19 located as an institution or program to train students to
20 practice as mental health counselors. The burden of
21 establishing that the requirements of this provision have been
22 met shall be upon the applicant, and the board shall require
23 documentation, such as, but not limited to, an evaluation by a
24 foreign equivalency determination service, as evidence that
25 the applicant's graduate degree program and education were
26 equivalent to an accredited program in this country.

27 (6) RULES.--The board may adopt rules necessary to
28 implement any education or experience requirement of this
29 section for licensure as a clinical social worker, marriage
30 and family therapist, or mental health counselor.

31 Section 170. Paragraph (b) of subsection (1) of

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1 section 491.006, Florida Statutes, is amended to read:

2 491.006 Licensure or certification by endorsement.--

3 (1) The department shall license or grant a
4 certificate to a person in a profession regulated by this
5 chapter who, upon applying to the department and remitting the
6 appropriate fee, demonstrates to the board that he or she:

7 (b)1. Holds an active valid license to practice and
8 has actively practiced the profession for which licensure is
9 applied in another state for 3 of the last 5 years immediately
10 preceding licensure.

11 2. Meets the education requirements of this chapter
12 for the profession for which licensure is applied.

13 3. Has passed a substantially equivalent licensing
14 examination in another state or has passed the licensure
15 examination in this state in the profession for which the
16 applicant seeks licensure.

17 4. Holds a license in good standing, is not under
18 investigation for an act which would constitute a violation of
19 this chapter, and has not been found to have committed any act
20 which would constitute a violation of this chapter.

21 Section 171. Section 491.0085, Florida Statutes, is
22 amended to read:

23 491.0085 Continuing education and laws and rules
24 courses; approval of providers, programs, and courses; proof
25 of completion.--

26 (1) Continuing education providers, programs, and
27 courses and laws and rules courses and their providers and
28 programs shall be approved by the department or the board.

29 (2) The department or the board has the authority to
30 set a fee not to exceed \$200 for each applicant who applies
31 for or renews provider status. Such fees shall be deposited

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1 into the Medical Quality Assurance ~~Health Care~~ Trust Fund.

2 (3) Proof of completion of the required number of
3 hours of continuing education and completion of the laws and
4 rules course shall be submitted to the department or the board
5 in the manner and time specified by rule and on forms provided
6 by the department or the board.

7 (4) The department or the board shall adopt rules and
8 guidelines to administer and enforce the provisions of this
9 section.

10 Section 172. Paragraph (d) of subsection (4) of
11 section 491.014, Florida Statutes, 1998 Supplement, is amended
12 to read:

13 491.014 Exemptions.--

14 (4) No person shall be required to be licensed,
15 provisionally licensed, registered, or certified under this
16 chapter who:

17 (d) Is not a resident of this state but offers
18 services in this state, provided:

19 1. Such services are performed for no more than ~~5 days~~
20 ~~in any month and no more than~~ 15 days in any calendar year;
21 and

22 2. Such nonresident is licensed or certified to
23 practice the services provided by a state or territory of the
24 United States or by a foreign country or province.

25 Section 173. Paragraph (a) of subsection (1) and
26 subsection (5) of section 499.012, Florida Statutes, 1998
27 Supplement, are amended to read:

28 499.012 Wholesale distribution; definitions; permits;
29 general requirements.--

30 (1) As used in this section, the term:

31 (a) "Wholesale distribution" means distribution of

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1 prescription drugs to persons other than a consumer or
2 patient, but does not include:

3 1. 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 s. 499.014:

6 a. The purchase or other acquisition by a hospital or
7 other health care entity that is a member of a group
8 purchasing organization of a prescription drug for its own use
9 from the group purchasing organization or from other hospitals
10 or health care entities that are members of that organization.

11 b. The sale, purchase, or trade of a prescription drug
12 or an offer to sell, purchase, or trade a prescription drug by
13 a charitable organization described in s. 501(c)(3) of the
14 Internal Revenue Code of 1986, as amended and revised, to a
15 nonprofit affiliate of the organization to the extent
16 otherwise permitted by law.

17 c. The sale, purchase, or trade of a prescription drug
18 or an offer to sell, purchase, or trade a prescription drug
19 among hospitals or other health care entities that are under
20 common control. For purposes of this section, "common control"
21 means the power to direct or cause the direction of the
22 management and policies of a person or an organization,
23 whether by ownership of stock, by voting rights, by contract,
24 or otherwise.

25 d. The sale, purchase, trade, or other transfer of a
26 prescription drug from or for any federal, state, or local
27 government agency or any entity eligible to purchase
28 prescription drugs at public health services prices pursuant
29 to s. 602 of Pub. L. No. 102-585 to a contract provider or its
30 subcontractor for eligible patients of the agency or entity
31 under the following conditions:

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1 (I) The agency or entity must obtain written
2 authorization for the sale, purchase, trade, or other transfer
3 of a prescription drug under this sub-subparagraph from the
4 Secretary of Health or his or her designee.

5 (II) The contract provider or subcontractor must be
6 authorized by law to administer or dispense prescription
7 drugs.

8 (III) In the case of a subcontractor, the agency or
9 entity must be a party to and execute the subcontract.

10 (IV) A contract provider or subcontractor must
11 maintain separate and apart from other prescription drug
12 inventory any prescription drugs of the agency or entity in
13 its possession.

14 (V) The contract provider and subcontractor must
15 maintain and produce immediately for inspection all records of
16 movement or transfer of all the prescription drugs belonging
17 to the agency or entity, including, but not limited to, the
18 records of receipt and disposition of prescription drugs.
19 Each contractor and subcontractor dispensing or administering
20 these drugs must maintain and produce records documenting the
21 dispensing or administration. Records that are required to be
22 maintained include, but are not limited to, a perpetual
23 inventory itemizing drugs received and drugs dispensed by
24 prescription number or administered by patient identifier,
25 which must be submitted to the agency or entity quarterly.

26 (VI) The contract provider or subcontractor may
27 administer or dispense the prescription drugs only to the
28 eligible patients of the agency or entity or must return the
29 prescription drugs for or to the agency or entity. The
30 contract provider or subcontractor must require proof from
31 each person seeking to fill a prescription or obtain treatment

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1 that the person is an eligible patient of the agency or entity
2 and must, at a minimum, maintain a copy of this proof as part
3 of the records of the contractor or subcontractor required
4 under sub-sub-subparagraph (V).

5 (VII) The prescription drugs transferred pursuant to
6 this sub-subparagraph may not be billed to Medicaid.

7 (VIII) In addition to the departmental inspection
8 authority set forth in s. 499.051, the establishment of the
9 contract provider and subcontractor and all records pertaining
10 to prescription drugs subject to this sub-subparagraph shall
11 be subject to inspection by the agency or entity. All records
12 relating to prescription drugs of a manufacturer under this
13 sub-subparagraph shall be subject to audit by the manufacturer
14 of those drugs, without identifying individual patient
15 information.

16 2. Any of the following activities, which is not a
17 violation of s. 499.005(21) if such activity is conducted in
18 accordance with rules established by the department:

19 a. The sale, purchase, or trade of a prescription drug
20 among federal, state, or local government health care entities
21 that are under common control and are authorized to purchase
22 such prescription drug.

23 b. The sale, purchase, or trade of a prescription drug
24 or an offer to sell, purchase, or trade a prescription drug
25 for emergency medical reasons. ~~For purposes of this~~
26 ~~sub-subparagraph subparagraph~~, the term "emergency medical
27 reasons" includes transfers of prescription drugs by a retail
28 pharmacy to another retail pharmacy to alleviate a temporary
29 shortage.

30 c. The ~~transfer purchase or acquisition~~ of a
31 prescription drug acquired by a medical director on behalf of

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1 a licensed an emergency medical services provider to that
2 ~~medical director for use by~~ emergency medical services
3 provider and its transport vehicles for use in accordance with
4 the provider's license under ~~providers acting within the scope~~
5 ~~of their professional practice pursuant to~~ chapter 401.

6 d. The revocation of a sale or the return of a
7 prescription drug to the person's prescription drug wholesale
8 supplier.

9 e. The donation of a prescription drug by a health
10 care entity to a charitable organization that has been granted
11 an exemption under s. 501(c)(3) of the Internal Revenue Code
12 of 1986, as amended, and that is authorized to possess
13 prescription drugs.

14 f. The transfer of a prescription drug by a person
15 authorized to purchase or receive prescription drugs to a
16 person licensed or permitted to handle reverse distributions
17 or destruction under the laws of the jurisdiction in which the
18 person handling the reverse distribution or destruction
19 receives the drug.

20 ~~3. The dispensing of a prescription drug pursuant to a~~
21 ~~prescription.~~

22 ~~3.4.~~ The distribution of prescription drug samples by
23 manufacturers' representatives or distributors'
24 representatives conducted in accordance with s. 499.028. ~~or~~

25 ~~4.5.~~ The sale, purchase, or trade of blood and blood
26 components intended for transfusion. As used in this
27 subparagraph ~~section~~, the term "blood" means whole blood
28 collected from a single donor and processed either for
29 transfusion or further manufacturing, and the term "blood
30 components" means that part of the blood separated by physical
31 or mechanical means.

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1 5. The lawful dispensing of a prescription drug in
2 accordance with chapter 465.

3 (5) The department may adopt rules governing the
4 recordkeeping, storage, and handling with respect to each of
5 the distributions of prescription drugs specified in
6 subparagraphs ~~(1)(a)1.-4.(1)(a)1., 2., 4., and 5.~~

7 Section 174. Subsection (6) is added to section
8 626.883, Florida Statutes, to read:

9 626.883 Administrator as intermediary; collections
10 held in fiduciary capacity; establishment of account;
11 disbursement; payments on behalf of insurer.--

12 (6) All payments to a health care provider by a fiscal
13 intermediary for noncapitated providers must include an
14 explanation of services being reimbursed which includes, at a
15 minimum, the patient's name, the date of service, the
16 procedure code, the amount of reimbursement, and the
17 identification of the plan on whose behalf the payment is
18 being made. For capitated providers, the statement of services
19 must include the number of patients covered by the contract,
20 the rate per patient, the total amount of the payment, and the
21 identification of the plan on whose behalf the payment is
22 being made.

23 Section 175. Paragraph (a) of subsection (2) of
24 section 641.316, Florida Statutes, 1998 Supplement, is amended
25 to read:

26 641.316 Fiscal intermediary services.--

27 (2)(a) The term "fiduciary" or "fiscal intermediary
28 services" means reimbursements received or collected on behalf
29 of health care professionals for services rendered, patient
30 and provider accounting, financial reporting and auditing,
31 receipts and collections management, compensation and

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1 reimbursement disbursement services, or other related
2 fiduciary services pursuant to health care professional
3 contracts with health maintenance organizations. All payments
4 to a health care provider by a fiscal intermediary for
5 noncapitated providers must include an explanation of services
6 being reimbursed which includes, at a minimum, the patient's
7 name, the date of service, the procedure code, the amount of
8 reimbursement, and the identification of the plan on whose
9 behalf the payment is being made. For capitated providers, the
10 statement of services must include the number of patients
11 covered by the contract, the rate per patient, the total
12 amount of the payment, and the identification of the plan on
13 whose behalf the payment is being made.

14 Section 176. Task Force on Telehealth.--

15 (1) Because telecommunications technology has made it
16 possible to provide a wide range of health care services
17 across state lines between healthcare practitioners and
18 patients, it is the intent of the Legislature to protect the
19 health and safety of all patients in this state receiving
20 services by means of such technology and to ensure the
21 accountability of the healthcare profession with respect to
22 unsafe and incompetent practitioners using such technology to
23 provide health care services to patients in this state.

24 (2) The Secretary of Health shall appoint a task force
25 consisting of representatives from the affected medical and
26 allied health professions and other affected health care
27 industries.

28 (3) The task force shall address the following:

29 (a) Identification of various electronic
30 communications or telecommunications technologies currently
31 used within the state and by other states to provide

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1 healthcare information.

2 (b) Identification of laws, regulations, and
3 reimbursement practices that serve as barriers to
4 implementation of electronic communications related to health
5 care.

6 (c) Recommendation of the appropriate level of
7 regulation of health care professionals necessary to protect
8 the health and safety of patients in this state, including
9 analysis of existing provisions governing in-state
10 professionals such as licensing, financial responsibility, and
11 medical malpractice insurance requirements.

