

Bill No. CS for SB 2220

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Clary moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause,		
15			
16	and insert:		
17	Section 1. <u>The Department of Children and Family</u>		
18	<u>Services and the Agency for Health Care Administration shall,</u>		
19	<u>by October 1, 1999, develop a system to allow unborn children</u>		
20	<u>of Medicaid-eligible mothers to be issued a Medicaid number</u>		
21	<u>that shall be used for billing purposes and for monitoring of</u>		
22	<u>care for the child beginning with the child's date of birth.</u>		
23	Section 2. Paragraphs (e) and (f) of subsection (3)		
24	and paragraphs (a) and (b) of subsection (7) of section 20.43,		
25	Florida Statutes, 1998 Supplement, are amended, and paragraphs		
26	(h), (i), and (j) are added to subsection (3) of that section,		
27	to read:		
28	20.43 Department of Health.--There is created a		
29	Department of Health.		
30	(3) The following divisions of the Department of		
31	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 (f) "Limited use community public water system" means
2 a public water system not covered or included in the Florida
3 Safe Drinking Water Act, which serves five or more ~~private~~
4 residences or two or more rental residences, and provides
5 piped water.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (5) ENFORCEMENT AND PENALTIES.--

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

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

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

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

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

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

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

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

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

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

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

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

27 (f) The Attorney General;

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

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

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- 1 county, appointed by the Governor; ~~and~~
2 (i) A representative from the Florida Association of
3 Counties;-
4 (j) The State Treasurer and Insurance Commissioner;
5 (k) A representative from the Florida Healthy Kids
6 Corporation;
7 (l) A representative from a school of public health
8 chosen by the Board of Regents;
9 (m) The Commissioner of Education;
10 (n) The Secretary of the Department of Elderly
11 Affairs; and
12 (o) The Secretary of the Department of Juvenile
13 Justice.

14
15 Representatives of the Federal Government may serve without
16 voting rights.

17 (7) The council's duties and responsibilities include,
18 but are not limited to, the following:

19 (a) By March 1 of each year, to develop and approve a
20 strategic plan pursuant to the requirements set forth in s.
21 186.022(9). Copies of the plan shall be transmitted
22 electronically or in writing to the Executive Office of the
23 Governor, the Speaker of the House of Representatives, and the
24 President of the Senate.

25 (b) To develop a mission statement, goals, and plan of
26 action, based on the guiding principles specified in s.
27 282.3032, for the identification, collection, standardization,
28 sharing, and coordination of health-related data across
29 federal, state, and local government and private-sector
30 entities.

31 (c) To develop a review process to ensure cooperative

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

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

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

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

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

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

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

24 382.004 Reproduction and destruction of records.--

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

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

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

4 382.008 Death and fetal death registration.--

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

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

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

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

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

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

13 (1) FILING.--

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (2) PATERNITY.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (2) DETERMINATION OF PATERNITY.--

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

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

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

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

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

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

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

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

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

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

18 382.016 Amendment of records.--

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

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

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

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

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

27 382.019 Delayed registration; administrative
28 procedures.--

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

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

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

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

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

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

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

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

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

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

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1 382.025, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (2) OTHER RECORDS.--

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

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

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1 behalf of any of them;

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

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

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

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

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

20 382.0255 Fees.--

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

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

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

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

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

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

16

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

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

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

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

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

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

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

21 385.202 Statewide cancer registry.--

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

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

31 385.203 Diabetes Advisory Council; creation; function;

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1 membership.--

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

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

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

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

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

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

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

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1 diabetes mellitus as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (b) Providing local oversight of the program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 401.27 Personnel; standards and certification.--

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

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

13 401.2701 Emergency medical services training
14 programs.--

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

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

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

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

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

30 4. Documentation verifying faculty, including:

31 a. A medical director who is a licensed physician

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

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

11 5. Documentation verifying that the curriculum:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 401.30 Records.--

31 (2) Each licensee must provide the receiving hospital

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

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

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

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

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

25 (c) To the department;

26 (d) To the service medical director;

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

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

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

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

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

11

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

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

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

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

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

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

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

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

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

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

9 409.9126 Children with special health care needs.--

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

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

28 465.019 Institutional pharmacies; permits.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (b) "Rx Only";

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 oversight of the teams in the districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 Section 43. Subsection (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 s. 400.211;chapter 457; chapter 458; chapter
10 459; chapter 460; chapter 461; chapter 462; chapter 463;
11 chapter 464; chapter 465; chapter 466; chapter 467;part I,
12 part II,part III, part V, ~~or~~ part X, part XIII, or part XIV
13 of chapter 468; chapter 478;chapter 480; part III or part IV
14 of chapter 483;chapter 484; chapter 486; chapter 490; or
15 chapter 491.

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

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

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

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

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

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

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

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

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

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

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

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

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1 laws and rules and fiscal information relating to the
2 regulation of the appropriate profession and with the
3 structure of the department.

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

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

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

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

21 (9) Allow applicants for new or renewal licenses and
22 current licensees to be screened by the Title IV-D child
23 support agency pursuant to s. 409.2598 to assure compliance
24 with a support obligation. The purpose of this subsection is
25 to promote the public policy of this state as established in
26 s. 409.2551. The department shall, when directed by the court,
27 suspend or deny the license of any licensee found to have a
28 delinquent support obligation. The department shall issue or
29 reinstate the license without additional charge to the
30 licensee when notified by the court that the licensee has
31 complied with the terms of the court order. The department

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1 shall not be held liable for any license denial or suspension
2 resulting from the discharge of its duties under this
3 subsection.

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

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

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

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

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1 (a) "Advisory council" or "council" means the
2 Credentials ~~Verification~~ Advisory Council.

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

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

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

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1 ~~s. 455.565 and the initial licensure reporting requirements~~
2 ~~specified in the applicable practice act.~~

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

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

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

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

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

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

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

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

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

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

23 3. Any accredited medical school in this state.

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

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

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

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

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

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

30 ~~(n) "Recredentialing" means the process by which a~~
31 ~~credentials verification entity verifies the credentials of a~~

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1 ~~health care practitioner whose core credentials data,~~
2 ~~including all corrections, updates, and modifications thereto,~~
3 ~~are currently on file with the entity.~~

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

8 (3) STANDARDIZED CREDENTIALS VERIFICATION PROGRAM.--

9 (a) Every health care practitioner shall:

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

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

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

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

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

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1 by the health care practitioner.

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

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

30 5.(b) Establish ~~There is established~~ a Credentials
31 ~~Verification~~ Advisory Council, consisting of 13 members, to

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 ~~the department or the applicant's designated credentials~~
2 ~~verification entity, if the applicant has made such a~~
3 ~~designation.~~

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

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

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

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

27 ~~(4)(6) DUPLICATION OF DATA PROHIBITED.--~~

28 ~~(a) A health care entity or credentials verification~~
29 ~~organization is prohibited from collecting or attempting may~~
30 ~~not collect or attempt to collect duplicate core credentials~~
31 ~~data from any individual health care practitioner or from any~~

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

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

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

30 ~~(7) RELIABILITY OF DATA. Any credentials verification~~
31 ~~entity may rely upon core credentials data, including all~~

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

10 ~~(5)(8)~~ STANDARDS AND REGISTRATION.--

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

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

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

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

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

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

31 ~~(7)(12)~~ LIABILITY INSURANCE REQUIREMENTS.--~~The~~

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

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

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

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

21 455.564 Department; general licensing provisions.--

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

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

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

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

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

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

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

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

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

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

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

23 455.5651 Practitioner profile; creation.--

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

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

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

31 (1) Sexual misconduct in the practice of a health care

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

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

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

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

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

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1 Section 80. Subsection (2) of section 455.574, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 455.574 Department of Health; examinations.--

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

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

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

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

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

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1 455.564(2) requested by a licensee who was licensed prior to
2 July 1, 1998, or for the issuance of a duplicate wall
3 certificate requested by any licensee.

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

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

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

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

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

31 455.604 Requirement for instruction for certain

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1 licensees on human immunodeficiency virus and acquired immune
2 deficiency syndrome.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (c) Restriction of practice.

10 (d) Imposition of an administrative fine not to exceed
11 ~~\$10,000~~~~\$5,000~~ for each count or separate offense.

12 (e) Issuance of a reprimand.

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

21 (g) Corrective action.

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

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

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1 subsection are the obligation of the practitioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 appointed by the court to determine if the records or any part
2 thereof are protected under the psychotherapist-patient
3 privilege.

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

11 Section 88. Subsection (3) is added to section
12 455.687, Florida Statutes, to read:

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

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

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

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

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

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

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

15 (a) Any person licensed under chapter 457, chapter
16 460, chapter 461, s. 464.012, ~~or~~ chapter 466, or chapter 467
17 who practices exclusively as an officer, employee, or agent of
18 the Federal Government or of the state or its agencies or its
19 subdivisions. For the purposes of this subsection, an agent
20 of the state, its agencies, or its subdivisions is a person
21 who is eligible for coverage under any self-insurance or
22 insurance program authorized by the provisions of s.
23 768.28(15) or who is a volunteer under s. 110.501(1).

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

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

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

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

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

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

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

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

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1 455.712 Business establishments; requirements for
2 active status licenses.--

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

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

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

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

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1 on a business establishment for acts or omissions committed by
2 the business establishment while holding a license, whether
3 active or null.

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

10 Section 91. Subsection (7) is added to section
11 457.102, Florida Statutes, 1998 Supplement, to read:

12 457.102 Definitions.--As used in this chapter:

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

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

20 458.307 Board of Medicine.--

21 (2) Twelve members of the board must be licensed
22 physicians in good standing in this state who are residents of
23 the state and who have been engaged in the active practice or
24 teaching of medicine for at least 4 years immediately
25 preceding their appointment. One of the physicians must be on
26 the full-time faculty of a medical school in this state, and
27 one of the physicians must be in private practice and on the
28 full-time staff of a statutory teaching hospital in this state
29 as defined in s. 408.07. At least one of the physicians must
30 be a graduate of a foreign medical school. The remaining
31 three members must be residents of the state who are not, and

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1 never have been, licensed health care practitioners. One
2 member must be a health care hospital risk manager licensed
3 ~~certified~~ under s. 395.10974 ~~part IX of chapter 626~~. At least
4 one member of the board must be 60 years of age or older.

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

15 Section 93. Subsection (3) is added to section
16 458.309, Florida Statutes, 1998 Supplement, to read:

17 458.309 Authority to make rules.--

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

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

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1 458.311 Licensure by examination; requirements;
2 fees.--

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

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

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

17 (c) Is of good moral character.

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

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

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

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

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1 is a graduate of an allopathic medical school or allopathic
2 college within a territorial jurisdiction of the United States
3 recognized by the accrediting agency of the governmental body
4 of that jurisdiction;

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

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

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

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

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

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

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

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1 and

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

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

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

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1 the United States or Canada, and who has practiced pursuant to
2 such licensure for a period of at least 20 years, this
3 paragraph does not apply.

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

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

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

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

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

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

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1 or the Educational Commission for Foreign Medical Graduates
2 examination equivalent.

3 (4) The department and the board shall assure that
4 applicants for licensure meet the criteria in subsection (1)
5 through an investigative process. When the investigative
6 process is not completed within the time set out in s.
7 120.60(1) and the department or board has reason to believe
8 that the applicant does not meet the criteria, the secretary
9 or the secretary's designee may issue a 90-day licensure delay
10 which shall be in writing and sufficient to notify the
11 applicant of the reason for the delay. The provisions of this
12 subsection shall control over any conflicting provisions of s.
13 120.60(1).