12 (d) Potential preemption of state regulation by the
13 Commerce Clause of the United States Constitution.

14 (e) The effect of telehealth on access to health care
15 in rural and underserved areas.

16 (f) Potential antitrust concerns.

17 (g) The effect of regulations by other states or
18 jurisdictions on health care professionals in this state who
19 provide consultative services through telehealth to entities
20 and patients outside the state.

21 (h) Research on other public and private data and
22 initiatives related to telehealth.

23 (i) Any other issue affecting the health, safety, and
24 welfare of patients through telehealth identified by the task
25 force.

26 (4) The task force shall submit a report of its
27 findings and recommendations by January 1, 2000, to the
28 Governor, the President of the Senate, and the Speaker of the
29 House of Representatives.

30 Section 177. Subsection (1) of section 468.352,
31 Florida Statutes, is amended to read:

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1 468.352 Definitions.--As used in this part, unless the
2 context otherwise requires, the term:

3 (1) "Board" means the Board of Respiratory Care
4 Medicine.

5 Section 178. Section 468.353, Florida Statutes, is
6 amended to read:

7 468.353 Board of Respiratory Care ~~Medicine~~; powers and
8 duties.--

9 (1) ~~The board, with the assistance of the Advisory~~
10 ~~Council on Respiratory Care,~~ is authorized to establish
11 minimum standards for the delivery of respiratory care
12 services and to adopt those rules necessary to administer this
13 part.

14 (2) The board may administer oaths, summon witnesses,
15 and take testimony in all matters relating to its duties under
16 this part.

17 (3) The board may adopt rules to administer this part,
18 including rules governing the investigation, inspection, and
19 review of schools and colleges that offer courses in
20 respiratory care in order to ascertain their compliance with
21 standards established by the board or appropriate accrediting
22 agencies ~~delegate such powers and duties to the council as it~~
23 ~~may deem proper.~~

24 Section 179. Section 468.354, Florida Statutes, is
25 amended to read:

26 468.354 Board of ~~Advisory Council on~~ Respiratory Care;
27 organization; function.--

28 (1) There is created within the department, the Board
29 of ~~Advisory Council on~~ Respiratory Care, composed of seven
30 members appointed by the Governor and confirmed by the Senate
31 under the supervision of the board.

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1 (2) The board ~~council shall consist of five members~~
2 ~~appointed by the board and shall include:~~

3 (a) A registered respiratory therapist.

4 (b) A certified respiratory therapist ~~care~~
5 ~~practitioner.~~

6 (c) A respiratory care professional from each of the
7 following areas:

8 1. Respiratory care education.

9 2. Respiratory care management and supervision.

10 3. Homecare/subacute ~~Cardiopulmonary diagnostics.~~

11 (d) Two consumer members, who are residents of this
12 state and have never been licensed as health care
13 practitioners.

14
15 Each ~~member of the council shall be a~~ respiratory care
16 professional on the board must have ~~who has~~ been actively
17 engaged in the delivery of respiratory care services in this
18 state for at least 4 consecutive years prior to appointment.

19 (3)(a) Except as provided in paragraph (b), the term
20 of office for each board ~~council~~ member shall be 4 years. No
21 member shall serve for more than two consecutive terms. Any
22 time there is a vacancy to be filled ~~on the council~~, all
23 professional organizations dealing with respiratory therapy
24 incorporated within the state as not for profit which register
25 their interest ~~with the board~~ shall recommend at least twice
26 as many persons to fill the vacancy ~~to the council~~ as the
27 number of vacancies to be filled, and the Governor ~~board~~ may
28 appoint from the submitted list, in his ~~its~~ discretion, any of
29 those persons so recommended. The Governor ~~board~~ shall,
30 insofar as possible, appoint persons from different
31 geographical areas.

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1 (b) ~~In order~~ To achieve staggering of terms, within
2 120 days after July 1, 1999, ~~October 1, 1984~~, the Governor
3 ~~board~~ shall appoint the board members ~~of the council~~ as
4 follows:

5 1. Two members ~~One member~~ shall be appointed for terms
6 ~~a term~~ of 2 years.

7 2. Two members shall be appointed for terms of 3
8 years.

9 3. Three ~~Two~~ members shall be appointed for terms of 4
10 years.

11 (c) All provisions of part II of chapter 455, relating
12 to boards apply to this part.

13 (4)(a) The board ~~council~~ shall annually elect from
14 among its members a chair and vice chair.

15 (b) The board ~~council~~ shall meet at least twice a year
16 and shall hold ~~such~~ additional meetings as are deemed
17 necessary ~~by the board~~. Four ~~Three~~ members of the council
18 constitute a quorum.

19 (c) Unless otherwise provided by law, a board ~~council~~
20 member shall be compensated \$50 for each day he or she attends
21 an official board meeting ~~of the council~~ and for each day he
22 or she participates in any other board business ~~involving the~~
23 ~~council~~. A board ~~council~~ member shall also be entitled to
24 reimbursement for expenses pursuant to s. 112.061. Travel out
25 of the state shall require the prior approval of the secretary
26 of the department.

27 (5)(a) The board may ~~council shall~~ recommend to the
28 department a code of ethics for those persons licensed
29 pursuant to this part.

30 ~~(b) The council shall make recommendations to the~~
31 ~~department for the approval of continuing education courses.~~

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1 Section 180. Section 468.355, Florida Statutes, is
2 amended to read:

3 468.355 Eligibility for licensure; temporary
4 licensure.--

5 (1) To be eligible for licensure by the board as a
6 respiratory care practitioner, an applicant must:

7 (a) Be at least 18 years old.

8 (b) Possess a high school diploma or a graduate
9 equivalency diploma.

10 (c) Meet at least one of the following criteria:

11 1. The applicant has successfully completed a training
12 program for respiratory therapy technicians or respiratory
13 therapists approved by the Commission on Accreditation of
14 Allied Health Education Programs, or the equivalent thereof,
15 as accepted by the board.

16 2. The applicant is currently a "Certified Respiratory
17 Therapy Technician" certified by the National Board for
18 Respiratory Care, or the equivalent thereof, as accepted by
19 the board.

20 3. The applicant is currently a "Registered
21 Respiratory Therapist" registered by the National Board for
22 Respiratory Care, or the equivalent thereof, as accepted by
23 the board.

24 ~~4. The applicant is currently employed in this state
25 as a respiratory care practitioner or respiratory therapist on
26 October 1, 1984.~~

27
28 The criteria set forth in subparagraphs 2. and 3.
29 notwithstanding, the board shall periodically ~~annually~~ review
30 the examinations and standards of the National Board for
31 Respiratory Care and may reject those examinations and

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1 standards if they are deemed inappropriate.

2 (2) To be eligible for licensure by the board as a
3 respiratory therapist, an applicant must:

4 (a) Be at least 18 years old.

5 (b) Possess a high school diploma or a graduate
6 equivalency diploma.

7 (c) Meet at least one of the following criteria:

8 1. The applicant has successfully completed a training
9 program for respiratory therapists approved by the Commission
10 on Accreditation of Allied Health Education Programs, or the
11 equivalent thereof, as accepted by the board.

12 2. The applicant is currently a "Registered
13 Respiratory Therapist" registered by the National Board for
14 Respiratory Care, or the equivalent thereof, as accepted by
15 the board.

16
17 The criteria set forth in subparagraphs 1. and 2.
18 notwithstanding, the board shall periodically ~~annually~~ review
19 the examinations and standards of the National Board for
20 Respiratory Care and may reject those examinations and
21 standards if they are deemed inappropriate.

22 (3) With respect to the delivery of respiratory care
23 services, the board shall establish procedures for temporary
24 licensure of eligible individuals entering the state and
25 temporary licensure of those persons who have graduated from a
26 program approved by the board. Such temporary licensure shall
27 be for a period not to exceed 1 year.

28 Section 181. Section 468.357, Florida Statutes, is
29 amended to read:

30 468.357 Licensure by examination.--

31 (1) A person who desires to be licensed as a

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1 respiratory care practitioner may submit an application ~~to the~~
2 ~~department~~ to take the examination, in accordance with board
3 rule to be administered by the department.

4 (a) ~~The department shall examine~~ Each applicant may
5 take the examination who is determined by the board to have:

6 1. Completed the application form and remitted the
7 applicable fee set by the board;

8 2. Submitted required documentation as required in s.
9 468.355; and

10 3. Remitted an examination fee set by the examination
11 provider board.

12 (b) ~~The department shall conduct~~ Examinations for
13 licensure of respiratory care practitioners must be conducted
14 no less than two times a year in such geographical locations
15 or by such methods as are deemed advantageous to the majority
16 of the applicants.

17 (c) The examination given for respiratory care
18 practitioners shall be the same as that given by the National
19 Board for Respiratory Care for entry-level certification of
20 respiratory therapy technicians. However, an equivalent
21 examination may be accepted by the board in lieu of that
22 examination.

23 (2) Each applicant who passes the examination shall be
24 entitled to licensure as a respiratory care practitioner, and
25 the department shall issue a license pursuant to this part to
26 any applicant who successfully completes the examination in
27 accordance with this section. However, the department shall
28 not issue a license to any applicant who is under
29 investigation in another jurisdiction for an offense which
30 would constitute a violation of this part. Upon completion of
31 such an investigation, if the applicant is found guilty of

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1 such an offense, the applicable provisions of s. 468.365 will
2 apply.

3 ~~(3) Any person who was employed in this state on or~~
4 ~~before September 30, 1983, as a respiratory therapy technician~~
5 ~~or respiratory therapist, and who has performed services in~~
6 ~~such professional capacity for 4 years or more by October 1,~~
7 ~~1987, under the supervision of a licensed physician or in a~~
8 ~~hospital or licensed health care facility, shall be issued a~~
9 ~~license without examination, if such person provides~~
10 ~~acceptable documentation of performance of such services to~~
11 ~~the board. Such documentation shall include certification by~~
12 ~~a physician licensed pursuant to chapter 458 or chapter 459~~
13 ~~who has direct knowledge of the practice of, or who has~~
14 ~~supervised, the person. If such person is not determined to~~
15 ~~have performed critical care respiratory services for at least~~
16 ~~4 years, the board may limit the license of such person to the~~
17 ~~performance of noncritical care respiratory services.~~

18 Section 182. Section 468.364, Florida Statutes, 1998
19 Supplement, is amended to read:

20 468.364 Fees; establishment; disposition.--

21 (1) The board shall establish by rule fees for the
22 following purposes:

23 (a) Application, a fee not to exceed \$50.

24 ~~(b) Examination, a fee not to exceed \$125 plus the~~
25 ~~actual per applicant cost to the department for purchase of~~
26 ~~the examination from the National Board for Respiratory Care~~
27 ~~or a similar national organization.~~

28 ~~(b)(c)~~ Initial licensure, a fee not to exceed \$200.

29 ~~(c)(d)~~ Renewal of licensure, a fee not to exceed \$200
30 biennially.

31 ~~(d)(e)~~ Renewal of inactive licensure, a fee not to

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1 exceed \$50.

2 (e)~~(f)~~ Reactivation, a fee not to exceed \$50.

3 (2) The fees established pursuant to subsection (1)
4 shall be based upon the actual costs incurred by the
5 department in carrying out its responsibilities under this
6 part.

7 (3) All moneys collected by the department under this
8 part shall be deposited as required by s. 455.587.

9 Section 183. Paragraph (f) of subsection (1) of
10 section 468.365, Florida Statutes, 1998 Supplement, is amended
11 to read:

12 468.365 Disciplinary grounds and actions.--

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

15 (f) Unprofessional conduct, which includes, but is not
16 limited to, any departure from, or failure to conform to,
17 acceptable standards related to the delivery of respiratory
18 care services, as set forth by the board ~~and the Advisory~~
19 ~~Council on Respiratory Care~~ in rules adopted pursuant to this
20 part.

21 Section 184. Paragraph (a) of subsection (2) of
22 section 464.016, Florida Statutes, is amended to read:

23 464.016 Violations and penalties.--

24 (2) Each of the following acts constitutes a
25 misdemeanor of the first degree, punishable as provided in s.
26 775.082 or s. 775.083:

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

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1 Section 185. Paragraphs (b) and (c) of subsection (1)
2 of section 458.3115, Florida Statutes, 1998 Supplement, are
3 amended to read:

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

8 (1)

9 (b) A person who is eligible to take and elects to
10 take the USMLE who has previously passed part 1 or part 2 of
11 the previously administered FLEX shall not be required to
12 retake or pass the equivalent parts of the USMLE up to the
13 year 2002 ~~2000~~.

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

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

30 2. Applies to the agency and submits an application
31 fee that is nonrefundable and equivalent to the fee required

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1 for full licensure;

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

4 4. Submits an examination fee that is nonrefundable
5 and equivalent to the fee required for full licensure plus the
6 actual per-applicant cost to the agency to provide either
7 examination described in this section;

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

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

17 Section 186. Subsection (2) of section 458.3124,
18 Florida Statutes, 1998 Supplement, is amended to read:

19 458.3124 Restricted license; certain experienced
20 foreign-trained physicians.--

21 (2) A person applying for licensure under this section
22 must submit to the Department of Health on or before December
23 31, 2000 ~~1998~~:

24 (a) A completed application and documentation required
25 by the Board of Medicine to prove compliance with subsection
26 (1); and

27 (b) A nonrefundable application fee not to exceed \$500
28 and a nonrefundable examination fee not to exceed \$300 plus
29 the actual cost to purchase and administer the examination.

30 Section 187. Effective upon this act becoming a law,
31 section 301 of chapter 98-166, Laws of Florida, is amended to

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1 read:

2 Section 301. The sum of \$1.2 million from the
3 unallocated balance in the Medical Quality Assurance Trust
4 Fund is appropriated to the Department of Health to allow the
5 department to develop the examination required for foreign
6 licensed physicians in section 458.3115(1)(a), Florida
7 Statutes, through a contract with the University of South
8 Florida. The department shall charge examinees a fee not to
9 exceed 25 percent of the cost of the actual costs of the first
10 examination administered pursuant to section 458.3115, Florida
11 Statutes, 1998 Supplement, and a fee not to exceed 75 percent
12 of the actual costs for any subsequent examination
13 administered pursuant to that section.

14 Section 188. The Agency for Health Care Administration
15 shall conduct a detailed study and analysis of clinical
16 laboratory services for kidney dialysis patients in the State
17 of Florida. The study shall include, but not be limited to, an
18 analysis of the past and present utilization rates of clinical
19 laboratory services for dialysis patients, financial
20 arrangements among kidney dialysis centers, their medical
21 directors, and any business relationships and affiliations
22 with clinical laboratories, any self referral to clinical
23 laboratories, the quality and responsiveness of clinical
24 laboratory services for dialysis patients in Florida, and the
25 average annual revenue for dialysis patients for clinical
26 laboratory services for the past ten years. The agency shall
27 report back to the President of the Senate, Speaker of the
28 House of Representatives, and chairs of the appropriate
29 substantive committees of the Legislature on its findings no
30 later than February 1, 2000.

31 Section 189. Subsection (3) is added to section

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1 455.651, Florida Statutes, 1998 Supplement, to read:

2 455.651 Disclosure of confidential information.--

3 (1) No officer, employee, or person under contract
4 with the department, or any board therein, or any subject of
5 an investigation shall convey knowledge or information to any
6 person who is not lawfully entitled to such knowledge or
7 information about any public meeting or public record, which
8 at the time such knowledge or information is conveyed is
9 exempt from the provisions of s. 119.01, s. 119.07(1), or s.
10 286.011.

11 (2) Any person who willfully violates any provision of
12 this section is guilty of a misdemeanor of the first degree,
13 punishable as provided in s. 775.082 or s. 775.083, and may be
14 subject to discipline pursuant to s. 455.624, and, if
15 applicable, shall be removed from office, employment, or the
16 contractual relationship.

17 (3) Any person injured as a result of a violation of
18 this section shall have a civil cause of action for treble
19 damages, reasonable attorney fees, and costs.

20 Section 190. Section 641.261, Florida Statutes, is
21 amended to read:

22 641.261 Other reporting requirements.--

23 (1) Each authorized health maintenance organization
24 shall provide records and information to the Agency for Health
25 Care Administration ~~Department of Health and Rehabilitative~~
26 ~~Services~~ pursuant to s. 409.910(20) and (21)(22) for the sole
27 purpose of identifying potential coverage for claims filed
28 with the agency ~~Department of Health and Rehabilitative~~
29 ~~Services~~ and its fiscal agents for payment of medical services
30 under the Medicaid program.

31 (2) Any information provided by a health maintenance

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1 organization under this section to the agency ~~Department of~~
2 ~~Health and Rehabilitative Services~~ shall not be considered a
3 violation of any right of confidentiality or contract that the
4 health maintenance organization may have with covered persons.
5 The health maintenance organization is immune from any
6 liability that it may otherwise incur through its release of
7 information to the agency ~~Department of Health and~~
8 ~~Rehabilitative Services~~ under this section.

9 Section 191. Section 641.411, Florida Statutes, is
10 amended to read:

11 641.411 Other reporting requirements.--

12 (1) Each prepaid health clinic shall provide records
13 and information to the Agency for Health Care Administration
14 ~~Department of Health and Rehabilitative Services~~ pursuant to
15 s. 409.910(20) and (21)~~(22)~~ for the sole purpose of
16 identifying potential coverage for claims filed with the
17 agency ~~Department of Health and Rehabilitative Services~~ and
18 its fiscal agents for payment of medical services under the
19 Medicaid program.

20 (2) Any information provided by a prepaid health
21 clinic under this section to the agency ~~Department of Health~~
22 ~~and Rehabilitative Services~~ shall not be considered a
23 violation of any right of confidentiality or contract that the
24 prepaid health clinic may have with covered persons. The
25 prepaid health clinic is immune from any liability that it may
26 otherwise incur through its release of information to the
27 agency ~~Department of Health and Rehabilitative Services~~ under
28 this section.

29 Section 192. Paragraph (a) of subsection (4) of
30 section 733.212, Florida Statutes, is amended to read:

31 733.212 Notice of administration; filing of objections

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1 and claims.--

2 (4)(a) The personal representative shall promptly make
3 a diligent search to determine the names and addresses of
4 creditors of the decedent who are reasonably ascertainable and
5 shall serve on those creditors a copy of the notice within 3
6 months after the first publication of the notice. Under s.
7 409.9101, the Agency for Health Care Administration is
8 considered a reasonably ascertainable creditor in instances
9 where the decedent had received Medicaid assistance for
10 medical care after reaching 55 years of age. Impracticable and
11 extended searches are not required. Service is not required
12 on any creditor who has filed a claim as provided in this
13 part; a creditor whose claim has been paid in full; or a
14 creditor whose claim is listed in a personal representative's
15 timely proof of claim if the personal representative notified
16 the creditor of that listing.

17 Section 193. (1) There is established a seven-member
18 task force to review sources of funds deposited into the
19 Public Medical Assistance Trust Fund as created by section
20 409.918, Florida Statutes. The task force shall consist of:

21 (a) Two members appointed by the President of the
22 Senate, one of whom must be a member of the Senate and one of
23 whom must represent a hospital subject to the assessment
24 imposed under section 395.701, Florida Statutes, 1998
25 Supplement, or section 394.4786, Florida Statutes;

26 (b) Two members appointed by the Speaker of the House
27 of Representatives, one of whom must be a member of the House
28 and one of whom must represent a health care entity subject to
29 the assessment imposed under section 395.7015, Florida
30 Statutes, 1998 Supplement;

31 (c) Three members appointed by the Governor, one of

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1 whom must be the Director of the Agency for Health Care
2 Administration, or his or her designee; one of whom must be a
3 medical doctor licensed to practice in the state; and one of
4 whom must be a consumer who has no employment or investment
5 interest in any health care entity subject to the assessment
6 imposed for deposit into the Public Medical Assistance Trust
7 Fund and who is a representative of Florida TaxWatch.

8 (2) The Governor shall designate the task force chair
9 from among the members.

10 (3) The task force shall consider and make specific
11 recommendations concerning, but not limited to:

12 (a) Whether any provisions of sections 395.701,
13 395.7015, and 409.918, Florida Statutes, need to be revised;

14 (b) Whether the annual assessments imposed by these
15 statutes on the various health care entities are imposed
16 equitably;

17 (c) Whether additional exemptions from, or inclusions
18 within, the assessments are justified; and

19 (d) The extent to which modifications to other
20 statutory provisions that require deposit of specified revenue
21 into the Public Medical Assistance Trust Fund, including, but
22 not limited to, sections 210.20, 395.1041, 408.040, and
23 408.08, Florida Statutes, could result in increased revenue
24 for the trust fund.

25
26 The task force shall provide an analysis of the budgetary
27 impact of any recommended exemptions from, inclusions within,
28 or modifications to existing assessments.

29 (4) The Agency for Health Care Administration shall
30 provide necessary staff support and technical assistance to
31 the task force.

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1 (5) The task force shall convene by August 1, 1999,
2 for its first meeting, and shall submit its findings and
3 recommendations, including any proposed legislation, to the
4 President of the Senate, the Speaker of the House of
5 Representatives, and the Governor by December 1, 1999.

6 Section 194. Section 395.40, Florida Statutes, is
7 created to read:

8 395.40 Legislative findings and intent.--

9 (1) The Legislature finds that there has been a lack
10 of timely access to trauma care due to the state's fragmented
11 trauma system. This finding is based on the 1999 Trauma System
12 Report on Timely Access to Trauma Care submitted by the
13 department in response to the request of the Legislature.

14 (2) The Legislature finds that it is necessary to plan
15 for and to establish an inclusive trauma system to meet the
16 needs of trauma victims. An "inclusive trauma system" means a
17 system designed to meet the needs of all injured trauma
18 victims who require care in an acute-care setting and into
19 which every health care provider or facility with resources to
20 care for the injured trauma victim is incorporated. The
21 Legislature deems the benefits of trauma care provided within
22 an inclusive trauma system to be of vital significance to the
23 outcome of a trauma victim.

24 (3) It is the intent of the Legislature to place
25 primary responsibility for the planning and establishment of a
26 statewide inclusive trauma system with the department. The
27 department shall undertake the implementation of a statewide
28 inclusive trauma system as funding is available.

29 (4) The Legislature finds that significant benefits
30 are to be obtained by directing the coordination of activities
31 by several state agencies, relative to access to trauma care

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1 and the provision of trauma care to all trauma victims. It is
2 the intent of the Legislature that the department, the Agency
3 for Health Care Administration, the Board of Medicine, and the
4 Board of Nursing establish interagency teams and agreements
5 for the development of guidelines, standards, and rules for
6 those portions of the inclusive state trauma system within the
7 statutory authority of each agency. This coordinated approach
8 will provide the necessary continuum of care for the trauma
9 victim from injury to final hospital discharge. The department
10 has the leadership responsibility for this activity.

11 (5) In addition, the agencies listed in subsection (4)
12 should undertake to:

13 (a) Establish a coordinated methodology for
14 monitoring, evaluating, and enforcing the requirements of the
15 state's inclusive trauma system which recognizes the interests
16 of each agency.

17 (b) Develop appropriate roles for trauma agencies, to
18 assist in furthering the operation of trauma systems at the
19 regional level. This should include issues of system
20 evaluation as well as managed care.

21 (c) Develop and submit appropriate requests for
22 waivers of federal requirements which will facilitate the
23 delivery of trauma care.

24 (d) Develop criteria that will become the future basis
25 for mandatory consultation on the care of trauma victims and
26 mandatory transfer of appropriate trauma victims to trauma
27 centers.

28 (e) Develop a coordinated approach to the care of the
29 trauma victim. This shall include the movement of the trauma
30 victim through the system of care and the identification of
31 medical responsibility for each phase of care for

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1 out-of-hospital and in-hospital trauma care.

2 (f) Require the medical director of an emergency
3 medical services provider to have medical accountability for a
4 trauma victim during interfacility transfer.

5 (6) Furthermore, the Legislature encourages the
6 department to actively foster the provision of trauma care and
7 serve as a catalyst for improvements in the process and
8 outcome of the provision of trauma care in an inclusive trauma
9 system. Among other considerations, the department is
10 encouraged to:

11 (a) Promote the development of at least one trauma
12 center in every trauma service area.

13 (b) Promote the development of a trauma agency for
14 each trauma region.

15 (c) Update the state trauma system plan by December
16 2000 and at least every 5th year thereafter.