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

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

31 (7) Upon certification by the board, the department

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1 shall impose conditions, limitations, or restrictions on a
2 license ~~by examination~~ if the applicant is on probation in
3 another jurisdiction for an act which would constitute a
4 violation of this chapter.

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

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

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

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

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

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1 ~~2-year restricted license to any applicant therefor upon the~~
2 ~~applicant's successful completion of the licensure examination~~
3 ~~as described in paragraph (1)(a) and who the board certifies~~
4 ~~has met the following requirements:~~

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

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

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

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

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

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1 ~~for the licensure examination unless the board certifies that~~
2 ~~all of the requirements of this paragraph have been met.~~

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

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

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

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

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

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1 board.

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

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

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

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

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

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

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

29 (1)(a) Notwithstanding any other provision of law, the
30 department ~~agency~~ shall provide procedures under which certain
31 physicians who are or were foreign-licensed and have practiced

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

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

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

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

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- 1 approval by the board to take the course completed in 1990 or
2 in 1992, has a certificate of successful completion of that
3 course from the University of Miami or the Stanley H. Kaplan
4 course; or can document to the department that he or she was
5 one of the persons who took and successfully completed the
6 Stanley H. Kaplan course that was approved by the board of
7 ~~Medicine~~ and supervised by the University of Miami. At a
8 minimum, the documentation must include class attendance
9 records and the test score on the final course examination;
- 10 2. Applies to the department ~~agency~~ and submits an
11 application fee that is nonrefundable and equivalent to the
12 fee required for full licensure;
- 13 3. Documents no less than 2 years of the active
14 practice of medicine ~~in another jurisdiction~~;
- 15 4. Submits an examination fee that is nonrefundable
16 and equivalent to the fee required for full licensure plus the
17 actual per-applicant cost to the department ~~agency~~ to provide
18 either examination described in this section;
- 19 5. Has not committed any act or offense in this or any
20 other jurisdiction that would constitute a substantial basis
21 for disciplining a physician under this chapter or part II of
22 chapter 455; and
- 23 6. Is not under discipline, investigation, or
24 prosecution in this or any other jurisdiction for an act that
25 would constitute a violation of this chapter or part II of
26 chapter 455 and that substantially threatened or threatens the
27 public health, safety, or welfare.
- 28 (d) Every person eligible for restricted licensure
29 under this section may sit for the USMLE or the
30 department-developed ~~agency and board-developed~~ examination
31 five times within 5 calendar years. Applicants desiring to

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

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

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

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

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

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

31 3. Submission of written reports to the board or the

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1 department ~~agency~~.

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

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

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

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

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

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

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

3 Section 96. Subsections (1), (2), and (8) of section
4 458.313, Florida Statutes, are amended to read:

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

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

12 (a) Has met the qualifications for licensure in s.
13 458.311(1)(b)-(g) or in s. 458.311(1)(b)-(e) and (g) and (3);

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

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

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

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

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

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

31 Section 97. Subsection (1) of section 458.315, Florida

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1 Statutes, is amended to read:

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

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

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

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

31 Section 98. Section 458.3165, Florida Statutes, is

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1 amended to read:

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

11 (1) Such certificate shall:

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

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

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

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

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

31 Section 99. Subsection (4) is added to section

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1 458.317, Florida Statutes, 1998 Supplement, to read:

2 458.317 Limited licenses.--

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

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

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

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

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

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

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

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

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

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

29 458.347 Physician assistants.--

30 (7) PHYSICIAN ASSISTANT LICENSURE.--

31 (a) Any person desiring to be licensed as a physician

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1 assistant must apply to the department. The department shall
2 issue a license to any person certified by the council as
3 having met the following requirements:

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

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

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

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

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

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

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

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

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

24 2. The department may grant temporary licensure to an
25 applicant who meets the requirements of subparagraph 1.
26 Between meetings of the council, the department may grant
27 temporary licensure to practice based on the completion of all
28 temporary licensure requirements. All such administratively
29 issued licenses shall be reviewed and acted on at the next
30 regular meeting of the council. A temporary license expires
31 30 days after ~~upon~~ receipt and notice of scores to the

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

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

31 (c) The license must be renewed biennially. Each

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1 renewal must include:

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

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

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

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

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

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

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

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

25 459.005 Rulemaking authority.--

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

29 (2) All physicians who perform level 2 procedures
30 lasting more than 5 minutes and all level 3 surgical
31 procedures in an office setting must register the office with

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

10 Section 103. Subsection (7) is added to section
11 459.0075, Florida Statutes, to read:

12 459.0075 Limited licenses.--

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

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

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

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

31 (oo) Failing to comply with the requirements of ss.

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1 381.026 and 381.0261 to provide patients with information
2 about their patient rights and how to file a patient
3 complaint.

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

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

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

12 (c) Restriction of practice.

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

15 (e) Issuance of a reprimand.

16 (f) Issuance of a letter of concern.

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

24 (h) Corrective action.

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

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

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 physician. All costs associated with
5 compliance with orders issued under this subsection are the
6 obligation of the physician.

7 Section 105. Subsection (6) is added to section
8 460.402, Florida Statutes, to read:

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

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

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

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

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

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1 for the clinical practice requirements of the college.

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

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

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

20 460.406 Licensure by examination.--

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

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1 certifies has:

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

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

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

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

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1 Recognition of Postsecondary Accreditation.

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

18 ~~(e) Completed not less than a 3-month training program~~
19 ~~in this state of not less than 300 hours with a chiropractic~~
20 ~~physician licensed in this state. The chiropractic physician~~
21 ~~candidate may perform all services offered by the licensed~~
22 ~~chiropractic physician, but must be under the supervision of~~
23 ~~the licensed chiropractic physician until the results of the~~
24 ~~first licensure examination for which the candidate has~~
25 ~~qualified have been received, at which time the candidate's~~
26 ~~training program shall be terminated. However, an applicant~~
27 ~~who has practiced chiropractic medicine in any other state,~~
28 ~~territory, or jurisdiction of the United States or any foreign~~
29 ~~national jurisdiction for at least 5 years as a licensed~~
30 ~~chiropractic physician need not be required to complete the~~
31 ~~3-month training program as a requirement for licensure.~~

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1 ~~(e)(f)~~ Successfully completed the National Board of
2 Chiropractic Examiners certification examination in parts I
3 and II and clinical competency, with a score approved by the
4 board, within 10 years immediately preceding application to
5 the department for licensure.

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

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

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

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

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

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

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

28 (d) Imposition of an administrative fine not to exceed
29 \$10,000~~\$2,000~~ for each count or separate offense.

30

31 In determining what action is appropriate, the board must

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

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

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

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

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

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

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1 primary practice;

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

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

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

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

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

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

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

31 (b) The board shall create groups of specialty

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

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

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

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

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

29 (c) Has completed the application form and remitted an
30 application fee set by the board pursuant to this section. An
31 application for certification made by a chiropractic

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1 physician's assistant must include:

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

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

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

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

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

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

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

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

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1 ~~licensed chiropractic physician and when the board is~~
2 ~~satisfied that the public will be adequately protected by the~~
3 ~~arrangement proposed in the application.~~

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

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

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

26 ~~(9)(8)~~ FEES.--

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

31 (b) Upon approval of an application for certification

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

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

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

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

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

27 (a) Each renewal must include:

- 28 1. A renewal fee as set by board pursuant to this
29 section.
30 2. A sworn statement of no felony convictions in the
31 previous 2 years in any jurisdiction.

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

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

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

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

30 460.4166 Registered chiropractic assistants.--

31 (1) DEFINITION.--As used in this section, "registered

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

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

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

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1 physician's assistant.

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

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

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

11 461.003 Definitions.--As used in this chapter:

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

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

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

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

26 ~~(3) "Practice of podiatric medicine" means the~~
27 ~~diagnosis or medical, surgical, palliative, and mechanical~~
28 ~~treatment of ailments of the human foot and leg. The surgical~~
29 ~~treatment of ailments of the human foot and leg shall be~~
30 ~~limited anatomically to that part below the anterior tibial~~
31 ~~tubercle. The practice of podiatric medicine shall include~~

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1 ~~the amputation of the toes or other parts of the foot but~~
 2 ~~shall not include the amputation of the foot or leg in its~~
 3 ~~entirety. A podiatric physician may prescribe drugs that~~
 4 ~~relate specifically to the scope of practice authorized~~
 5 ~~herein.~~

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

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

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

22 461.006 Licensure by examination.--

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

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

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

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

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

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

21 461.007 Renewal of license.--

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

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

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1 applicant does not dispute the matter in the citation with the
2 department within 30 days after the citation is served, the
3 citation becomes a final order and constitutes discipline.
4 Service of a citation may be made by personal service or
5 certified mail, restricted delivery, to the subject at the
6 applicant's last known address. If an applicant has submitted
7 fingerprints to the department for a national criminal history
8 check upon initial licensure and is renewing his or her
9 license for the first time, then the applicant need only
10 submit the information and fee required for a statewide
11 criminal history check.

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

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

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

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

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

29 (b) Revocation or suspension of a license.

30 (c) Restriction of practice.

31 (d) Imposition of an administrative fine not to exceed

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1 ~~\$10,000~~~~\$1,000~~ for each count or separate offense.

2 (e) Issuance of a reprimand.

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

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

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

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

30 Section 117. Subsection (3) is added to section
31 464.008, Florida Statutes, to read:

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1 464.008 Licensure by examination.--
2 (3) Any applicant who fails the examination three
3 consecutive times, regardless of the jurisdiction in which the
4 examination is taken, shall be required to complete a
5 board-approved remedial course before the applicant will be
6 approved for reexamination. After taking the remedial course,
7 the applicant may be approved to retake the examination up to
8 three additional times before the applicant is required to
9 retake remediation. The applicant shall apply for
10 reexamination within 6 months after completion of remediation.
11 The board shall by rule establish guidelines for remedial
12 courses.

13 Section 118. Subsection (13) is added to section
14 464.022, Florida Statutes, to read:

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

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

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

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

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

30 ~~(13)(12)~~ "Practice of the profession of pharmacy"
31 includes compounding, dispensing, and consulting concerning

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

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

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1 subsection (1) of that section, to read:

2 465.016 Disciplinary actions.--

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

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

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

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

22 (c) Imposition of an administrative fine not to exceed
23 ~~\$5,000~~~~\$1,000~~ for each count or separate offense.

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

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

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

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

16 465.015 Violations and penalties.--

17 (2) It is unlawful for any person:

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

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

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

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

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

11 468.812 Exemptions from licensure.--

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

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

29 499.003 Definitions of terms used in ss.

30 499.001-499.081.--As used in ss. 499.001-499.081, the term:

31 (19) "Legend drug," "prescription drug," or "medicinal

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1 drug" means any drug, including, but not limited to, finished
2 dosage forms, or active ingredients subject to, defined by, or
3 described by s. 503(b) of the Federal Food, Drug, and Cosmetic
4 Act or s. 465.003(8)(7), s. 499.007(12), or s. 499.0122(1)(b)
5 or (c).

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

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

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

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

- 31 1. Department of Health.

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1 2. Board of Medicine, which representative must be a
2 member of the board who is licensed under chapter 458, Florida
3 Statutes.