17 Section 195. Subsection (1) and paragraphs (c) and (n)
18 of subsection (2) of section 395.401, Florida Statutes, 1998
19 Supplement, are amended to read:

20 395.401 Trauma services system plans; verification of
21 trauma centers and pediatric trauma referral centers;
22 procedures; renewal.--

23 (1) As used in this part, the term:

24 (a) "Agency" means the Agency for Health Care
25 Administration.

26 (b) "Charity care" or "uncompensated charity care"
27 means that portion of hospital charges reported to the agency
28 for which there is no compensation for care provided to a
29 patient whose family income for the 12 months preceding the
30 determination is less than or equal to 150 percent of the
31 federal poverty level, unless the amount of hospital charges

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1 due from the patient exceeds 25 percent of the annual family
 2 income. However, in no case shall the hospital charges for a
 3 patient whose family income exceeds four times the federal
 4 poverty level for a family of four be considered charity.

5 (c) "Department" means the Department of Health.

6 (d) "Level I trauma center" means a hospital that is
 7 determined by the department to be in substantial compliance
 8 with trauma center and pediatric trauma referral center
 9 verification standards as established by rule of the
 10 department, and which:

11 1. Has formal research and education programs for the
 12 enhancement of trauma care.

13 2. Serves as a resource facility to Level II trauma
 14 centers, pediatric trauma referral centers, and community
 15 hospitals.

16 3. Ensures an organized system of trauma care.

17 (e) "Level II trauma center" means a hospital that is
 18 determined by the department to be in substantial compliance
 19 with trauma center verification standards as established by
 20 rule of the department, and which:

21 1. Serves as a resource facility to community
 22 hospitals.

23 2. Ensures an organized system of trauma care.

24 ~~(f) "Local trauma agency" means an agency established~~
 25 ~~and operated by a county or an entity with which the county~~
 26 ~~contracts for the purpose of administrative trauma services.~~

27 ~~(f)~~(g) "Pediatric trauma referral center" means a
 28 hospital that is determined to be in substantial compliance
 29 with pediatric trauma referral center standards as established
 30 by rule of the department.

31 ~~(h) "Regional trauma agency" means an agency created~~

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1 ~~and operated by two or more counties, or an entity with which~~
2 ~~two or more counties contract, for the purpose of~~
3 ~~administering trauma services.~~

4 (g)(i) "State-approved trauma center" means a hospital
5 that has successfully completed the state-approved selection
6 process pursuant to s. 395.4025 and has been approved by the
7 department to operate as a trauma center in the state.

8 (h)(j) "State-sponsored trauma center" means a
9 state-approved trauma center that receives state funding for
10 trauma care services.

11 (i) "Trauma agency" means an agency established and
12 operated by one or more counties, or an entity with which one
13 or more counties contract, for the purpose of administering an
14 inclusive regional trauma system.

15 (j) "Trauma alert victim" means a person who has
16 incurred a single or multisystem injury due to blunt or
17 penetrating means or burns; who requires immediate medical
18 intervention or treatment; and who meets one or more of the
19 adult or pediatric scorecard criteria established by the
20 department by rule.

21 (k) "Trauma center" means any hospital that has been
22 determined by the department to be in substantial compliance
23 with trauma center verification standards.

24 (l) "Trauma scorecard" means a statewide methodology
25 adopted by the department by rule under which a person who has
26 incurred a traumatic injury is graded as to the severity of
27 his or her injuries or illness and which methodology is used
28 as the basis for making destination decisions.

29 (m) "Trauma victim" means any person who has incurred
30 a single or multisystem ~~life-threatening~~ injury due to blunt
31 or penetrating means or burns and who requires immediate

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1 medical intervention or treatment.

2 (2)

3 (c) The department shall receive plans for the
4 implementation of inclusive trauma ~~care~~ systems from ~~local and~~
5 ~~regional~~ trauma agencies. The department may approve or not
6 approve ~~the local or regional~~ trauma agency plans based on the
7 conformance of the plan ~~local or regional plans~~ with this
8 section and ss. 395.4015, 395.404, and 395.4045 and the rules
9 adopted by the department pursuant to those sections. The
10 department shall approve or disapprove the plans within 120
11 days after the date the plans are submitted to the department.

12 (n) After the submission of the initial ~~local or~~
13 ~~regional~~ trauma ~~care~~ system plan, each ~~local or regional~~
14 trauma agency shall, every 5th year, ~~annually~~ submit to the
15 department for approval an updated plan that ~~which~~ identifies
16 the changes, if any, to be made in the regional trauma ~~care~~
17 system. ~~The department shall approve or disapprove the updated~~
18 ~~plan within 120 days after the date the plan is submitted to~~
19 ~~the department. At least 60 days before the local or regional~~
20 ~~trauma agency submits a plan for a trauma care system to the~~
21 ~~department, the local or regional trauma agency shall hold a~~
22 ~~public hearing and give adequate notice of the public hearing~~
23 ~~to all hospitals and other interested parties in the area. A~~
24 ~~local or regional trauma agency shall submit to the department~~
25 ~~written notice of its intent to cease operation of the local~~
26 ~~or regional trauma agency at least 90 days before the date on~~
27 ~~which the local or regional trauma agency will cease~~
28 ~~operation.~~

29 Section 196. Subsections (1) and (3) of section
30 395.402, Florida Statutes, are amended to read:

31 395.402 Trauma service areas; number and location of

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1 trauma centers.--

2 (1) ~~The Legislature finds that it is appropriate to~~
3 ~~recognize as a trauma patient someone with an injury severity~~
4 ~~score (ISS) of 9 or greater.~~ The Legislature also recognizes
5 that Level I and Level II trauma centers should each be
6 capable of annually treating a minimum of 1,000 and 500
7 patients, respectively, with an injury severity score (ISS) of
8 9 or greater. Further, the Legislature finds that, based on
9 the numbers and locations of trauma victims with these injury
10 severity scores, there should be 19 trauma service areas in
11 the state, and, at a minimum, there should be at least one
12 trauma center in each service area.

13 (3) Trauma service areas are to be used. The
14 department shall periodically review the assignment of the 67
15 counties to trauma service areas. These assignments are made
16 for the purpose of developing a system of trauma centers.
17 Revisions made by the department should take into
18 consideration the recommendations made as part of the regional
19 trauma system plans approved by the department, as well as the
20 recommendations made as part of the state trauma system plan.
21 These areas must, at a minimum, be reviewed in the year 2000
22 and every 5 years thereafter. Until the department completes
23 its initial review, the assignment of counties shall remain as
24 established pursuant to chapter 90-284, Laws of Florida.~~The~~
25 ~~following trauma service areas are to be utilized in~~
26 ~~developing a system of state-sponsored trauma centers. These~~
27 ~~areas are subject to periodic revision by the Legislature~~
28 ~~based on recommendations made as part of local or regional~~
29 ~~trauma plans approved by the department pursuant to s.~~
30 ~~395.401(2). These areas shall, at a minimum, be reviewed by~~
31 ~~the Legislature prior to the next 7-year verification cycle of~~

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1 ~~state-sponsored trauma centers.~~

2 (a) The following trauma service areas are hereby
3 established:

4 1. Trauma service area 1 shall consist of Escambia,
5 Okaloosa, Santa Rosa, and Walton Counties.

6 2. Trauma service area 2 shall consist of Bay, Gulf,
7 Holmes, and Washington Counties.

8 3. Trauma service area 3 shall consist of Calhoun,
9 Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison,
10 Taylor, and Wakulla Counties.

11 4. Trauma service area 4 shall consist of Alachua,
12 Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette,
13 Levy, Putnam, Suwannee, and Union Counties.

14 5. Trauma service area 5 shall consist of Baker, Clay,
15 Duval, Nassau, and St. Johns Counties.

16 6. Trauma service area 6 shall consist of Citrus,
17 Hernando, and Marion Counties.

18 7. Trauma service area 7 shall consist of Flagler and
19 Volusia Counties.

20 8. Trauma service area 8 shall consist of Lake,
21 Orange, Osceola, Seminole, and Sumter Counties.

22 9. Trauma service area 9 shall consist of Pasco and
23 Pinellas Counties.

24 10. Trauma service area 10 shall consist of
25 Hillsborough County.

26 11. Trauma service area 11 shall consist of Hardee,
27 Highlands, and Polk Counties.

28 12. Trauma service area 12 shall consist of Brevard
29 and Indian River Counties.

30 13. Trauma service area 13 shall consist of DeSoto,
31 Manatee, and Sarasota Counties.

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1 14. Trauma service area 14 shall consist of Martin,
2 Okeechobee, and St. Lucie Counties.

3 15. Trauma service area 15 shall consist of Charlotte,
4 Glades, Hendry, and Lee Counties.

5 16. Trauma service area 16 shall consist of Palm Beach
6 County.

7 17. Trauma service area 17 shall consist of Collier
8 County.

9 18. Trauma service area 18 shall consist of Broward
10 County.

11 19. Trauma service area 19 shall consist of Dade and
12 Monroe Counties.

13 (b) Each trauma service area should have at least one
14 Level I or Level II trauma center.

15 (c) There shall be no more than a total of 44
16 state-sponsored trauma centers in the state.

17 Section 197. Subsection (1) of section 395.4045,
18 Florida Statutes, is amended to read:

19 395.4045 Emergency medical service providers;
20 transport of trauma victims to trauma centers.--

21 (1) Each emergency medical services provider licensed
22 under chapter 401 shall transport trauma alert victims to
23 hospitals approved as trauma centers, except as may be
24 provided for either in department-approved local or regional
25 trauma transport protocol or, if no local or regional trauma
26 transport protocol is in effect, as provided for in a
27 department-approved provider's trauma transport protocol.
28 Development of regional trauma protocols shall be through
29 consultation with interested parties, including, but not
30 limited to, each approved trauma center; physicians
31 specializing in trauma care, emergency care, and surgery in

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1 the region; each trauma system administrator in the region;
2 and each emergency medical service provider in the region
3 licensed under chapter 401. Trauma alert victims shall be
4 identified through the use of a trauma scoring system. The
5 department shall specify by rule the subjects to be included
6 in an emergency medical service provider's trauma transport
7 protocol and shall approve or disapprove each such protocol.

8 Section 198. Section 458.351, Florida Statutes, is
9 created to read:

10 458.351 Reports of adverse incidents in office
11 practice settings.--

12 (1) Any adverse incident that occurs on or after
13 January 1, 2000, in any office maintained by a physician for
14 the practice of medicine which is not licensed under chapter
15 395 must be reported to the department in accordance with the
16 provisions of this section.

17 (2) Any physician or other licensee under this chapter
18 practicing in this state must notify the department if the
19 physician or licensee was involved in an adverse incident that
20 occurred on or after January 1, 2000, in any office maintained
21 by a physician for the practice of medicine which is not
22 licensed under chapter 395.

23 (3) The required notification to the department must
24 be submitted in writing by certified mail and postmarked
25 within 15 days after the occurrence of the adverse incident.

26 (4) For purposes of notification to the department
27 pursuant to this section, the term "adverse incident" means an
28 event over which the physician or licensee could exercise
29 control and which is associated in whole or in part with a
30 medical intervention, rather than the condition for which such
31 intervention occurred, and which results in the following

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1 patient injuries:
2 (a) The death of a patient.
3 (b) Brain or spinal damage to a patient.
4 (c) The performance of a surgical procedure on the
5 wrong patient.
6 (d)1. The performance of a wrong-site surgical
7 procedure;
8 2. The performance of a wrong surgical procedure; or
9 3. The surgical repair of damage to a patient
10 resulting from a planned surgical procedure where the damage
11 is not a recognized specific risk as disclosed to the patient
12 and documented through the informed-consent process
13
14 if it results in: death; brain or spinal damage; permanent
15 disfigurement not to include the incision scar; fracture or
16 dislocation of bones or joints; a limitation of neurological,
17 physical or sensory function; or any condition that required
18 the transfer of the patient.
19 (e) A procedure to remove unplanned foreign objects
20 remaining from a surgical procedure.
21 (f) Any condition that required the transfer of a
22 patient to a hospital licensed under chapter 395 from an
23 ambulatory surgical center licensed under chapter 395 or any
24 facility or any office maintained by a physician for the
25 practice of medicine which is not licensed under chapter 395.
26 (5) The department shall review each incident and
27 determine whether it potentially involved conduct by a health
28 care professional who is subject to disciplinary action, in
29 which case s. 455.621 applies. Disciplinary action, if any,
30 shall be taken by the board under which the health care
31 professional is licensed.