4 3. Board of Osteopathic Medicine, which representative
5 must be a member of the board who is licensed under chapter
6 459, Florida Statutes.

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

10 5. Agency for Health Care Administration.

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

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

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

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

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

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

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1 466.021 Employment of unlicensed persons by dentist;
2 penalty.--Every duly licensed dentist who uses the services of
3 any unlicensed person for the purpose of constructing,
4 altering, repairing, or duplicating any denture, partial
5 denture, bridge splint, or orthodontic or prosthetic appliance
6 shall be required to furnish such unlicensed person with a
7 written work order in such form as prescribed ~~shall be~~
8 ~~approved by rule of the board department. This form shall be~~
9 ~~supplied to the dentist by the department at a cost not to~~
10 ~~exceed that of printing and handling. The work order blanks~~
11 ~~shall be assigned to individual dentists and are not~~
12 ~~transferable.~~This form shall be dated and signed by such
13 dentist and shall include the patient's name or number with
14 sufficient descriptive information to clearly identify the
15 case for each separate and individual piece of work. A ~~said~~
16 ~~work order shall be made in duplicate form, the duplicate copy~~
17 of such work order shall ~~to~~ be retained in a permanent file in
18 the dentist's office for a period of 2 years, and the original
19 work order shall ~~to~~ be retained in a permanent file for a
20 period of 2 years by such ~~said~~ unlicensed person in her or his
21 place of business. Such permanent file of work orders to be
22 kept by such dentist or by such unlicensed person shall be
23 open to inspection at any reasonable time by the department or
24 its duly constituted agent. Failure of the dentist to keep
25 such permanent records of such ~~said~~ work orders shall subject
26 the dentist to suspension or revocation of her or his license
27 to practice dentistry. Failure of such unlicensed person to
28 have in her or his possession a work order as required by this
29 section ~~above defined~~ shall be admissible evidence of a
30 violation of this chapter and shall constitute a misdemeanor
31 of the second degree, punishable as provided in s. 775.082 or

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1 s. 775.083. Nothing in this section shall preclude a
2 registered dental laboratory from working for another
3 registered dental laboratory, provided that such work is
4 performed pursuant to written authorization, in a form to be
5 prescribed by rule of the board ~~department~~, which evidences
6 that the originating laboratory has obtained a valid work
7 order and which sets forth the work to be performed.
8 Furthermore, nothing in this section shall preclude a
9 registered laboratory from providing its services to dentists
10 licensed and practicing in another state, provided that such
11 work is requested or otherwise authorized in written form
12 which clearly identifies the name and address of the
13 requesting dentist and which sets forth the work to be
14 performed.

15 Section 128. Paragraph (b) of subsection (2),
16 paragraph (b) of subsection (3), and subsection (4) of section
17 468.1155, Florida Statutes, are amended to read:

18 468.1155 Provisional license; requirements.--

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

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

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

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

10 2. Six semester hours in audiology.

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

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

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

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

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

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

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

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

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

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

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

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

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1 (b) Earned a bachelor's degree from a college or
2 university accredited by a regional association of colleges
3 and schools recognized by the Department of Education which
4 includes at least 24 semester hours of coursework as approved
5 by the board at an institution accredited by an accrediting
6 agency recognized by the Commission on Recognition of
7 Postsecondary Accreditation.

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

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

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

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

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

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

27 468.307 Certificate; issuance; possession; display.--

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

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1 this part limiting the certificateholder to a specific
2 procedure or specific type of equipment.

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

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

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1 decision shall be final. The board shall fix council members'
2 compensation and pay their expenses in the same manner as
3 provided in s. 455.534.

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

6 468.701 Definitions.--As used in this part, the term:

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

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

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

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

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

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

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

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

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

30 (9)~~(10)~~ "Supervision" means the easy availability of
31 the supervisor to the athletic trainer, which includes the

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1 ability to communicate by telecommunications.

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

4 468.703 Board Council of Athletic Training.--

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

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

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

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

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

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

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

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

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1 (6) The board shall maintain its official headquarters
2 in Tallahassee.

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

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

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

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

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

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

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

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

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

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

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

8 468.707 Licensure by examination; requirements.--

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

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

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

15 2. Is at least 21 years of age.

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

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

30 5. Has current certification in standard first aid and
31 cardiovascular pulmonary resuscitation from the American Red

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1 Cross or an equivalent certification as determined by the
2 board department.

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

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

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

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

15 2. Is at least 21 years of age.

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

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

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

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

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

31 468.709 Fees.--

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- 1 (1) The board department shall, by rule, establish
 2 fees for the following purposes:
- 3 (a) An application fee, not to exceed \$100.
 - 4 (b) An examination fee, not to exceed \$200.
 - 5 (c) An initial licensure fee, not to exceed \$200.
 - 6 (d) A biennial renewal fee, not to exceed \$200.
 - 7 (e) An inactive fee, not to exceed \$100.
 - 8 (f) A delinquent fee, not to exceed \$100.
 - 9 (g) A reactivation fee, not to exceed \$100.
 - 10 (h) A voluntary inactive fee, not to exceed \$100.
- 11 (2) The board department shall establish fees at a
 12 level, not to exceed the statutory fee cap, that is adequate
 13 to ensure the continued operation of the regulatory program
 14 under this part. The board department shall neither set nor
 15 maintain the fees at a level that will substantially exceed
 16 this need.
- 17 Section 137. Subsections (2) and (3) of section
 18 468.711, Florida Statutes, 1998 Supplement, are amended to
 19 read:
- 20 468.711 Renewal of license; continuing education.--
- 21 (2) The board department may, by rule, prescribe
 22 continuing education requirements, not to exceed 24 hours
 23 biennially. The criteria for continuing education shall be
 24 approved by the board department and shall include 4 hours in
 25 standard first aid and cardiovascular pulmonary resuscitation
 26 from the American Red Cross or equivalent training as
 27 determined by board department.
- 28 (3) Pursuant to the requirements of s. 455.607
 29 ~~455.604~~, each licensee shall complete a continuing education
 30 course on human immunodeficiency virus and acquired immune
 31 deficiency syndrome as part of biennial relicensure.

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1 Section 138. Subsection (2) of section 468.719,
2 Florida Statutes, 1998 Supplement, is amended to read:

3 468.719 Disciplinary actions.--

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

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

10 468.721 Saving clause.--

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

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

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

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

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1 to read:

2 20.43 Department of Health.--There is created a
3 Department of Health.4 (3) The following divisions of the Department of
5 Health are established:6 (g) Division of Medical Quality Assurance, which is
7 responsible for the following boards and professions
8 established within the division:

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

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1 part III of chapter 468.

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

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

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

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

10 21. Electrolysis, as provided under chapter 478.

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

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

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

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

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

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

23 28. The Board of Psychology, created under chapter
24 490.

25 29. School psychologists, as provided under chapter
26 490.

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

30

31 The department may contract with the Agency for Health Care

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1 Administration who shall provide consumer complaint,
2 investigative, and prosecutorial services required by the
3 Division of Medical Quality Assurance, councils, or boards, as
4 appropriate.

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

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

12 468.805 Grandfathering ~~Licensure without examination;~~
13 ~~provisional licensure.--~~

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

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1 pedorthist; and 5 years for an orthotist whose scope of
2 practice is defined under s. 468.80(7).

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

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

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

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

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

27 (3) An applicant who has received certification as an
28 orthotist, a prosthetist, a prosthetist-orthotist, or a
29 pedorthist from a national certifying body which requires the
30 successful completion of an examination, may be licensed under
31 this section without taking an additional examination. An

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1 applicant who has not received certification from a national
2 certifying body which requires the successful completion of an
3 examination shall be required to take an examination as
4 determined by the board. This examination shall be designed to
5 determine if the applicant has the minimum qualifications
6 needed to be licensed under this section. The board may charge
7 an examination fee and the actual per applicant cost to the
8 department for purchase or development of the examination.

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

15 (5)(4) This section is repealed July 1, 2002.

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

18 468.806 Biennial renewal of license.--

19 (3) The board may by rule prescribe continuing
20 education requirements and approve course criteria, not to
21 exceed 30 hours biennially, as a condition for license
22 renewal. The board shall establish a procedure for approving
23 continuing education courses and providers and may set a fee
24 for continuing education course and provider approval.

25 Section 144. Subsection (5) of section 478.42, Florida
26 Statutes, is amended to read:

27 478.42 Definitions.--As used in this chapter, the
28 term:

29 (5) "Electrolysis or electrology" means the permanent
30 removal of hair by destroying ~~introducing, into and beneath~~
31 ~~the skin, ionizing (galvanic current) or nonionizing radiation~~

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1 ~~(thermolysis or high-frequency current)~~ to destroy the
2 hair-producing cells of the skin and vascular system, using
3 equipment and needle-type epilation devices approved by the
4 board which have been cleared by and that are registered with
5 the United States Food and Drug Administration and that are
6 used pursuant to protocols approved by the ~~council and the~~
7 board.

8 Section 145. Section 483.041, Florida Statutes, is
9 amended to read:

10 483.041 Definitions.--As used in this part, the term:

11 (1) "Agency" means the Agency for Health Care
12 Administration.

13 (2) "Clinical laboratory" means the physical location
14 in which one or more of the following services a laboratory
15 ~~where examinations are performed on materials or specimens~~
16 ~~taken from the human body~~ to provide information or materials
17 for use in the diagnosis, prevention, or treatment of a
18 disease or the identification or assessment of a medical or
19 physical condition.

20 (a) Clinical laboratory services are the examinations
21 of fluids or other materials taken from the human body.

22 (b) Anatomic laboratory services are the examinations
23 of tissue taken from the human body.

24 (c) Cytology laboratory services are the examinations
25 of cells from individual tissues or fluid taken from the human
26 body.

27 (3) "Clinical laboratory examination" means a
28 procedure performed to deliver the services defined in
29 subsection (2), including the oversight or interpretation
30 thereof.

31 ~~(4)~~(3) "Clinical laboratory proficiency testing

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1 program" means a program approved by the agency for evaluating
2 the performance of clinical laboratories.

3 (5)~~(4)~~ "Collection station" or "branch office" means a
4 facility operated by a clinical laboratory where materials or
5 specimens are withdrawn or collected from patients or
6 assembled after being withdrawn or collected from patients
7 elsewhere, for subsequent delivery to another location for
8 examination.

9 (6)~~(5)~~ "Hospital laboratory" means a laboratory
10 located in a hospital licensed under chapter 395 that provides
11 services solely to that hospital and that is owned by the
12 hospital and governed by the hospital medical staff or
13 governing board.

14 (7)~~(6)~~ "Licensed practitioner" means a physician
15 licensed under chapter 458, chapter 459, chapter 460, or
16 chapter 461; a dentist licensed under chapter 466; a person
17 licensed under chapter 462; or an advanced registered nurse
18 practitioner licensed under chapter 464 or a duly licensed
19 practitioner from another state licensed under similar
20 statutes who orders examinations on materials or specimens for
21 non residents of the State of Florida, but who reside in the
22 same state as the requesting licensed practitioner.

23 (8)~~(7)~~ "Person" means the State of Florida or any
24 individual, firm, partnership, association, corporation,
25 county, municipality, political subdivision, or other entity,
26 whether organized for profit or not.

27 (9)~~(8)~~ "Validation inspection" means an inspection of
28 a clinical laboratory by the agency to assess whether a review
29 by an accrediting organization has adequately evaluated the
30 clinical laboratory according to state standards.