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1 (6) The board may adopt rules to administer this
2 section.

3 Section 199. Section 459.026, Florida Statutes, is
4 created to read:

5 459.026 Reports of adverse incidents in office
6 practice settings.--

7 (1) Any adverse incident that occurs on or after
8 January 1, 2000, in any office maintained by an osteopathic
9 physician for the practice of osteopathic medicine which is
10 not licensed under chapter 395 must be reported to the
11 department in accordance with the provisions of this section.

12 (2) Any osteopathic physician or other licensee under
13 this chapter practicing in this state must notify the
14 department if the osteopathic physician or licensee was
15 involved in an adverse incident that occurred on or after
16 January 1, 2000, in any office maintained by an osteopathic
17 physician for the practice of osteopathic medicine which is
18 not licensed under chapter 395.

19 (3) The required notification to the department must
20 be submitted in writing by certified mail and postmarked
21 within 15 days after the occurrence of the adverse incident.

22 (4) For purposes of notification to the department
23 pursuant to this section, the term "adverse incident" means an
24 event over which the physician or licensee could exercise
25 control and which is associated in whole or in part with a
26 medical intervention, rather than the condition for which such
27 intervention occurred, and which results in the following
28 patient injuries:

29 (a) The death of a patient.

30 (b) Brain or spinal damage to a patient.

31 (c) The performance of a surgical procedure on the

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1 wrong patient.

2 (d)1. The performance of a wrong-site surgical
 3 procedure;

4 2. The performance of a wrong surgical procedure; or

5 3. The surgical repair of damage to a patient
 6 resulting from a planned surgical procedure where the damage
 7 is not a recognized specific risk as disclosed to the patient
 8 and documented through the informed-consent process

9
 10 if it results in: death; brain or spinal damage; permanent
 11 disfigurement not to include the incision scar; fracture or
 12 dislocation of bones or joints; a limitation of neurological,
 13 physical or sensory function; or any condition that required
 14 the transfer of the patient.

15 (e) A procedure to remove unplanned foreign objects
 16 remaining from a surgical procedure.

17 (f) Any condition that required the transfer of a
 18 patient to a hospital licensed under chapter 395 from an
 19 ambulatory surgical center licensed under chapter 395 or any
 20 facility or any office maintained by a physician for the
 21 practice of medicine which is not licensed under chapter 395.

22 (5) The department shall review each incident and
 23 determine whether it potentially involved conduct by a health
 24 care professional who is subject to disciplinary action, in
 25 which case s. 455.621 applies. Disciplinary action, if any,
 26 shall be taken by the board under which the health care
 27 professional is licensed.

28 (6) The board may adopt rules to administer this
 29 section.

30 Section 200. (1) The Department of Health shall
 31 establish maximum allowable levels for contaminants in

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1 compressed air used for recreational sport diving in this
2 state. In developing the standards, the department must take
3 into consideration the levels of contaminants allowed by the
4 Grade "E" Recreational Diving Standards of the Compressed Gas
5 Association.

6 (2) The standards prescribed under this section do not
7 apply to:

8 (a) Any person providing compressed air for his or her
9 own use.

10 (b) Any governmental entity using a governmentally
11 owned compressed air source for work related to the
12 governmental entity.

13 (c) Foreign registered vessels upon which a compressor
14 is used to provide compressed air for work related to the
15 operation of the vessel.

16 (3) A person or entity that, for compensation,
17 provides compressed air for recreational sport diving in this
18 state, including compressed air provided as part of a dive
19 package of equipment rental, dive boat rental, or dive boat
20 charter, must ensure that the compressed air is tested
21 quarterly by a laboratory that is accredited by either the
22 American Industrial Hygiene Association or the American
23 Association for Laboratory Accreditation and that the results
24 of such tests are provided quarterly to the Department of
25 Health. In addition, the person or entity must post the
26 certificate issued by the laboratory accredited by the
27 American Industrial Hygiene Association or the American
28 Association for Laboratory Accreditation in a conspicuous
29 location where it can readily be seen by any person purchasing
30 compressed air.

31 (4) The Department of Health shall maintain a record

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1 of all quarterly test results provided under this section.

2 (5) It is a misdemeanor of the second degree for any
3 person or entity to provide, for compensation, compressed air
4 for recreational sport diving in this state, including
5 compressed air provided as part of a dive package of equipment
6 rental, dive boat rental, or dive boat charter, without:

7 (a) Having received a valid certificate issued by a
8 laboratory accredited by the American Industrial Hygiene
9 Association or the American Association for Laboratory
10 Accreditation which certifies that the compressed air meets
11 the standards for contaminant levels established by the
12 Department of Health.

13 (b) Posting the certificate issued by a laboratory
14 accredited by the American Industrial Hygiene Association or
15 the American Association for Laboratory Accreditation in a
16 conspicuous location where it can readily be seen by persons
17 purchasing compressed air.

18 (6) The department shall adopt rules necessary to
19 carry out the provisions of this section, which must include:

20 (a) Maximum allowable levels of contaminants in
21 compressed air used for sport diving.

22 (b) Procedures for the submission of test results to
23 the department.

24 (7) This section shall take effect January 1, 2000.

25 Section 201. The Minority HIV and AIDS Task Force.--

26 (1) There is created within the Department of Health
27 the Minority HIV and AIDS Task Force to develop and provide
28 specific recommendations to the Governor, the Legislature, and
29 the Department of Health on ways to strengthen HIV and AIDS
30 prevention programs and early intervention and treatment
31 efforts in the state's black, Hispanic, and other minority

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1 communities, as well as ways to address the many needs of the
2 state's minorities infected with AIDS and their families.

3 (2) The Secretary of Health shall appoint at least 15
4 members to the task force. The members must include, but need
5 not be limited to, representatives from:

6 (a) Persons infected with the human immunodeficiency
7 virus (HIV) or acquired immune deficiency syndrome (AIDS).

8 (b) Minority community-based support organizations.

9 (c) Minority treatment providers.

10 (d) The religious community within groups of persons
11 infected with HIV or AIDS.

12 (e) The Department of Health.

13 (3) The task force shall meet as often as necessary to
14 carry out its duties and responsibilities. Within existing
15 resources, the Department of Health shall provide support
16 services to the task force.

17 (4) The members of the task force shall serve without
18 compensation.

19 (5) The task force shall prepare and submit a report
20 of its findings and recommendations to the Governor, the
21 President of the Senate, and the Speaker of the House of
22 Representatives by February 1, 2001. The report must include:

23 (a) Specific strategies for reducing the risk of HIV
24 and AIDS in the state's minority communities.

25 (b) A plan for establishing mentor programs and
26 exchanging information and ideas among minority
27 community-based organizations that provide HIV and AIDS
28 prevention services.

29 (c) The needs of prevention and treatment programs
30 within communities and the resources that are available within
31 minority communities.

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1 (d) Specific strategies for ensuring that minority
2 persons who are at risk of HIV and AIDS infection seek
3 testing.

4 (e) Specific strategies for ensuring that persons who
5 test positive for HIV or AIDS are provided with access to
6 treatment and secondary prevention services.

7 (f) Specific strategies to help reduce or eliminate
8 high-risk behaviors in persons who test negative but continue
9 to practice high-risk behaviors.

10 (g) A plan to evaluate the implementation of the
11 recommendations of the task force.

12 (6) The task force is abolished on July 1, 2001.

13 Section 202. Statewide HIV and AIDS prevention
14 campaign.--

15 (1) The Department of Health shall develop and
16 implement a statewide HIV and AIDS prevention campaign that is
17 directed towards minorities who are at risk of HIV infection.
18 The campaign shall include television, radio, and outdoor
19 advertising; public service announcements; and peer-to-peer
20 outreach. Each campaign message and concept shall be evaluated
21 with members of the target group to ensure its effectiveness.
22 The campaign shall provide information on the risk of HIV and
23 AIDS infection and strategies to follow for prevention, early
24 detection, and treatment. The campaign shall use culturally
25 sensitive literature and educational materials and promote the
26 development of individual skills for behavior modification.

27 (2) The Department of Health shall establish four
28 positions within the department for HIV and AIDS regional
29 minority coordinators and one position for a statewide HIV and
30 AIDS minority coordinator. The coordinators shall facilitate
31 statewide efforts to implement and coordinate HIV and AIDS

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1 prevention and treatment programs. The statewide coordinator
2 shall report directly to the chief of the Bureau of HIV and
3 AIDS within the Department of Health.

4 (3) The Department of Health shall, with assistance
5 from the Minority HIV and AIDS Task Force and the statewide
6 coordinator, plan and conduct a statewide Black Leadership
7 Conference on HIV and AIDS by January 2000. The conference
8 shall provide workshops for minority organizations in building
9 skills and improving an organization's capacity to conduct HIV
10 and AIDS prevention and treatment programs.

11 Section 203. The sum of \$250,000 is appropriated from
12 the General Revenue Fund to the Department of Health for the
13 purpose of carrying out the provisions of sections 201 and 202
14 of this act during the 1999-2000 fiscal year.

15 Section 204. Subsection (9) is added to section 20.41,
16 Florida Statutes, to read:

17 20.41 Department of Elderly Affairs.--There is created
18 a Department of Elderly Affairs.

19 (9) Area agencies on aging are subject to chapter 119,
20 relating to public records, and, when considering any
21 contracts requiring the expenditure of funds, are subject to
22 ss. 286.011-286.012, relating to public meetings.

23 Section 205. Effective October 1, 1999, part XV of
24 chapter 468, Florida Statutes, consisting of sections 468.821,
25 468.822, 468.823, 468.824, 468.825, 468.826, 468.827, and
26 468.828, Florida Statutes, is created to read:

27 468.821 Definitions.--As used in this part, the term:

28 (1) "Approved training program" means:

29 (a) A course of training conducted by a public sector
30 or private sector educational center licensed by the
31 Department of Education to implement the basic curriculum for

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1 nursing assistants which is approved by the Department of
2 Education.

3 (b) A training program operated under s. 400.141.

4 (2) "Certified nursing assistant" means a person who
5 meets the qualifications specified in this part and who is
6 certified by the department as a certified nursing assistant.

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

8 (4) "Registry" means the listing of certified nursing
9 assistants maintained by the department.

10 468.822 Duties and powers of the department.--The
11 department shall maintain, or contract with or approve another
12 entity to maintain, a state registry of certified nursing
13 assistants. The registry must consist of the name of each
14 certified nursing assistant in this state; other identifying
15 information defined by department rule; certification status;
16 the effective date of certification; other information
17 required by state or federal law; information regarding any
18 crime or any abuse, neglect, or exploitation as provided under
19 chapter 435; and any disciplinary action taken against the
20 certified nursing assistant. The registry shall be accessible
21 to the public, the certificateholder, employers, and other
22 state agencies. The department shall adopt by rule testing
23 procedures for use in certifying nursing assistants and shall
24 adopt rules regulating the practice of certified nursing
25 assistants to enforce this part. The department may contract
26 with or approve another entity or organization to provide the
27 examination services, including the development and
28 administration of examinations. The provider shall pay all
29 reasonable costs and expenses incurred by the department in
30 evaluating the provider's application and performance during
31 the delivery of services, including examination services and

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1 procedures for maintaining the certified nursing assistant
2 registry.

3 468.823 Certified nursing assistants; certification
4 requirement.--

5 (1) The department shall issue a certificate to
6 practice as a certified nursing assistant to any person who
7 demonstrates a minimum competency to read and write and meets
8 one of the following requirements:

9 (a) Has successfully completed an approved training
10 program and achieved a minimum score, established by rule of
11 the department, on the nursing assistant competency
12 examination, which consists of a written portion and
13 skills-demonstration portion approved by the department and
14 administered at a site and by personnel approved by the
15 department.

16 (b) Has achieved a minimum score, established by rule
17 of the department, on the nursing assistant competency
18 examination, which consists of a written portion and
19 skills-demonstration portion, approved by the department and
20 administered at a site and by personnel approved by the
21 department and:

22 1. Has a high school diploma, or its equivalent; or
23 2. Is at least 18 years of age.