31 (10)~~(9)~~ "Waived test" means a test that the federal

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1 Health Care Financing Administration has determined qualifies
2 for a certificate of waiver under the federal Clinical
3 Laboratory Improvement Amendments of 1988, and the federal
4 rules adopted thereunder.

5 Section 146. Subsections (2), (3), and (7) of section
6 483.803, Florida Statutes, are amended to read:

7 483.803 Definitions.--As used in this part, the term:

8 (2) "Clinical laboratory" means a clinical laboratory
9 as defined in s. 483.041~~(2)~~.

10 (3) "Clinical laboratory examination" means a clinical
11 laboratory examination as defined in s. 483.041 ~~an examination~~
12 ~~performed on materials or specimens of the human body to~~
13 ~~provide information or materials for use in the diagnosis,~~
14 ~~prevention, or treatment of a disease or the identification or~~
15 ~~assessment of a medical or physical condition.~~

16 (7) "Licensed practitioner of the healing arts" means
17 a physician licensed under ~~pursuant to~~ chapter 458, chapter
18 459, ~~or~~ chapter 460, or chapter 461; a dentist licensed under
19 ~~pursuant to~~ chapter 466; or a person licensed under ~~pursuant~~
20 ~~to chapter 461 or chapter 462.~~

21 Section 147. Subsection (9) of section 483.807,
22 Florida Statutes, 1998 Supplement, is amended to read:

23 483.807 Fees; establishment; disposition.--

24 (9) The initial application and renewal fee for
25 approval as a laboratory training program may not exceed \$300.
26 The fee for late filing of a renewal application shall be \$50.

27 Section 148. Subsections (2) and (3) of section
28 483.809, Florida Statutes, are amended to read:

29 483.809 Licensure; examinations; registration of
30 trainees; approval of curricula.--

31 (2) EXAMINATIONS.--The department shall conduct

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1 examinations required by board rules to determine in part the
2 qualification of clinical laboratory personnel for licensure.
3 The board by rule may designate a ~~An approved~~ national
4 certification examination that may be accepted in lieu of
5 state examination for clinical laboratory personnel or public
6 health scientists.

7 (3) REGISTRATION OF TRAINEES.--The department shall
8 provide for ~~annual~~ registration of clinical laboratory
9 trainees who are enrolled in a training program ~~employed by~~
10 ~~laboratories~~ approved pursuant to s. 483.811, which
11 registration may not be renewed except upon special
12 authorization of the board.

13 Section 149. Section 483.812, Florida Statutes, is
14 amended to read:

15 483.812 Public health laboratory scientists;
16 licensure.--

17 (1) Applicants at the director level in the category
18 of public health shall qualify under s. 483.824.

19 (2)(1) Applicants at the ~~director and~~ supervisor level
20 in the category of public health who are certified ~~registered~~
21 by the National Registry in ~~of~~ Clinical Chemistry
22 ~~Certification~~ or the American Society for ~~of~~ Microbiology,
23 licensed as a technologist, and have 5 years of pertinent
24 clinical laboratory experience may qualify ~~under board rules~~
25 by passing the state-administered ~~appropriate~~ supervision and
26 administration examination.

27 (3)(2)(a) A technologist applicant for licensure in
28 the category of public health microbiology, with a
29 baccalaureate degree in one of the biological sciences from an
30 accredited institution, may use the American Society for ~~of~~
31 Microbiology or the National Registry in ~~of~~ Microbiology

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1 Certification in Public Health Microbiology to qualify for a
2 technologist license in public health microbiology. Such a
3 technologist may work in a public health microbiology
4 laboratory.

5 (b) A technologist applicant for licensure in the
6 category of public health chemistry, with a baccalaureate
7 degree in one of the chemical, biological, or physical
8 sciences from an accredited institution, may use the National
9 Registry of Clinical Chemistry Certification to qualify for a
10 technologist license in public health chemistry. Such a
11 technologist may work in a public health chemistry laboratory.

12 (c) A technician applicant for licensure in the
13 category of public health, with a baccalaureate degree in one
14 of the chemical or biological sciences from an accredited
15 institution, may obtain a 2-year ~~one-time, 3-year,~~ conditional
16 public health technician license, which may be renewed once
17 ~~pending national certification by the American Society of~~
18 ~~Microbiology or the National Registry of Clinical Chemistry~~
19 ~~Certification~~. Such a technician may perform testing only
20 under the direct supervision of a licensed pathologist,
21 director, supervisor, or technologist.

22 (4)~~(3)~~ A person licensed by the Board of Clinical
23 Laboratory Personnel may work in a public health laboratory at
24 the appropriate level and specialty.

25 Section 150. Section 483.813, Florida Statutes, is
26 amended to read:

27 483.813 Clinical laboratory personnel license.--A
28 person may not conduct a clinical laboratory examination or
29 report the results of such examination unless such person is
30 licensed under this part to perform such procedures. However,
31 this provision does not apply to any practitioner of the

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1 healing arts authorized to practice in this state or to
2 persons engaged in testing performed by laboratories regulated
3 under s. 483.035(1) or exempt from regulation under s.
4 483.031(2). The department may grant a temporary license to
5 any candidate it deems properly qualified, for a period not to
6 exceed 1 year, ~~or a conditional license for a period not to~~
7 ~~exceed 3 years.~~

8 Section 151. Subsection (3) is added to section
9 483.821, Florida Statutes, to read:

10 483.821 Periodic demonstration of competency;
11 continuing education or reexamination.--

12 (3) The board may, by rule, provide for continuing
13 education or retraining requirements for candidates failing an
14 examination two or more times.

15 Section 152. Section 483.824, Florida Statutes, is
16 amended to read:

17 483.824 Qualifications of clinical laboratory
18 director.--A clinical laboratory director must have 4 years of
19 clinical laboratory experience with 2 years of experience in
20 the speciality to be directed or be nationally board certified
21 in the specialty to be directed, and must meet one of the
22 following requirements:

23 (1) Be a physician licensed under chapter 458 or
24 chapter 459;

25 (2) Hold an earned doctoral degree in a chemical,
26 physical, or biological science from a regionally accredited
27 institution and be nationally certified; or

28 (3) For the subspecialty of oral pathology, be a
29 physician licensed under chapter 458 or chapter 459 or a
30 dentist licensed under chapter 466.

31 Section 153. Section 483.825, Florida Statutes, is

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1 amended to read:

2 483.825 Grounds for disciplinary action.--The
3 following acts constitute grounds for which disciplinary
4 actions specified in s. 483.827 may be taken against
5 applicants, registrants, and licensees under this part:

6 (1) Attempting to obtain, obtaining, or renewing a
7 license or registration under this part by bribery, by
8 fraudulent misrepresentation, or through an error of the
9 department or the board.

10 (2) Engaging in or attempting to engage in, or
11 representing herself or himself as entitled to perform, any
12 clinical laboratory procedure or category of procedures not
13 authorized pursuant to her or his license.

14 (3) Demonstrating incompetence or making consistent
15 errors in the performance of clinical laboratory examinations
16 or procedures or erroneous reporting.

17 (4) Performing a test and rendering a report thereon
18 to a person not authorized by law to receive such services.

19 (5) Has been convicted or found guilty of, or entered
20 a plea of nolo contendere to, regardless of adjudication, a
21 crime in any jurisdiction which directly relates to the
22 activities of clinical laboratory personnel or involves moral
23 turpitude or fraudulent or dishonest dealing. The record of a
24 conviction certified or authenticated in such form as to be
25 admissible in evidence under the laws of the state shall be
26 admissible as prima facie evidence of such guilt.~~Having been~~
27 ~~convicted of a felony or of any crime involving moral~~
28 ~~turpitude under the laws of any state or of the United States.~~
29 ~~The record of conviction or a certified copy thereof shall be~~
30 ~~conclusive evidence of such conviction.~~

31 (6) Having been adjudged mentally or physically

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1 incompetent.

2 (7) Violating or aiding and abetting in the violation
3 of any provision of this part or the rules adopted hereunder.

4 (8) Reporting a test result when no laboratory test
5 was performed on a clinical specimen.

6 (9) Knowingly advertising false services or
7 credentials.

8 (10) Having a license revoked, suspended, or otherwise
9 acted against, including the denial of licensure, by the
10 licensing authority of another jurisdiction. The licensing
11 authority's acceptance of a relinquishment of a license,
12 stipulation, consent order, or other settlement, offered in
13 response to or in anticipation of the filing of administrative
14 charges against the licensee, shall be construed as action
15 against the licensee.

16 (11) Failing to report to the board, in writing,
17 within 30 days that an if action under subsection (5),
18 subsection (6), or subsection (10) has been taken against the
19 licensee or one's license to practice as clinical laboratory
20 personnel in another state, territory, ~~or~~ country, or other
21 jurisdiction.

22 (12) Being unable to perform or report clinical
23 laboratory examinations with reasonable skill and safety to
24 patients by reason of illness or use of alcohol, drugs,
25 narcotics, chemicals, or any other type of material or as a
26 result of any mental or physical condition. In enforcing this
27 subsection, the department shall have, upon a finding of the
28 secretary or his or her designee that probable cause exists to
29 believe that the licensee is unable to practice because of the
30 reasons stated in this subsection, the authority to issue an
31 order to compel a licensee to submit to a mental or physical

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1 examination by physicians designated by the department. If
2 the licensee refuses to comply with such order, the
3 department's order directing such examination may be enforced
4 by filing a petition for enforcement in the circuit court
5 where the licensee resides or does business. The department
6 shall be entitled to the summary procedure provided in s.
7 51.011. A licensee affected under this subsection shall at
8 reasonable intervals be afforded an opportunity to demonstrate
9 that he or she can resume competent practice with reasonable
10 skill and safety to patients.

11 (13) Delegating professional responsibilities to a
12 person when the licensee delegating such responsibilities
13 knows, or has reason to know, that such person is not
14 qualified by training, experience, or licensure to perform
15 them.

16 (14) Violating a previous order of the board entered
17 in a disciplinary proceeding.

18 (15) Failing to report to the department a person or
19 other licensee who the licensee knows is in violation of this
20 chapter or the rules of the department or board adopted
21 hereunder.

22 (16) Making or filing a report which the licensee
23 knows to be false, intentionally or negligently failing to
24 file a report or record required by state or federal law,
25 willfully impeding or obstructing such filing or inducing
26 another person to do so, including, but not limited to,
27 impeding an agent of the state from obtaining a report or
28 record for investigative purposes. Such reports or records
29 shall include only those generated in the capacity as a
30 licensed clinical laboratory personnel.

31 (17) Paying or receiving any commission, bonus,

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1 kickback, or rebate, or engaging in any split-fee arrangement
2 in any form whatsoever with a physician, organization, agency,
3 or person, either directly or indirectly for patients referred
4 to providers of health care goods and services including, but
5 not limited to, hospitals, nursing homes, clinical
6 laboratories, ambulatory surgical centers, or pharmacies. The
7 provisions of this subsection shall not be construed to
8 prevent a clinical laboratory professional from receiving a
9 fee for professional consultation services.

10 (18) Exercising influence on a patient or client in
11 such a manner as to exploit the patient or client for the
12 financial gain of the licensee or other third party, which
13 shall include, but not be limited to, the promoting, selling,
14 or withholding of services, goods, appliances, referrals, or
15 drugs.