24 (c) Is currently certified in another state; is listed
25 on that state's certified nursing assistant registry; has not
26 been found to have committed abuse, neglect, or exploitation
27 in that state; and has successfully completed a national
28 nursing assistant evaluation in order to receive certification
29 in that state.

30 (2) If an applicant fails to pass the nursing
31 assistant competency examination in three attempts, the

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1 applicant is not eligible for reexamination unless the
2 applicant completes an approved training program.

3 (3) An oral examination shall be administered as a
4 substitute for the written portion of the examination upon
5 request. The oral examination shall be administered at a site
6 and by personnel approved by the department.

7 (4) The department shall adopt rules to provide for
8 the initial certification of certified nursing assistants.

9 (5) A certified nursing assistant shall maintain a
10 current address with the department in accordance with s.
11 455.717.

12 468.824 Denial, suspension, or revocation of
13 certification; disciplinary actions.--

14 (1) The following acts constitute grounds for which
15 the department may impose disciplinary sanctions as specified
16 in subsection (2):

17 (a) Obtaining or attempting to obtain an exemption, or
18 possessing or attempting to possess a letter of exemption, by
19 bribery, misrepresentation, deceit, or through an error of the
20 department.

21 (b) Intentionally violating any provision of this
22 chapter, chapter 455, or the rules adopted by the department.

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

26 (a) Denial, suspension, or revocation of
27 certification.

28 (b) Imposition of an administrative fine not to exceed
29 \$150 for each count or separate offense.

30 (c) Imposition of probation or restriction of
31 certification, including conditions such as corrective actions

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1 as retraining or compliance with an approved treatment program
2 for impaired practitioners.

3 (3) The department may, upon the request of a
4 certificateholder, exempt the certificateholder from
5 disqualification of certification or disqualification of
6 employment in accordance with chapter 435 and issue a letter
7 of exemption.

8
9 After January 1, 2000, the department must notify an applicant
10 seeking an exemption from disqualification from certification
11 or employment of its decision to approve or deny the request
12 within 30 days after the date the department receives all
13 required documentation.

14 468.825 Availability of disciplinary records and
15 proceedings.--Pursuant to s. 455.621, any complaint or record
16 maintained by the Department of Health pursuant to the
17 discipline of a certified nursing assistant and any proceeding
18 held by the department to discipline a certified nursing
19 assistant shall remain open and available to the public.

20 468.826 Exemption from liability.--If an employer
21 terminates or denies employment to a certified nursing
22 assistant whose certification is inactive as shown on the
23 certified nursing assistant registry or whose name appears on
24 the central abuse registry and tracking system of the
25 Department of Children and Family Services or on a criminal
26 screening report of the Department of Law Enforcement, the
27 employer is not civilly liable for such termination and a
28 cause of action may not be brought against the employer for
29 damages, regardless of whether the employee has filed for an
30 exemption from the department under s. 468.824(1). There may
31 not be any monetary liability on the part of, and a cause of

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1 action for damages may not arise against, any licensed
2 facility, its governing board or members thereof, medical
3 staff, disciplinary board, agents, investigators, witnesses,
4 employees, or any other person for any action taken in good
5 faith without intentional fraud in carrying out this section.

6 468.827 Penalties.--It is a misdemeanor of the first
7 degree, punishable as provided under s. 775.082 or s. 775.083,
8 for any person, knowingly or intentionally, to fail to
9 disclose, by false statement, misrepresentation,
10 impersonation, or other fraudulent means, in any application
11 for voluntary or paid employment or licensure regulated under
12 this part, a material fact used in making a determination as
13 to such person's qualifications to be an employee or licensee.

14 468.828 Background screening information; rulemaking
15 authority.--

16 (1) The Agency for Health Care Administration shall
17 allow the department to electronically access its background
18 screening database and records and the Department of Children
19 and Families shall allow the department to electronically
20 access its central abuse registry and tracking system under
21 chapter 415.

22 (2) An employer, or an agent thereof, may not use
23 criminal records, juvenile records, or information obtained
24 from the central abuse hotline under chapter 415 for any
25 purpose other than determining if the person meets the
26 requirements of this part. Such records and information
27 obtained by the department shall remain confidential and
28 exempt from s. 119.07(1).

29 (3) If the requirements of the Omnibus Budget
30 Reconciliation Act of 1987, as amended, for the certification
31 of nursing assistants are in conflict with this part, the

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1 federal requirements shall prevail for those facilities
2 certified to provide care under Title XVIII (Medicare) or
3 Title XIX (Medicaid) of the Social Security Act.

4 (4) The department shall adopt rules to administer
5 this part.

6 Section 206. Certified nursing assistant registry.--

7 (1) By October 1, 1999, and by October 1 of every year
8 thereafter, each employer of certified nursing assistants
9 shall submit to the Department of Health a list of the names
10 and social security numbers of each person employed by the
11 employer as a certified nursing assistant in a nursing-related
12 occupation for a minimum of 8 hours for monetary compensation
13 during the preceding 24 months. Employers may submit such
14 information electronically through the department's Internet
15 site.

16 (2) The department shall update the certified nursing
17 assistant registry upon receipt of the lists of certified
18 nursing assistants, and shall complete the first of such
19 updates by December 31, 1999.

20 (3) Each certified nursing assistant whose name is not
21 reported to the department under subsection (1) on October 1,
22 1999, shall be assigned an inactive certification on January
23 1, 2000. A certified nursing assistant may remove such an
24 inactive certification by submitting documentation to the
25 department that he or she was employed for a minimum of 8
26 hours for monetary compensation as a certified nursing
27 assistant in a nursing-related occupation during the preceding
28 24 months.

29 (4) This section is repealed October 2, 2001.

30 Section 207. Effective October 1, 1999, section
31 400.211, Florida Statutes, 1998 Supplement, is amended to

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1 read:

2 400.211 Persons employed as nursing assistants;
3 certification requirement.--4 (1) A person must be certified under part XV of
5 chapter 468 pursuant to this section, except a registered
6 nurse or practical nurse licensed in accordance with ~~the~~
7 ~~provisions of~~ chapter 464 or an applicant for such licensure
8 who is permitted to practice nursing in accordance with rules
9 adopted promulgated by the Board of Nursing pursuant to
10 chapter 464, to serve as a nursing assistant in any nursing
11 home. ~~The Department of Health shall issue a certificate to~~
12 ~~any person who:~~13 (a) ~~Has successfully completed a nursing assistant~~
14 ~~program in a state-approved school and has achieved a minimum~~
15 ~~score of 75 percent on the written portion of the Florida~~
16 ~~Nursing Assistant Certification Test approved by the~~
17 ~~Department of Health and administered by state-approved test~~
18 ~~site personnel;~~19 (b) ~~Has achieved a minimum score of 75 percent on the~~
20 ~~written and performance portions of the Florida Nursing~~
21 ~~Assistant Certification Test approved by the Department of~~
22 ~~Health and administered by state-approved test site personnel;~~
23 or24 (c) ~~Is currently certified in another state, is on~~
25 ~~that state's registry, has no findings of abuse, and has~~
26 ~~achieved a minimum score of 75 percent on the written portion~~
27 ~~of the Florida Nursing Assistant Certification Test approved~~
28 ~~by the Department of Health and administered by state-approved~~
29 ~~test site personnel.~~

30

31 ~~An oral examination shall be administered upon request.~~

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1 ~~(2) The agency may deny, suspend, or revoke the~~
2 ~~certification of any person to serve as a nursing assistant,~~
3 ~~based upon written notification from a court of competent~~
4 ~~jurisdiction, law enforcement agency, or administrative agency~~
5 ~~of any finding of guilt of, regardless of adjudication, or a~~
6 ~~plea of nolo contendere or guilty to, any offense set forth in~~
7 ~~the level 1 screening standards of chapter 435 or any~~
8 ~~confirmed report of abuse of a vulnerable adult.~~

9 (2)~~(3)~~ The following categories of persons who are not
10 certified as nursing assistants under this part may be
11 employed by a nursing facility for a period of 4 months:

12 (a) Persons who are enrolled in a state-approved
13 nursing assistant program; or

14 (b) Persons who have been positively verified by a
15 state-approved test site as certified and on the registry in
16 another state with no findings of abuse, but who have not
17 completed the written examination required under this section.

18
19 The certification requirement must be met within 4 months of
20 initial employment as a nursing assistant in a licensed
21 nursing facility.

22 ~~(4) A person certified under this section on or after~~
23 ~~September 30, 1990, who has not worked for pay as a nursing~~
24 ~~assistant in a nursing-related occupation for a period of time~~
25 ~~during a consecutive 24-month period must be recertified under~~
26 ~~this section to be eligible to work in a nursing facility.~~

27 (3)~~(5)~~ Nursing homes shall require persons seeking
28 employment as a certified nursing assistant to submit an
29 employment history to the facility. The facility shall verify
30 the employment history unless, through diligent efforts, such
31 verification is not possible. There shall be no monetary

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1 liability on the part of, and no cause of action for damages
2 shall arise against, a former employer who reasonably and in
3 good faith communicates his or her honest opinion about a
4 former employee's job performance.

5 ~~(6) If the requirements pursuant to the Omnibus Budget~~
6 ~~Reconciliation Act of 1987, as amended, for the certification~~
7 ~~of nursing assistants are in conflict with this section, the~~
8 ~~federal requirements shall prevail for those facilities~~
9 ~~certified to provide care under Title XVIII (Medicare) or~~
10 ~~Title XIX (Medicaid) of the Social Security Act.~~

11 ~~(7) The Department of Health may adopt such rules as~~
12 ~~are necessary to carry out this section.~~

13 Section 208. Subsection (36) is added to section
14 409.912, Florida Statutes, 1998 Supplement, to read:

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

28 (36) The agency shall enter into agreements with
29 not-for-profit organizations based in this state for the
30 purpose of providing vision screening.

31 Section 209. Except as otherwise expressly provided in

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1 this act, this act shall take effect July 1, 1999.

2

3

4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 Delete everything before the enacting clause,

7

8 and insert:

9

A bill to be entitled

10 An act relating to health care; providing for
11 the issuance of Medicaid numbers to certain
12 children; amending s. 20.43, F.S.; revising
13 powers and the internal structure of the
14 department; amending s. 110.205, F.S.;
15 exempting certain positions from career
16 service; amending s. 120.80, F.S.; exempting
17 certain hearings within the department from the
18 requirement of being conducted by an
19 administrative law judge from the Division of
20 Administrative Hearings; amending s. 154.504,
21 F.S.; revising standards for eligibility to
22 participate in a primary care for children and
23 families challenge grant; amending s. 287.155,
24 F.S.; authorizing the department to purchase
25 vehicles and automotive equipment for county
26 health departments; amending s. 372.6672, F.S.;
27 deleting an obsolete reference to the
28 Department of Health and Rehabilitative
29 Services; amending s. 381.004, F.S.;
30 prescribing conditions under which an HIV test
31 may be performed without obtaining consent;

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1 amending s. 381.0051, F.S.; authorizing the
2 Department of Health to adopt rules to
3 implement the Comprehensive Family Planning
4 Act; amending s. 381.006, F.S.; providing the
5 department with rule authority relating to
6 inspection of certain group care facilities;
7 amending s. 381.0061, F.S.; providing the
8 department with authority to impose certain
9 fines; amending s. 381.0062, F.S.; redefining
10 the term "private water system" and defining
11 the term "multi-family water system"; providing
12 that either type of system may include a rental
13 residence in its service; regulating
14 multi-family systems; amending s. 381.90, F.S.;
15 revising membership of the Health Information
16 Systems Council; prescribing its duties with
17 respect to developing a review process;
18 requiring a report; amending s. 382.003, F.S.;
19 revising powers and duties of the department
20 with respect to vital records; providing for
21 forms and documents to be submitted under oath;
22 amending s. 382.004, F.S.; restating the
23 admissibility of copies of records; amending s.
24 382.008, F.S.; deleting provisions relating to
25 restriction on disclosure of a decedent's
26 social security number; amending s. 382.013,
27 F.S.; revising provisions relating to who must
28 file a birth registration; amending s. 382.015,
29 F.S.; revising provisions relating to issuance
30 of new birth certificates upon determination of
31 paternity; amending s. 382.016, F.S.;