16 (19) Practicing or offering to practice beyond the
17 scope permitted by law or rule, or accepting or performing
18 professional services or responsibilities which the licensee
19 knows or has reason to know that he or she is not competent to
20 perform.

21 (20) Misrepresenting or concealing a material fact at
22 any time during any phase of the licensing, investigative, or
23 disciplinary process, procedure, or proceeding.

24 (21) Improperly interfering with an investigation or
25 any disciplinary proceeding.

26 (22) Engaging in or attempting to engage in sexual
27 misconduct, causing undue embarrassment or using disparaging
28 language or language of a sexual nature towards a patient,
29 exploiting superior/subordinate, professional/patient,
30 instructor/student relationships for personal gain, sexual
31 gratification, or advantage.

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1 Section 154. Paragraph (g) of subsection (4) and
2 subsections (6) and (8) of section 483.901, Florida Statutes,
3 1998 Supplement, are amended to read:

4 483.901 Medical physicists; definitions; licensure.--

5 (4) COUNCIL.--The Advisory Council of Medical
6 Physicists is created in the Department of Health to advise
7 the department in regulating the practice of medical physics
8 in this state.

9 (g) If a vacancy on the council occurs, the secretary
10 ~~director~~ shall appoint a member to serve for a 4-year term.

11 (6) LICENSE REQUIRED.--An individual may not engage in
12 the practice of medical physics, including the specialties of
13 diagnostic radiological physics, therapeutic radiological
14 physics, medical nuclear radiological physics, or medical
15 health physics, without a license issued by the department for
16 the appropriate specialty.

17 (a) The department shall adopt rules to administer
18 this section which specify license application and renewal
19 fees, continuing education requirements, and standards for
20 practicing medical physics. The council shall recommend to
21 the department continuing education requirements that shall be
22 a condition of license renewal. The department shall require
23 a minimum of 24 hours per biennium of continuing education
24 offered by an organization recommended by the council and
25 approved by the department. The department, upon
26 recommendation of the council, may adopt rules to specify
27 continuing education requirements for persons who hold a
28 license in more than one specialty.

29 (b) In order to apply for a medical physicist license
30 in one or more specialties, a person must file an individual
31 application for each specialty with the department. The

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1 application must be on a form prescribed by the department and
2 must be accompanied by a nonrefundable application fee for
3 each specialty.

4 (c) The department may issue a license to an eligible
5 applicant if the applicant meets all license requirements. At
6 any time before the department issues a license, the applicant
7 may request in writing that the application be withdrawn. To
8 reapply, the applicant must submit a new application and an
9 additional nonrefundable application fee and must meet all
10 current licensure requirements.

11 (d) The department shall review each completed
12 application for a license which the department receives.

13 (e) On receipt of an application and fee as specified
14 in this section, the department may issue a license to
15 practice medical physics in this state:

16 1. Until October 1, 1998, to a person who meets any of
17 the following requirements:

18 a. Earned from an accredited college or university a
19 doctoral degree in physics, medical physics, biophysics,
20 radiological physics, medical health physics, or nuclear
21 engineering and has at least 2 years' experience in the
22 practice of the medical physics specialty for which
23 application is made.

24 b. Earned from an accredited college or university a
25 master's degree in physics, medical physics, biophysics,
26 radiological physics, medical health physics, or nuclear
27 engineering and has at least 3 years' experience in the
28 practice of the medical physics specialty for which
29 application is made.

30 c. Earned from an accredited college or university a
31 bachelor's degree in physics and has at least 5 years'

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1 experience in the practice of the medical physics specialty
2 for which application is made.

3 d. Has at least 8 years' experience in the practice of
4 the medical physics specialty for which application is made, 2
5 years of which must have been earned within the 4 years
6 immediately preceding application for licensure.

7 e. Is board certified in the medical physics specialty
8 in which the applicant applies to practice by the American
9 Board of Radiology for diagnostic radiological physics,
10 therapeutic radiological physics, or medical nuclear
11 radiological physics; by the American Board of Medical Physics
12 or the Canadian Board of Medical Physics for diagnostic
13 radiological physics, therapeutic radiological physics, or
14 medical nuclear radiological physics; or by the American Board
15 of Health Physics or an equivalent certifying body approved by
16 the agency.

17 2. On or after October 1, 1997, to a person who is
18 board certified in the medical physics specialty in which the
19 applicant applies to practice by the American Board of
20 Radiology for diagnostic radiological physics, therapeutic
21 radiological physics, or medical nuclear radiological physics;
22 by the American Board of Medical Physics for diagnostic
23 radiological physics, therapeutic radiological physics, or
24 medical nuclear radiological physics; or by the American Board
25 of Health Physics or an equivalent certifying body approved by
26 the department.

27 (f) A licensee shall:

28 1. Display the license in a place accessible to the
29 public; and

30 2. Report immediately any change in the licensee's
31 address or name to the department.

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- 1 (g) The following acts are grounds for which the
- 2 disciplinary actions in paragraph (h) may be taken:
- 3 1. Obtaining or attempting to obtain a license by
- 4 bribery, fraud, knowing misrepresentation, or concealment of
- 5 material fact or through an error of the department.
- 6 2. Having a license denied, revoked, suspended, or
- 7 otherwise acted against in another jurisdiction.
- 8 3. Being convicted or found guilty of, or entering a
- 9 plea of nolo contendere to, regardless of adjudication, a
- 10 crime in any jurisdiction which relates to the practice of, or
- 11 the ability to practice, the profession of medical physics.
- 12 4. Willfully failing to file a report or record
- 13 required for medical physics or willfully impeding or
- 14 obstructing the filing of a report or record required by this
- 15 section or inducing another person to do so.
- 16 5. Making misleading, deceptive, or fraudulent
- 17 representations in or related to the practice of medical
- 18 physics.
- 19 6. Willfully failing to report any known violation of
- 20 this section or any rule adopted thereunder.
- 21 7. Willfully or repeatedly violating a rule adopted
- 22 under this section or an order of the department.
- 23 8. Failing to perform any statutory or legal
- 24 obligation placed upon a licensee.
- 25 9. Aiding, assisting, procuring, employing, or
- 26 advising any unlicensed person to practice medical physics
- 27 contrary to this section or any rule adopted thereunder.
- 28 10. Delegating or contracting for the performance of
- 29 professional responsibilities by a person when the licensee
- 30 delegating or contracting such responsibilities knows, or has
- 31 reason to know, such person is not qualified by training,

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1 experience, and authorization to perform them.

2 11. Practicing or offering to practice beyond the
3 scope permitted by law or accepting and performing
4 professional responsibilities the licensee knows, or has
5 reason to know, the licensee is not competent to perform.

6 12. Gross or repeated malpractice or the inability to
7 practice medical physics with reasonable skill and safety.

8 13. Judicially determined mental incompetency.

9 14. Being unable to practice medical physics with
10 reasonable skill and safety because of a mental or physical
11 condition or illness or the use of alcohol, controlled
12 substances, or any other substance which impairs one's ability
13 to practice.

14 a. The department may, upon probable cause, compel a
15 licensee to submit to a mental or physical examination by
16 physicians designated by the department. The cost of an
17 examination shall be borne by the licensee, and the licensee's
18 failure to submit to such an examination constitutes an
19 admission of the allegations against the licensee, consequent
20 upon which a default and a final order may be entered without
21 the taking of testimony or presentation of evidence, unless
22 the failure was due to circumstances beyond the licensee's
23 control.

24 b. A licensee who is disciplined under this
25 subparagraph shall, at reasonable intervals, be afforded an
26 opportunity to demonstrate that the licensee can resume the
27 practice of medical physics with reasonable skill and safety.

28 c. With respect to any proceeding under this
29 subparagraph, the record of proceedings or the orders entered
30 by the department may not be used against a licensee in any
31 other proceeding.

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1 (h) When the department finds any person guilty of any
2 of the grounds set forth in paragraph (g), including conduct
3 that would constitute a substantial violation of paragraph (g)
4 which occurred prior to licensure, it may enter an order
5 imposing one or more of the following penalties:

6 1. Deny the application for licensure.
7 2. Revoke or suspend the license.
8 3. Impose an administrative fine for each count or
9 separate offense.

10 4. Place the licensee on probation for a specified
11 time and subject the licensee to such conditions as the
12 department determines necessary, including requiring
13 treatment, continuing education courses, or working under the
14 monitoring or supervision of another licensee.

15 5. Restrict a licensee's practice.

16 6. Issue a reprimand to the licensee.

17 (i) The department may not issue or reinstate a
18 license to a person it has deemed unqualified until it is
19 satisfied that such person has complied with the terms and
20 conditions of the final order and that the licensee can safely
21 practice medical physics.

22 ~~(j) The department may issue a temporary license to an~~
23 ~~applicant pending completion of the application process for~~
24 ~~board certification.~~

25 (j)~~(k)~~ Upon receipt of a complete application and the
26 fee set forth by rule, the department may issue a
27 physicist-in-training certificate to a person qualified to
28 practice medical physics under direct supervision. The
29 department may establish by rule requirements for initial
30 certification and renewal of a physicist-in-training
31 certificate.

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1 (8) DISPOSITION OF FEES.--The department shall deposit
2 all funds received into the Medical Quality Assurance Health
3 ~~Care~~ Trust Fund.

4 Section 155. Paragraph (d) of subsection (1) of
5 section 484.007, Florida Statutes, is amended to read:

6 484.007 Licensure of opticians; permitting of optical
7 establishments.--

8 (1) Any person desiring to practice opticianry shall
9 apply to the department, upon forms prescribed by it, to take
10 a licensure examination. The department shall examine each
11 applicant who the board certifies:

12 (d)1. Has received an associate degree, or its
13 equivalent, in opticianry from an educational institution the
14 curriculum of which is accredited by an accrediting agency
15 recognized and approved by the United States Department of
16 Education or the Council on Postsecondary Education or
17 approved by the board;

18 2. Is an individual licensed to practice the
19 profession of opticianry pursuant to a regulatory licensing
20 law of another state, territory, or jurisdiction of the United
21 States, who has actively practiced in such other state,
22 territory, or jurisdiction for more than 3 years immediately
23 preceding application, and who meets the examination
24 qualifications as provided in this subsection;

25 3. Is an individual who has actively practiced in
26 another state, territory, or jurisdiction of the United States
27 for more than 5 years immediately preceding application and
28 who provides tax or business records, affidavits, or other
29 satisfactory documentation of such practice and who meets the
30 examination qualifications as provided in this subsection; or

31 4. Has registered as an apprentice with the department

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1 and paid a registration fee not to exceed \$60, as set by rule
2 of the board. The apprentice shall complete 6,240 hours of
3 training under the supervision of an optician licensed in this
4 state for at least 1 year or of a physician or an
5 optometrist licensed under the laws of this state. These
6 requirements must be met within 5 years after the date of
7 registration. However, any time spent in a recognized school
8 may be considered as part of the apprenticeship program
9 provided herein. The board may establish administrative
10 processing fees sufficient to cover the cost of administering
11 apprentice rules as promulgated by the board.

12 Section 156. Subsection (3) is added to section
13 484.0512, Florida Statutes, to read:

14 484.0512 Thirty-day trial period; purchaser's right to
15 cancel; notice; refund; cancellation fee.--

16 (3) Within 30 days after the return or attempted
17 return of the hearing aid, the seller shall refund all moneys
18 that must be refunded to a purchaser pursuant to this section.

19 Section 157. Section 484.053, Florida Statutes, is
20 amended to read:

21 484.053 Prohibitions; penalties.--

22 (1) A person may not:

23 (a) Practice dispensing hearing aids unless the person
24 is a licensed hearing aid specialist;

25 (b) Use the name or title "hearing aid specialist"
26 when the person has not been licensed under this part;

27 (c) Present as her or his own the license of another;

28 (d) Give false, incomplete, or forged evidence to the
29 board or a member thereof for the purposes of obtaining a
30 license;

31 (e) Use or attempt to use a hearing aid specialist

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1 license that is delinquent or has been suspended, revoked, or
2 placed on inactive ~~or delinquent~~ status;

3 (f) Knowingly employ unlicensed persons in the
4 practice of dispensing hearing aids; or

5 (g) Knowingly conceal information relative to
6 violations of this part.

7 (2) Any person who violates any of the provisions of
8 this section is guilty of a felony ~~misdemeanor~~ of the third
9 ~~second degree~~, punishable as provided in s. 775.082 or s.
10 775.083.

11 (3) If a person licensed under this part allows the
12 sale of a hearing aid by an unlicensed person not registered
13 as a trainee or fails to comply with the requirements of s.
14 484.0445(2) relating to supervision of trainees, the board
15 shall, upon determination of that violation, order the full
16 refund of moneys paid by the purchaser upon return of the
17 hearing aid to the seller's place of business.

18 Section 158. Paragraph (a) of subsection (1) of
19 section 484.056, Florida Statutes, 1998 Supplement, is amended
20 to read:

21 484.056 Disciplinary proceedings.--

22 (1) The following acts relating to the practice of
23 dispensing hearing aids shall be grounds for both disciplinary
24 action against a hearing aid specialist as set forth in this
25 section and cease and desist or other related action by the
26 department as set forth in s. 455.637 against any person
27 owning or operating a hearing aid establishment who engages
28 in, aids, or abets any such violation:

29 (a) Violation of any provision of s. 455.624(1), s.
30 484.0512, or s. 484.053.

31 Section 159. Section 486.041, Florida Statutes, is

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1 amended to read:

2 486.041 Physical therapist; application for license;
3 ~~fee; temporary permit.--~~

4 ~~(1)~~ A person who desires to be licensed as a physical
5 therapist shall apply to the department in writing on a form
6 furnished by the department. She or he shall embody in that
7 application evidence under oath, satisfactory to the board, of
8 possession of the qualifications preliminary to examination
9 required by s. 486.031. The applicant shall pay to the
10 department at the time of filing the application a fee not to
11 exceed \$100, as fixed by the board.

12 ~~(2) If a person desires to practice physical therapy~~
13 ~~before becoming licensed through examination, she or he shall~~
14 ~~apply for a temporary permit in accordance with rules adopted~~
15 ~~pursuant to this chapter.~~

16 ~~(a) A temporary permit shall only be issued for a~~
17 ~~limited period of time, not to exceed 1 year, and shall not be~~
18 ~~renewable. A temporary permit shall automatically expire if an~~
19 ~~applicant fails the examination.~~

20 ~~(b) An applicant for licensure by examination and~~
21 ~~practicing under a temporary permit shall do so only under the~~
22 ~~direct supervision of a licensed physical therapist.~~

23 Section 160. Section 486.081, Florida Statutes, is
24 amended to read:

25 486.081 Physical therapist; issuance of license
26 without examination to person passing examination of another
27 authorized examining board; ~~temporary permit; fee.--~~

28 (1) The board may cause a license to be issued through
29 the department without examination to any applicant who
30 presents evidence satisfactory to the board of having passed
31 the American Registry Examination prior to 1971 or an

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1 examination in physical therapy before a similar lawfully
2 authorized examining board of another state, the District of
3 Columbia, a territory, or a foreign country, if the standards
4 for licensure in physical therapy in such other state,
5 district, territory, or foreign country are determined by the
6 board to be as high as those of this state, as established by
7 rules adopted pursuant to this chapter. Any person who holds a
8 license pursuant to this section may use the words "physical
9 therapist" or "physiotherapist," or the letters "P.T.," in
10 connection with her or his name or place of business to denote
11 her or his licensure hereunder.

12 (2) At the time of making application for licensure
13 without examination pursuant to the terms of this section, the
14 applicant shall pay to the department a fee not to exceed \$175
15 as fixed by the board, no part of which will be returned.

16 ~~(3) If a person desires to practice physical therapy~~
17 ~~before becoming licensed through endorsement, she or he shall~~
18 ~~apply to the board for a temporary permit in accordance with~~
19 ~~rules adopted pursuant to this chapter. A temporary permit~~
20 ~~shall only be issued for a limited period of time, not to~~
21 ~~exceed 1 year, and shall not be renewable.~~

22 Section 161. Section 486.103, Florida Statutes, is
23 amended to read:

24 486.103 Physical therapist assistant; application for
25 license; fee; ~~temporary permit.~~--

26 (1) A person who desires to be licensed as a physical
27 therapist assistant shall apply to the department in writing
28 on a form furnished by the department. She or he shall embody
29 in that application evidence under oath, satisfactory to the
30 board, of possession of the qualifications preliminary to
31 examination required by s. 486.104. The applicant shall pay to

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1 the department at the time of filing the application a fee not
2 to exceed \$100, as fixed by the board.

3 ~~(2) If a person desires to work as a physical~~
4 ~~therapist assistant before being licensed through examination,~~
5 ~~she or he shall apply for a temporary permit in accordance~~
6 ~~with rules adopted pursuant to this chapter.~~

7 ~~(a) A temporary permit shall only be issued for a~~
8 ~~limited period of time, not to exceed 1 year, and shall not be~~
9 ~~renewable. A temporary permit shall automatically expire if an~~
10 ~~applicant fails the examination.~~

11 ~~(b) An applicant for licensure by examination who is~~
12 ~~practicing under a temporary permit shall do so only under the~~
13 ~~direct supervision of a licensed physical therapist.~~

14 Section 162. Section 486.107, Florida Statutes, is
15 amended to read:

16 486.107 Physical therapist assistant; issuance of
17 license without examination to person licensed in another
18 jurisdiction; ~~temporary permit; fee.--~~

19 (1) The board may cause a license to be issued through
20 the department without examination to any applicant who
21 presents evidence to the board, under oath, of licensure in
22 another state, the District of Columbia, or a territory, if
23 the standards for registering as a physical therapist
24 assistant or licensing of a physical therapist assistant, as
25 the case may be, in such other state are determined by the
26 board to be as high as those of this state, as established by
27 rules adopted pursuant to this chapter. Any person who holds a
28 license pursuant to this section may use the words "physical
29 therapist assistant," or the letters "P.T.A.," in connection
30 with her or his name to denote licensure hereunder.

31 (2) At the time of making application for licensing

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1 without examination pursuant to the terms of this section, the
2 applicant shall pay to the department a fee not to exceed \$175
3 as fixed by the board, no part of which will be returned.

4 ~~(3) If a person desires to work as a physical~~
5 ~~therapist assistant before being licensed through endorsement,~~
6 ~~she or he shall apply for a temporary permit in accordance~~
7 ~~with rules adopted pursuant to this chapter. A temporary~~
8 ~~permit shall only be issued for a limited period of time, not~~
9 ~~to exceed 1 year, and shall not be renewable.~~

10 Section 163. Paragraph (b) of subsection (1) of
11 section 490.005, Florida Statutes, 1998 Supplement, is amended
12 to read:

13 490.005 Licensure by examination.--

14 (1) Any person desiring to be licensed as a
15 psychologist shall apply to the department to take the
16 licensure examination. The department shall license each
17 applicant who the board certifies has:

18 (b) Submitted proof satisfactory to the board that the
19 applicant has:

20 1. Received doctoral-level psychological education, as
21 defined in s. 490.003(3);

22 2. Received the equivalent of a doctoral-level
23 psychological education, as defined in s. 490.003(3), from a
24 program at a school or university located outside the United
25 States of America and Canada, which was officially recognized
26 by the government of the country in which it is located as an
27 institution or program to train students to practice
28 professional psychology. The burden of establishing that the
29 requirements of this provision have been met shall be upon the
30 applicant;

31 3. Received and submitted to the board, prior to July

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1 1, 1999, certification of an augmented doctoral-level
 2 psychological education from the program director of a
 3 doctoral-level psychology program accredited by a programmatic
 4 agency recognized and approved by the United States Department
 5 of Education; or

6 4. Received and submitted to the board, prior to
 7 August 31, 2001 ~~July 1, 2001~~, certification of a
 8 doctoral-level program that at the time the applicant was
 9 enrolled and graduated maintained a standard of education and
 10 training comparable to the standard of training of programs
 11 accredited by a programmatic agency recognized and approved by
 12 the United States Department of Education, ~~as such~~
 13 ~~comparability was determined by the Board of Psychological~~
 14 ~~Examiners immediately prior to the amendment of s. 490.005,~~
 15 ~~Florida Statutes, 1994 Supplement, by s. 5, chapter 95-279,~~
 16 ~~Laws of Florida.~~ Such certification of comparability shall be
 17 provided by the program director of a doctoral-level
 18 psychology program accredited by a programmatic agency
 19 recognized and approved by the United States Department of
 20 Education.

21 Section 164. Subsection (1) of section 490.006,
 22 Florida Statutes, is amended to read:

23 490.006 Licensure by endorsement.--

24 (1) The department shall license a person as a
 25 psychologist or school psychologist who, upon applying to the
 26 department and remitting the appropriate fee, demonstrates to
 27 the department or, in the case of psychologists, to the board
 28 that the applicant:

29 (a) Holds a valid license or certificate in another
 30 state to practice psychology or school psychology, as
 31 applicable, provided that, when the applicant secured such

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1 license or certificate, the requirements were substantially
2 equivalent to or more stringent than those set forth in this
3 chapter at that time; and, if no Florida law existed at that
4 time, then the requirements in the other state must have been
5 substantially equivalent to or more stringent than those set
6 forth in this chapter at the present time; ~~or~~

7 (b) Is a diplomate in good standing with the American
8 Board of Professional Psychology, Inc.; or

9 (c) Possesses a doctoral degree in psychology as
10 described in s. 490.003 and has at least 20 years of
11 experience as a licensed psychologist in any jurisdiction or
12 territory of the United States within 25 years preceding the
13 date of application.

14 Section 165. Subsection (2) of section 490.0085,
15 Florida Statutes, is amended to read:

16 490.0085 Continuing education; approval of providers,
17 programs, and courses; proof of completion.--

18 (2) The department or, in the case of psychologists,
19 the board has the authority to set a fee not to exceed \$500
20 for each applicant who applies for or renews provider status.
21 Such fees shall be deposited into the Medical Quality
22 Assurance Health Care Trust Fund.

23 Section 166. Section 491.0045, Florida Statutes, is
24 amended to read:

25 491.0045 Intern registration; requirements.--

26 (1) Effective January 1, 1998, an individual who
27 intends to practice in Florida to satisfy the postgraduate or
28 post-master's level experience requirements, as specified in
29 s. 491.005(1)(c), (3)(c), or (4)(c), must register as an
30 intern in the profession for which he or she is seeking
31 licensure prior to commencing the post-master's experience

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1 requirement or an individual who intends to satisfy part of
2 the required graduate-level practicum, internship, or field
3 experience, outside the academic arena for any profession,
4 must register as an intern in the profession for which he or
5 she is seeking licensure prior to commencing the practicum,
6 internship, or field experience.