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1 prescribing procedures for amending records;
2 amending s. 382.019, F.S.; providing for
3 dismissal of an application for delayed
4 registration which is not actively pursued;
5 amending s. 382.025, F.S.; exempting certain
6 birth records from confidentiality
7 requirements; amending s. 382.0255, F.S.;
8 revising provisions relating to disposition of
9 the additional fee imposed on certification of
10 birth records; amending s. 383.14, F.S.;
11 conforming a reference to the name of a
12 program; amending s. 385.202, F.S.; deleting
13 provisions relating to reimbursing hospitals
14 reporting information for the statewide cancer
15 registry; amending s. 385.203, F.S.;
16 establishing requirements and membership for
17 the Diabetes Advisory Council; amending s.
18 391.028, F.S.; revising provisions relating to
19 administration of the Children's Medical
20 Services program; amending s. 391.0315, F.S.;
21 revising standards for benefits provided under
22 the program for certain children; amending s.
23 392.69, F.S.; providing for an advisory board
24 for the A. G. Holley State Hospital; amending
25 s. 401.25, F.S.; providing qualifications for
26 licensure as basic or advanced life support
27 service; amending s. 401.27, F.S.; providing
28 standards for certification of emergency
29 medical technicians and paramedics; creating s.
30 401.2701, F.S.; establishing criteria for
31 emergency medical services training programs;

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1 creating s. 401.2715, F.S.; providing for
2 recertification training of emergency medical
3 technicians and paramedics; providing for fees;
4 amending s. 401.30, F.S.; providing for use and
5 maintenance of records; amending s. 401.35,
6 F.S.; providing rulemaking authority; amending
7 s. 409.9126, F.S.; revising requirements for
8 capitation payments to Children's Medical
9 Services programs; amending s. 465.019, F.S.;
10 revising definitions; amending s. 499.005,
11 F.S.; revising the elements of certain offenses
12 relating to purchase or receipt of legend
13 drugs, recordkeeping with respect to drugs,
14 cosmetics, and household products, and permit
15 and registration requirements; amending s.
16 499.007, F.S.; revising conditions under which
17 a drug is considered misbranded; amending s.
18 499.028, F.S.; providing an exemption from the
19 prohibition against possession of a drug
20 sample; amending s. 499.069, F.S.; providing
21 penalties for certain violations of s. 499.005,
22 F.S.; amending s. 742.10, F.S.; revising
23 procedures relating to establishing paternity
24 for children born out of wedlock; amending ss.
25 39.303, 385.203, 391.021, 391.221, 391.222,
26 391.223, F.S., to conform to the renaming of
27 the Division of Children's Medical Services;
28 repealing s. 381.731(3), F.S., relating to the
29 date for submission of a report; repealing s.
30 383.307(5), F.S., relating to licensure of
31 birth center staff and consultants; repealing

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1 s. 404.20(7), F.S., relating to transportation
2 of radioactive materials; repealing s.
3 409.9125, F.S., relating to the study of
4 Medicaid alternative networks; naming a certain
5 building in Jacksonville the "Wilson T. Sowder,
6 M.D., Building"; naming a certain building in
7 Tampa the "William G. 'Doc' Myers, M.D.,
8 Building"; naming the department headquarters
9 building the "Charlton E. Prather, M.D.,
10 Building"; authorizing the Department of Health
11 to become an accrediting authority for
12 environmental laboratory standards; providing
13 intent and rulemaking authority for the
14 Department of Health to implement standards of
15 the National Environmental Laboratory
16 Accreditation Program Accreditation Program;
17 amending s. 381.0022, F.S.; authorizing the
18 Department of Health to share certain
19 information on Medicaid recipients regarding
20 payment for services; amending s. 383.011,
21 F.S.; amending requirements for rules relating
22 to the Child Care Food Program; amending s.
23 468.304, F.S.; revising the application fees to
24 be paid for radiologic technology certification
25 examination; amending s. 468.306, F.S.;
26 revising certain fees for radiologic technology
27 certification examination; amending s. 468.309,
28 F.S.; amending the timing of biennial
29 certification renewal for radiologic
30 technologists; amending ss. 455.57 and 455.565,
31 F.S.; ensuring that an intern in a hospital is

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1 not subject to the credentialing or profiling
2 laws; providing for clinical trials to be
3 conducted on the use of the drug Secretin by a
4 nonprofit provider; requiring a report;
5 providing an appropriation; amending s.
6 232.435, F.S.; correcting a reference; amending
7 s. 381.026, F.S.; providing a definition;
8 amending s. 381.0261, F.S.; providing that the
9 Department of Health or a regulatory board,
10 rather than the Agency for Health Care
11 Administration, may impose an administrative
12 fine against any health care provider who fails
13 to make available to patients a summary of
14 their rights as required by law; amending s.
15 409.906, F.S.; authorizing the Agency for
16 Health Care Administration to develop a
17 certified-match program for Healthy Start
18 services under certain circumstances; amending
19 s. 409.910, F.S.; providing for use of Medicare
20 standard billing formats for certain
21 data-exchange purposes; creating s. 409.9101,
22 F.S.; providing a short title; providing
23 legislative intent relating to Medicaid estate
24 recovery; requiring certain notice of
25 administration of the estate of a deceased
26 Medicaid recipient; providing that receipt of
27 Medicaid benefits creates a claim and interest
28 by the agency against an estate; specifying the
29 right of the agency to amend the amount of its
30 claim based on medical claims submitted by
31 providers subsequent to the agency's initial

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1 claim calculation; providing the basis of
2 calculation of the amount of the agency's
3 claim; specifying a claim's class standing;
4 providing circumstances for nonenforcement of
5 claims; providing criteria for use in
6 considering hardship requests; providing for
7 recovery when estate assets result from a claim
8 against a third party; providing for estate
9 recovery in instances involving real property;
10 providing agency rulemaking authority; amending
11 s. 409.912, F.S.; eliminating a requirement
12 that a Medicaid provider service network
13 demonstration project be located in Orange
14 County; amending s. 409.913, F.S.; revising
15 provisions relating to the agency's authority
16 to withhold Medicaid payments pending
17 completion of certain legal proceedings;
18 providing for disbursement of withheld Medicaid
19 provider payments; creating s. 409.9131, F.S.;
20 providing legislative findings and intent
21 relating to integrity of the Medicaid program;
22 providing definitions; authorizing onsite
23 reviews of physician records by the agency;
24 requiring notice for such reviews; requiring
25 notice of due process rights in certain
26 circumstances; specifying procedures for
27 determinations of overpayment; requiring a
28 study of certain statistical models used by the
29 agency; requiring a report; amending s.
30 455.501, F.S.; redefining the terms "health
31 care practitioner" and "licensee"; amending s.

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1 455.507, F.S.; revising provisions relating to
2 good standing of members of the Armed Forces
3 with administrative boards to provide
4 applicability to the department when there is
5 no board; providing gender neutral language;
6 amending s. 455.521, F.S.; providing powers and
7 duties of the department for the professions,
8 rather than boards, under its jurisdiction;
9 amending s. 455.557, F.S.; revising the
10 credentials collection program for health care
11 practitioners; revising and providing
12 definitions; providing requirements for health
13 care practitioners and the Department of Health
14 under the program; renaming the advisory
15 council and abolishing it at a future date;
16 prohibiting duplication of data available from
17 the department; authorizing collection of
18 certain other information; revising
19 requirements for registration of credentials
20 verification organizations; providing for
21 biennial renewal of registration; providing
22 grounds for suspension or revocation of
23 registration; revising liability insurance
24 requirements; revising rulemaking authority;
25 specifying authority of the department after
26 the council is abolished; amending s. 455.564,
27 F.S.; prescribing the expiration date of an
28 incomplete license application; revising the
29 form and style of licenses; providing authority
30 to the department when there is no board to
31 adopt rules; revising and providing

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1 requirements relating to obtaining continuing
2 education credit in risk management; correcting
3 a reference; amending s. 455.5651, F.S.;
4 prohibiting inclusion of certain information in
5 practitioner profiles; amending s. 455.567,
6 F.S.; defining sexual misconduct and
7 prohibiting it in the practice of a health care
8 profession; providing penalties; amending s.
9 455.574, F.S.; revising provisions relating to
10 review of an examination after failure to pass
11 it; amending s. 455.587, F.S.; providing
12 authority to the department when there is no
13 board to determine by rule the amount of
14 license fees for the profession regulated;
15 providing for a fee for issuance of a wall
16 certificate to certain licensees or for a
17 duplicate wall certificate; amending s.
18 455.601, F.S.; providing, for purposes of
19 workers' compensation, a rebuttable presumption
20 relating to blood-borne infections; amending s.
21 455.604, F.S.; requiring instruction on human
22 immunodeficiency virus and acquired immune
23 deficiency syndrome as a condition of licensure
24 and relicensure to practice dietetics and
25 nutrition or nutrition counseling; amending s.
26 455.607, F.S.; correcting a reference; amending
27 s. 455.624, F.S.; revising and providing
28 grounds for discipline; providing penalties;
29 providing for assessment of certain costs;
30 amending s. 455.664, F.S.; requiring additional
31 health care practitioners to include a certain

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1 statement in advertisements for free or
2 discounted services; correcting terminology;
3 amending s. 455.667, F.S.; authorizing the
4 department to obtain patient records, billing
5 records, insurance information, provider
6 contracts, and all attachments thereto under
7 certain circumstances for purposes of
8 disciplinary proceedings; providing for charges
9 for making reports or records available for
10 digital scanning; amending s. 455.687, F.S.;
11 providing for the suspension or restriction of
12 the license of any health care practitioner who
13 tests positive for drugs under certain
14 circumstances; amending s. 455.694, F.S.;
15 providing financial responsibility requirements
16 for midwives; creating s. 455.712, F.S.;
17 providing requirements for active status
18 licensure of certain business establishments;
19 amending s. 457.102, F.S.; defining the term
20 "prescriptive rights" with respect to
21 acupuncture; amending s. 458.307, F.S.;
22 correcting terminology and a reference;
23 removing an obsolete date; amending s. 458.309,
24 F.S.; providing for registration and inspection
25 of certain offices performing levels 2 and 3
26 surgery; amending s. 458.311, F.S.; revising
27 provisions relating to licensure as a physician
28 by examination; eliminating an obsolete
29 provision relating to licensure of medical
30 students from Nicaragua and another provision
31 relating to taking the examination without

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1 applying for a license; amending s. 458.3115,
2 F.S.; updating terminology; amending s.
3 458.313, F.S.; revising provisions relating to
4 licensure by endorsement; repealing provisions
5 relating to reactivation of certain licenses
6 issued by endorsement; amending s. 458.315,
7 F.S.; providing additional requirements for
8 recipients of a temporary certificate for
9 practice in areas of critical need; amending s.
10 458.3165, F.S.; prescribing authorized
11 employment for holders of public psychiatry
12 certificates; correcting a reference; amending
13 s. 458.317, F.S.; providing for conversion of
14 an active license to a limited license for a
15 specified purpose; amending s. 458.319, F.S.;
16 revising requirements for submitting
17 fingerprints to the department for renewal of
18 licensure as a physician; amending s. 458.331,
19 F.S.; providing grounds for discipline;
20 providing penalties; amending s. 458.347, F.S.;
21 revising provisions relating to temporary
22 licensure as a physician assistant; amending s.
23 459.005, F.S.; providing for registration and
24 inspection of certain offices performing levels
25 2 and 3 surgery; amending s. 459.0075, F.S.;
26 providing for conversion of an active license
27 to a limited license for a specified purpose;
28 amending s. 459.008, F.S.; revising
29 requirements for submitting fingerprints to the
30 department for renewal of licensure as an
31 osteopathic physician; amending s. 459.015,

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1 F.S.; revising and providing grounds for
2 discipline; providing penalties; amending s.
3 460.402, F.S.; providing an exemption from
4 regulation under ch. 460, F.S., relating to
5 chiropractic, for certain students; amending s.
6 460.403, F.S.; defining the term
7 "community-based internship" for purposes of
8 ch. 460, F.S.; redefining the terms "direct
9 supervision" and "registered chiropractic
10 assistant"; amending s. 460.406, F.S.; revising
11 requirements for licensure as a chiropractic
12 physician by examination to remove a provision
13 relating to a training program; amending s.
14 460.407, F.S.; revising requirements for
15 submitting fingerprints to the department for
16 renewal of licensure as a chiropractic
17 physician; amending s. 460.413, F.S.;
18 increasing the administrative fine; conforming
19 cross-references; amending s. 460.4165, F.S.;
20 revising requirements for certification of
21 chiropractic physician's assistants; providing
22 for supervision of registered chiropractic
23 physician's assistants; providing for biennial
24 renewal; providing fees; providing
25 applicability to current certificateholders;
26 amending s. 460.4166, F.S.; authorizing
27 registered chiropractic assistants to be under
28 the direct supervision of a certified
29 chiropractic physician's assistant; amending s.
30 461.003, F.S.; defining the term "certified
31 podiatric X-ray assistant" and the term "direct