7 (2) The department shall register as a clinical social
8 worker intern, marriage and family therapist intern, or mental
9 health counselor intern each applicant who the board certifies
10 has:

11 (a) Completed the application form and remitted a
12 nonrefundable application fee not to exceed \$200, as set by
13 board rule;

14 (b)1. Completed the education requirements as
15 specified in s. 491.005(1)(c), (3)(c), or (4)(c) for the
16 profession for which he or she is applying for licensure, if
17 needed; and

18 2. Submitted an acceptable supervision plan, as
19 determined by the board, for meeting the practicum,
20 internship, or field work required for licensure that was not
21 satisfied in his or her graduate program.

22 (c) Identified a qualified supervisor.

23 (3) An individual registered under this section must
24 remain under supervision until he or she is in receipt of a
25 license or a letter from the department stating that he or she
26 is licensed to practice the profession for which he or she
27 applied.

28 (4) An individual who has applied for intern
29 registration on or before December 31, 2001, and has satisfied
30 the education requirements of s. 491.005 that are in effect
31 through December 31, 2000, will have met the educational

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1 requirements for licensure for the profession for which he or
2 she has applied.

3 (5) Individuals who have commenced the experience
4 requirement as specified in s. 491.005(1)(c), (3)(c), or
5 (4)(c) but failed to register as required by subsection (1)
6 shall register with the department before January 1, 2000.
7 Individuals who fail to comply with this subsection shall not
8 be granted a license, and any time spent by the individual
9 completing the experience requirement prior to registering as
10 an intern shall not count toward completion of such
11 requirement.

12 Section 167. Subsections (1) and (2) of section
13 491.0046, Florida Statutes, are amended to read:

14 491.0046 Provisional license; requirements.--

15 (1) An individual applying for licensure by
16 examination who has satisfied the clinical experience
17 requirements of s. 491.005 or an individual applying for
18 licensure by endorsement pursuant to s. 491.006 intending to
19 provide clinical social work, marriage and family therapy, or
20 mental health counseling services in Florida while satisfying
21 coursework or examination requirements for licensure must be
22 provisionally licensed in the profession for which he or she
23 is seeking licensure prior to beginning practice.

24 (2) The department shall issue a provisional clinical
25 social worker license, provisional marriage and family
26 therapist license, or provisional mental health counselor
27 license to each applicant who the board certifies has:

28 (a) Completed the application form and remitted a
29 nonrefundable application fee not to exceed \$100, as set by
30 board rule; and

31 (b) ~~±~~ Earned a graduate degree in social work, a

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1 graduate degree with a major emphasis in marriage and family
 2 therapy or a closely related field, or a graduate degree in a
 3 major related to the practice of mental health counseling;
 4 ~~and, and satisfied the clinical experience requirements for~~
 5 ~~licensure pursuant to s. 491.005; or~~

6 ~~2. Been approved for examination under the provisions~~
 7 ~~for licensure by endorsement pursuant to s. 491.006.~~

8 (c) Has met the following minimum coursework
 9 requirements:

10 1. For clinical social work, a minimum of 15 semester
 11 hours or 22 quarter hours of the coursework required by s.
 12 491.005(1)(b)2.b.

13 2. For marriage and family therapy, ten of the courses
 14 required by s. 491.005(3)(b)1.a.-c., as determined by the
 15 board, and at least 6 semester hours or 9 quarter hours of the
 16 course credits must have been completed in the area of
 17 marriage and family systems, theories, or techniques.

18 3. For mental health counseling, a minimum of seven of
 19 the courses required under s. 491.005(b)1.a.-c.

20 Section 168. Section 491.005, Florida Statutes, is
 21 amended to read:

22 491.005 Licensure by examination.--

23 (1) CLINICAL SOCIAL WORK.--Upon verification of
 24 documentation and payment of a fee not to exceed \$200, as set
 25 by board rule, plus the actual per applicant cost to the
 26 department for purchase of the examination from the American
 27 Association of State Social Worker's Boards or a similar
 28 national organization, the department shall issue a license as
 29 a clinical social worker to an applicant who the board
 30 certifies:

31 (a) Has made application therefor and paid the

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1 appropriate fee.

2 (b)1. Has received a doctoral degree in social work
3 from a graduate school of social work which at the time the
4 applicant graduated was accredited by an accrediting agency
5 recognized by the United States Department of Education or has
6 received a master's degree in social work from a graduate
7 school of social work which at the time the applicant
8 graduated:

9 a. Was accredited by the Council on Social Work
10 Education;

11 b. Was accredited by the Canadian Association of
12 Schools of Social Work; or

13 c. Has been determined to have been a program
14 equivalent to programs approved by the Council on Social Work
15 Education by the Foreign Equivalency Determination Service of
16 the Council on Social Work Education. An applicant who
17 graduated from a program at a university or college outside of
18 the United States or Canada must present documentation of the
19 equivalency determination from the council in order to
20 qualify.

21 2. The applicant's graduate program must have
22 emphasized direct clinical patient or client health care
23 services, including, but not limited to, coursework in
24 clinical social work, psychiatric social work, medical social
25 work, social casework, psychotherapy, or group therapy. The
26 applicant's graduate program must have included all of the
27 following coursework:

28 a. A supervised field placement which was part of the
29 applicant's advanced concentration in direct practice, during
30 which the applicant provided clinical services directly to
31 clients.

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1 b. Completion of 24 semester hours or 32 ~~37~~ quarter
2 hours in theory of human behavior and practice methods as
3 courses in clinically oriented services, including a minimum
4 of one course in psychopathology, and no more than one course
5 in research, taken in a school of social work accredited or
6 approved pursuant to subparagraph 1.

7 3. 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 (c) Has had not less than 2 years of clinical social
13 work experience, which took place subsequent to completion of
14 a graduate degree in social work at an institution meeting the
15 accreditation requirements of this section, under the
16 supervision of a licensed clinical social worker or the
17 equivalent who is a qualified supervisor as determined by the
18 board. An individual who intends to practice in Florida to
19 satisfy clinical experience requirements must register
20 pursuant to s. 491.0045 prior to commencing practice. If the
21 applicant's graduate program was not a program which
22 emphasized direct clinical patient or client health care
23 services as described in subparagraph (b)2.s. 491.003, the
24 supervised experience requirement must take place after the
25 applicant has completed a minimum of 15 semester hours or 22
26 quarter hours of the coursework required. A doctoral
27 internship may be applied toward the clinical social work
28 experience requirement. The experience requirement may be met
29 by work performed on or off the premises of the supervising
30 clinical social worker or the equivalent, provided the
31 off-premises work is not the independent private practice

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1 rendering of clinical social work that does not have a
2 licensed mental health professional, as determined by the
3 board, on the premises at the same time the intern is
4 providing services.

5 (d) Has passed a theory and practice examination
6 provided by the department for this purpose.

7 (e) Has demonstrated, in a manner designated by rule
8 of the board, knowledge of the laws and rules governing the
9 practice of clinical social work, marriage and family therapy,
10 and mental health counseling.

11 (2) CLINICAL SOCIAL WORK.--

12 (a) Notwithstanding the provisions of paragraph
13 (1)(b), coursework which was taken at a baccalaureate level
14 shall not be considered toward completion of education
15 requirements for licensure unless an official of the graduate
16 program certifies in writing on the graduate school's
17 stationery that a specific course, which students enrolled in
18 the same graduate program were ordinarily required to complete
19 at the graduate level, was waived or exempted based on
20 completion of a similar course at the baccalaureate level. If
21 this condition is met, the board shall apply the baccalaureate
22 course named toward the education requirements.

23 (b) An applicant from a master's or doctoral program
24 in social work which did not emphasize direct patient or
25 client services may complete the clinical curriculum content
26 requirement by returning to a graduate program accredited by
27 the Council on Social Work Education or the Canadian
28 Association of Schools of Social Work, or to a clinical social
29 work graduate program with comparable standards, in order to
30 complete the education requirements for examination. However,
31 a maximum of 6 semester or 9 quarter hours of the clinical

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1 curriculum content requirement may be completed by credit
2 awarded for independent study coursework as defined by board
3 rule.

4 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification
5 of documentation and payment of a fee not to exceed \$200, as
6 set by board rule, plus the actual cost to the department for
7 the purchase of the examination from the Association of
8 Marital and Family Therapy Regulatory Board, or similar
9 national organization, the department shall issue a license as
10 a marriage and family therapist to an applicant who the board
11 certifies:

12 (a) Has made application therefor and paid the
13 appropriate fee.

14 (b)1. Has a minimum of a master's degree with major
15 emphasis in marriage and family therapy, or a closely related
16 field, and has completed all of the following requirements:

17 a. Twenty-seven semester hours or 41 quarter hours of
18 graduate coursework, which must include a minimum of 2
19 semester hours or 3 quarter hours of graduate-level course
20 credits in each of the following nine areas: dynamics of
21 marriage and family systems; marriage therapy and counseling
22 theory and techniques; family therapy and counseling theory
23 and techniques; individual human development theories
24 throughout the life cycle; personality theory;
25 psychopathology; human sexuality theory and counseling
26 techniques; general counseling theory and techniques; and
27 psychosocial theory. Content may be combined, provided no more
28 than two of the nine content areas are included in any one
29 graduate-level course and the applicant can document that the
30 equivalent of 2 semester hours of coursework was devoted to
31 each content area. Courses in research, evaluation, appraisal,

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1 assessment, or testing theories and procedures; thesis or
2 dissertation work; or practicums, internships, or fieldwork
3 may not be applied toward this requirement.

4 b. A minimum of one graduate-level course of 2
5 semester hours or 3 quarter hours in legal, ethical, and
6 professional standards issues in the practice of marriage and
7 family therapy or a course determined by the board to be
8 equivalent.

9 c. A minimum of one graduate-level course of 2
10 semester hours or 3 quarter hours in diagnosis, appraisal,
11 assessment, and testing for individual or interpersonal
12 disorder or dysfunction; and a minimum of one 2-semester-hour
13 or 3-quarter-hour graduate-level course in behavioral research
14 which focuses on the interpretation and application of
15 research data as it applies to clinical practice. Credit for
16 thesis or dissertation work, practicums, internships, or
17 fieldwork may not be applied toward this requirement.

18 d. A minimum of one supervised clinical practicum,
19 internship, or field experience in a marriage and family
20 counseling setting, during which the student provided 180
21 direct client contact hours of marriage and family therapy
22 services under the supervision of an individual who met the
23 requirements for supervision under paragraph (c). This
24 requirement may be met by a supervised practice experience
25 which took place outside the academic arena, but which is
26 certified as equivalent to a graduate-level practicum or
27 internship program which required a minimum of 180 direct
28 client contact hours of marriage and family therapy services
29 currently offered within an academic program of a college or
30 university accredited by an accrediting agency approved by the
31 United States Department of Education, or an institution which

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1 is publicly recognized as a member in good standing with the
2 Association of Universities and Colleges of Canada or a
3 training institution accredited by the Commission on
4 Accreditation for Marriage and Family Therapy Education
5 recognized by the United States Department of Education.
6 Certification shall be required from an official of such
7 college, university, or training institution.

8 2. If the course title which appears on the
9 applicant's transcript does not clearly identify the content
10 of the coursework, the applicant shall be required to provide
11 additional documentation, including, but not limited to, a
12 syllabus or catalog description published for the course.