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1 supervision" with respect thereto; redefining
2 the term "practice of podiatric medicine";
3 amending s. 461.006, F.S.; revising the
4 residency requirement to practice podiatric
5 medicine; amending s. 461.007, F.S.; revising
6 requirements for renewal of license to practice
7 podiatric medicine; revising requirements for
8 submitting fingerprints to the department for
9 renewal of licensure; amending s. 461.013,
10 F.S.; revising and providing grounds for
11 discipline; providing penalties; creating s.
12 461.0135, F.S.; providing requirements for
13 operation of X-ray machines by certified
14 podiatric X-ray assistants; amending s.
15 464.008, F.S.; providing for remediation upon
16 failure to pass the examination to practice
17 nursing a specified number of times; amending
18 s. 464.022, F.S.; providing an exemption from
19 regulation relating to remedial courses;
20 amending s. 465.003, F.S.; defining the term
21 "data communication device"; revising the
22 definition of the term "practice of the
23 profession of pharmacy"; amending s. 465.016,
24 F.S.; authorizing the redispensing of unused or
25 returned unit-dose medication by correctional
26 facilities under certain conditions; providing
27 a ground for which a pharmacist may be subject
28 to discipline by the Board of Pharmacy;
29 increasing the administrative fine; amending
30 ss. 465.014, 465.015, 465.0196, 468.812,
31 499.003, F.S.; correcting cross-references, to

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1 conform; creating the Task Force for the Study
2 of Collaborative Drug Therapy Management;
3 providing for staff support from the
4 department; providing for participation by
5 specified associations and entities; providing
6 responsibilities; requiring a report to the
7 Legislature; amending s. 466.021, F.S.;
8 revising requirements relating to dental work
9 orders required of unlicensed persons; amending
10 s. 468.1155, F.S.; revising requirements for
11 provisional licensure to practice
12 speech-language pathology or audiology;
13 amending s. 468.1215, F.S.; revising
14 requirements for certification as a
15 speech-language pathologist or audiologist
16 assistant; amending s. 468.307, F.S.;
17 authorizing the issuance of subcategory
18 certificates in the field of radiologic
19 technology; amending s. 468.506, F.S.;
20 correcting references; amending s. 468.701,
21 F.S.; revising and removing definitions;
22 amending s. 468.703, F.S.; replacing the
23 Council of Athletic Training with a Board of
24 Athletic Training; providing for appointment of
25 board members and their successors; providing
26 for staggering of terms; providing for
27 applicability of other provisions of law
28 relating to activities of regulatory boards;
29 providing for the board's headquarters;
30 amending ss. 468.705, 468.707, 468.709,
31 468.711, 468.719, 468.721, F.S., relating to

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1 rulemaking authority, licensure by examination,
2 fees, continuing education, disciplinary
3 actions, and certain regulatory transition;
4 transferring to the board certain duties of the
5 department relating to regulation of athletic
6 trainers; amending s. 20.43, F.S.; placing the
7 board under the Division of Medical Quality
8 Assurance of the department; providing for
9 termination of the council and the terms of
10 council members; authorizing consideration of
11 former council members for appointment to the
12 board; amending s. 468.805, F.S.; revising
13 grandfathering provisions for the practice of
14 orthotics, prosthetics, or pedorthics; amending
15 s. 468.806, F.S.; providing for approval of
16 continuing education providers; amending s.
17 478.42, F.S.; redefining the term "electrolysis
18 or electrology"; amending s. 483.041, F.S.,
19 redefining the terms "clinical laboratory" and
20 "licensed practitioner" and defining the term
21 "clinical laboratory examination"; amending s.
22 483.803, F.S.; redefining the terms "clinical
23 laboratory examination" and "licensed
24 practitioner of the healing arts"; revising a
25 reference; amending s. 483.807, F.S.; revising
26 provisions relating to fees for approval as a
27 laboratory training program; amending s.
28 483.809, F.S.; revising requirements relating
29 to examination of clinical laboratory personnel
30 for licensure and to registration of clinical
31 laboratory trainees; amending s. 483.812, F.S.;

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1 revising qualification requirements for
2 licensure of public health laboratory
3 scientists; amending s. 483.813, F.S.;
4 eliminating a provision authorizing conditional
5 licensure of clinical laboratory personnel for
6 a specified period; amending s. 483.821, F.S.;
7 authorizing continuing education or retraining
8 for candidates who fail an examination a
9 specified number of times; amending s. 483.824,
10 F.S.; revising qualifications of clinical
11 laboratory directors; amending s. 483.825,
12 F.S.; revising and providing grounds for
13 discipline; providing penalties; amending s.
14 483.901, F.S.; correcting a reference;
15 eliminating a provision authorizing temporary
16 licensure as a medical physicist; correcting
17 the name of a trust fund; amending s. 484.007,
18 F.S.; revising requirements for opticians who
19 supervise apprentices; amending s. 484.0512,
20 F.S.; requiring sellers of hearing aids to
21 refund within a specified period all moneys
22 required to be refunded under trial-period
23 provisions; amending s. 484.053, F.S.;
24 increasing the penalty applicable to prohibited
25 acts relating to the dispensing of hearing
26 aids; amending s. 484.056, F.S.; providing that
27 violation of trial-period requirements is a
28 ground for disciplinary action; providing
29 penalties; amending ss. 486.041, 486.081,
30 486.103, and 486.107, F.S.; eliminating
31 provisions authorizing issuance of a temporary

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1 permit to work as a physical therapist or
2 physical therapist assistant; amending s.
3 490.005, F.S.; revising educational
4 requirements for licensure as a psychologist by
5 examination; changing a date, to defer certain
6 educational requirements; amending s. 490.006,
7 F.S.; providing additional requirements for
8 licensure as a psychologist by endorsement;
9 amending s. 490.0085, F.S.; correcting the name
10 of a trust fund; amending s. 491.0045, F.S.;
11 revising requirements for registration as a
12 clinical social worker intern, marriage and
13 family therapist intern, or mental health
14 counselor intern; amending s. 491.0046, F.S.;
15 revising requirements for provisional licensure
16 of clinical social workers, marriage and family
17 therapists, and mental health counselors;
18 amending s. 491.005, F.S.; revising
19 requirements for licensure of clinical social
20 workers, marriage and family therapists, and
21 mental health counselors; providing for
22 certification of education of interns;
23 providing rulemaking authority to implement
24 education and experience requirements for
25 licensure as a clinical social worker, marriage
26 and family therapist, or mental health
27 counselor; revising future licensure
28 requirements for mental health counselors and
29 providing rulemaking authority for
30 implementation thereof; amending s. 491.006,
31 F.S.; revising requirements for licensure or

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1 certification by endorsement; amending s.
2 491.0085, F.S.; requiring laws and rules
3 courses and providing for approval thereof,
4 including providers and programs; correcting
5 the name of a trust fund; amending s. 491.014,
6 F.S.; revising an exemption from regulation
7 relating to certain temporally limited
8 services; amending s. 499.012, F.S.; redefining
9 the term "wholesale distribution," relating to
10 the distribution of prescription drugs, to
11 provide for the exclusion of certain
12 activities; amending ss. 626.883, 641.316,
13 F.S.; requiring payments to a health care
14 provider by a fiscal intermediary to include an
15 explanation of services provided; creating a
16 Task Force on Telehealth; providing its duties;
17 requiring a report; amending s. 468.352, F.S.;
18 redefining the term "board"; amending s.
19 468.353, F.S.; conforming provision; providing
20 for the adoption of rules; amending s. 468.354,
21 F.S.; creating the Board of Respiratory Care;
22 providing for membership, powers, and duties;
23 amending s. 468.355, F.S.; providing for
24 periodic rather than annual review of certain
25 examinations and standards; amending s.
26 458.357, F.S.; conforming provisions; deleting
27 obsolete provisions; amending s. 468.364, F.S.;
28 deleting an examination fee; amending s.
29 468.365, F.S.; conforming provisions; amending
30 s. 464.016, F.S., providing that the use of the
31 title "nurse" without being licensed or

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1 certified is a crime; amending s. 458.3115,
2 F.S.; revising requirements with respect to
3 eligibility of certain foreign-licensed
4 physicians to take and pass standardized
5 examinations; amending s. 458.3124, F.S.;
6 changing the date by which application for a
7 restricted license must be submitted; amending
8 s. 301, ch. 98-166, Laws of Florida;
9 prescribing fees for foreign-licensed
10 physicians taking a certain examination;
11 providing for a detailed study and analysis of
12 clinical laboratory services for kidney
13 dialysis patients; amending s. 455.651, F.S.;
14 providing for treble damages, reasonable
15 attorney fees, and costs for improper
16 disclosure of confidential information;
17 amending ss. 641.261 and 641.411, F.S.;
18 conforming references and cross-references;
19 amending s. 733.212, F.S.; establishing the
20 agency as a reasonably ascertainable creditor
21 with respect to administration of certain
22 estates; requiring that a task force be
23 appointed to review sources of revenue for the
24 trust fund; providing for appointments of its
25 members and specifying topics to be studied;
26 providing for its staffing; providing for
27 meetings; requiring a report and
28 recommendations; creating s. 395.40, F.S.;
29 declaring legislative findings and intent with
30 respect to creation of a statewide inclusive
31 trauma system, as defined; amending s. 395.401,

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1 F.S.; deleting the definitions of the terms
2 "local trauma agency" and "regional trauma
3 agency"; defining the terms "trauma agency" and
4 "trauma alert victim"; prescribing duties of
5 the Department of Health with respect to
6 implementation of inclusive trauma systems and
7 trauma agency plans; amending s. 395.402, F.S.;
8 removing legislative findings; prescribing
9 duties of the department with respect to
10 assignment of counties to trauma service areas;
11 amending s. 395.4045, F.S.; prescribing
12 transport requirements for emergency medical
13 services providers; creating ss. 458.351 and
14 459.026, F.S.; requiring reports to the
15 Department of Health of adverse incidents in
16 specified settings; providing for review of
17 such incidents and initiation of disciplinary
18 proceedings, where appropriate; authorizing
19 department access to certain records and
20 preserving exemption from public access
21 thereto; providing rulemaking authority;
22 requiring the Department of Health to establish
23 standards for compressed air used in
24 recreational sport diving; providing that
25 certain persons and entities are exempt from
26 compliance with such standards; providing for
27 testing compressed air; requiring that test
28 results be provided to the department;
29 requiring that persons or entities selling
30 compressed air post a certificate of testing in
31 a conspicuous location; providing a penalty;

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1 authorizing rules; creating the Minority HIV
2 and AIDS Task Force within the Department of
3 Health; requiring the task force to develop
4 recommendations on ways to strengthen HIV and
5 AIDS prevention and treatment programs in
6 minority communities; requiring the Secretary
7 of Health to appoint the members of the task
8 force; requiring that the task force include
9 representatives of certain groups and
10 organizations; providing for the members to
11 serve without compensation; requiring a report
12 to the Legislature; providing for the task
13 force to be abolished on a specified date;
14 requiring that the Department of Health develop
15 and implement a statewide HIV and AIDS
16 prevention campaign that is directed to
17 minorities; providing requirements for the
18 campaign; requiring the department to establish
19 positions within the department for regional
20 and statewide coordinators; requiring that the
21 department conduct a Black Leadership
22 Conference on HIV and AIDS by a specified date;
23 providing an appropriation; amending s. 20.41,
24 F.S.; providing that area agencies on aging are
25 subject to ch. 119 and ss. 286.011-286.012,
26 F.S., as specified; creating part XV of chapter
27 468, F.S.; providing definitions; requiring
28 that the Department of Health maintain a state
29 registry of certified nursing assistants;
30 authorizing the department to contract for
31 examination services; providing requirements