13
14 The required master's degree must have been received in an
15 institution of higher education which at the time the
16 applicant graduated was: fully accredited by a regional
17 accrediting body recognized by the Commission on Recognition
18 of Postsecondary Accreditation; publicly recognized as a
19 member in good standing with the Association of Universities
20 and Colleges of Canada; or an institution of higher education
21 located outside the United States and Canada, which at the
22 time the applicant was enrolled and at the time the applicant
23 graduated maintained a standard of training substantially
24 equivalent to the standards of training of those institutions
25 in the United States which are accredited by a regional
26 accrediting body recognized by the Commission on Recognition
27 of Postsecondary Accreditation. Such foreign education and
28 training must have been received in an institution or program
29 of higher education officially recognized by the government of
30 the country in which it is located as an institution or
31 program to train students to practice as professional marriage

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1 and family therapists or psychotherapists. The burden of
2 establishing that the requirements of this provision have been
3 met shall be upon the applicant, and the board shall require
4 documentation, such as, but not limited to, an evaluation by a
5 foreign equivalency determination service, as evidence that
6 the applicant's graduate degree program and education were
7 equivalent to an accredited program in this country. An
8 applicant with a master's degree from a program which did not
9 emphasize marriage and family therapy may complete the
10 coursework requirement in a training institution fully
11 accredited by the Commission on Accreditation for Marriage and
12 Family Therapy Education recognized by the United States
13 Department of Education.

14 (c) Has had not less than 2 years of clinical
15 experience during which 50 percent of the applicant's clients
16 were receiving marriage and family therapy services, which
17 must be at the post-master's level under the supervision of a
18 licensed marriage and family therapist with at least 5 years
19 of experience, or the equivalent, who is a qualified
20 supervisor as determined by the board. An individual who
21 intends to practice in Florida to satisfy the clinical
22 experience requirements must register pursuant to s. 491.0045
23 prior to commencing practice. If a graduate has a master's
24 degree with a major emphasis in marriage and family therapy or
25 a closely related field that did not include all the
26 coursework required under sub-subparagraphs (b)1.a.-c., credit
27 for the post-master's level clinical experience shall not
28 commence until the applicant has completed a minimum of 10 of
29 the courses required under sub-subparagraphs (b)1.a.-c., as
30 determined by the board, and at least 6 semester hours or 9
31 quarter hours of the course credits must have been completed

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1 in the area of marriage and family systems, theories, or
2 techniques. Within the 3 years of required experience, the
3 applicant shall provide direct individual, group, or family
4 therapy and counseling, to include the following categories of
5 cases: unmarried dyads, married couples, separating and
6 divorcing couples, and family groups including children. A
7 doctoral internship may be applied toward the clinical
8 experience requirement. The clinical experience requirement
9 may be met by work performed on or off the premises of the
10 supervising marriage and family therapist or the equivalent,
11 provided the off-premises work is not the independent private
12 practice rendering of marriage and family therapy services
13 that does not have a licensed mental health professional, as
14 determined by the board, on the premises at the same time the
15 intern is providing services.

16 (d) Has passed a theory and practice examination
17 provided by the department for this purpose.

18 (e) Has demonstrated, in a manner designated by rule
19 of the board, knowledge of the laws and rules governing the
20 practice of clinical social work, marriage and family therapy,
21 and mental health counseling.

22 (f) For the purposes of dual licensure, the department
23 shall license as a marriage and family therapist any person
24 who meets the requirements of s. 491.0057. Fees for dual
25 licensure shall not exceed those stated in this subsection.

26 (4) MENTAL HEALTH COUNSELING.--Upon verification of
27 documentation and payment of a fee not to exceed \$200, as set
28 by board rule, plus the actual per applicant cost to the
29 department for purchase of the examination from the
30 Professional Examination Service for the National Academy of
31 Certified Clinical Mental Health Counselors or a similar

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1 national organization, the department shall issue a license as
2 a mental health counselor to an applicant who the board
3 certifies:

4 (a) Has made application therefor and paid the
5 appropriate fee.

6 (b)1. Has received a minimum of an earned master's
7 degree with a major related to the practice of mental health
8 counseling, and has completed all of the following
9 requirements:

10 a. Twenty-one semester hours or 32 quarter hours of
11 graduate coursework, which must include a minimum of 2
12 semester hours or 3 quarter hours of graduate-level coursework
13 in each of the following seven content areas: counseling
14 theories and practice; human development theories; personality
15 theory; psychopathology or abnormal psychology; human
16 sexuality theories; group theories and practice; and
17 individual evaluation and assessment. Content may be
18 combined, provided no more than two of the seven content areas
19 are included in any one graduate-level course and the
20 applicant can document that the equivalent of 2 semester hours
21 of content was devoted to each content area. Courses in
22 research, thesis or dissertation work, practicums,
23 internships, or fieldwork may not be applied toward this
24 requirement.

25 b. A minimum of one 2-semester-hour or 3-quarter-hour
26 graduate-level course in research or in career or vocational
27 counseling. Credit for thesis or dissertation work,
28 practicums, internships, or fieldwork may not be applied
29 toward this requirement.

30 c. A minimum of 2 semester hours or 3 quarter hours of
31 graduate-level coursework in legal, ethical, and professional

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1 standards issues in the practice of mental health counseling,
2 which includes goals and objectives of professional counseling
3 organizations, codes of ethics, legal considerations,
4 standards of preparation, certifications and licensing, and
5 the role identity of counselors. Courses in research, thesis
6 or dissertation work, practicums, internships, or fieldwork
7 may not be applied toward this requirement.

8 d. A minimum of one supervised practicum, internship,
9 or field experience in a counseling setting. This requirement
10 may be met by a supervised practice experience which takes
11 place outside the academic arena, but which is certified as
12 equivalent to a graduate-level practicum in a clinical mental
13 health counseling setting currently offered within an academic
14 program of a college or university accredited by an
15 accrediting agency approved by the United States Department of
16 Education. Such certification shall be required from an
17 official of such college or university.

18 2. If the course title which appears on the
19 applicant's transcript does not clearly identify the content
20 of the coursework, the applicant shall be required to provide
21 additional documentation, including, but not limited to, a
22 syllabus or catalog description published for the course.

23
24 Except as provided in sub-subparagraph 1.d., education and
25 training in mental health counseling must have been received
26 in an institution of higher education which at the time the
27 applicant graduated was: fully accredited by a regional
28 accrediting body recognized by the Commission on Recognition
29 of Postsecondary Accreditation; publicly recognized as a
30 member in good standing with the Association of Universities
31 and Colleges of Canada; or an institution of higher education

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1 located outside the United States and Canada, which at the
2 time the applicant was enrolled and at the time the applicant
3 graduated maintained a standard of training substantially
4 equivalent to the standards of training of those institutions
5 in the United States which are accredited by a regional
6 accrediting body recognized by the Commission on Recognition
7 of Postsecondary Accreditation. Such foreign education and
8 training must have been received in an institution or program
9 of higher education officially recognized by the government of
10 the country in which it is located as an institution or
11 program to train students to practice as mental health
12 counselors. The burden of establishing that the requirements
13 of this provision have been met shall be upon the applicant,
14 and the board shall require documentation, such as, but not
15 limited to, an evaluation by a foreign equivalency
16 determination service, as evidence that the applicant's
17 graduate degree program and education were equivalent to an
18 accredited program in this country.

19 (c) Has had not less than 2 years of clinical
20 experience in mental health counseling, which must be at the
21 post-master's level under the supervision of a licensed mental
22 health counselor or the equivalent who is a qualified
23 supervisor as determined by the board. An individual who
24 intends to practice in Florida to satisfy the clinical
25 experience requirements must register pursuant to s. 491.0045
26 prior to commencing practice. If a graduate has a master's
27 degree with a major related to the practice of mental health
28 counseling which did not include all the coursework required
29 under sub-subparagraphs (b)1.a.-c., credit for the
30 post-master's level clinical experience shall not commence
31 until the applicant has completed a minimum of seven of the

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1 courses required under sub-subparagraphs (b)1.a.-c., as
2 determined by the board, one of which must be a course in
3 psychopathology or abnormal psychology. A doctoral internship
4 may be applied toward the clinical experience requirement. The
5 clinical experience requirement may be met by work performed
6 on or off the premises of the supervising mental health
7 counselor or the equivalent, provided the off-premises work is
8 not the independent private practice rendering of services
9 that does not have a licensed mental health professional, as
10 determined by the board, on the premises at the same time the
11 intern is providing services.

12 (d) Has passed a theory and practice examination
13 provided by the department for this purpose.

14 (e) Has demonstrated, in a manner designated by rule
15 of the board, knowledge of the laws and rules governing the
16 practice of clinical social work, marriage and family therapy,
17 and mental health counseling.

18 (5) INTERNSHIP.--An individual who is registered as an
19 intern and has satisfied all of the educational requirements
20 for the profession for which the applicant seeks licensure
21 shall be certified as having met the educational requirements
22 for licensure under this section.

23 (6) RULES.--The board may adopt rules necessary to
24 implement any education or experience requirement of this
25 section for licensure as a clinical social worker, marriage
26 and family therapist, or mental health counselor.

27 Section 169. Effective January 1, 2001, paragraph (b)
28 of subsection (4) of section 491.005, Florida Statutes, as
29 amended by section 13 of chapter 97-198 and section 205 of
30 chapter 97-264, Laws of Florida, and as amended by this act,
31 is amended, and subsection (6) of that section, as created by

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1 this act, is reenacted, to read:

2 491.005 Licensure by examination.--

3 (4) MENTAL HEALTH COUNSELING.--Upon verification of
4 documentation and payment of a fee not to exceed \$200, as set
5 by board rule, plus the actual per applicant cost to the
6 department for purchase of the examination from the
7 Professional Examination Service for the National Academy of
8 Certified Clinical Mental Health Counselors or a similar
9 national organization, the department shall issue a license as
10 a mental health counselor to an applicant who the board
11 certifies:

12 (b)1. Has a minimum of an earned master's degree from
13 a mental health counseling program accredited by the Council
14 for the Accreditation of Counseling and Related Educational
15 Programs that consists of at least 60 semester hours or 80
16 quarter hours of clinical and didactic instruction, including
17 a course in human sexuality and a course in substance abuse.
18 If the master's degree is earned from a program related to the
19 practice of mental health counseling that is not accredited by
20 the Council for the Accreditation of Counseling and Related
21 Educational Programs, then the coursework and practicum,
22 internship, or fieldwork must consist of at least 60 semester
23 hours or 80 quarter hours and meet the following requirements:

24 a. Thirty-three ~~Thirty-six~~ semester hours or 44 ~~48~~
25 quarter hours of graduate coursework, which must include a
26 minimum of 3 semester hours or 4 quarter hours of
27 graduate-level coursework in each of the following 11 ~~12~~
28 content areas: counseling theories and practice; human growth
29 and development; diagnosis and treatment of psychopathology;
30 human sexuality; group theories and practice; individual
31 evaluation and assessment; career and lifestyle assessment;

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1 research and program evaluation; social and cultural
2 foundations; ~~foundations of mental health counseling;~~
3 counseling in community settings; and substance abuse. Courses
4 in research, thesis or dissertation work, practicums,
5 internships, or fieldwork may not be applied toward this
6 requirement.

7 b. A minimum of 3 semester hours or 4 quarter hours of
8 graduate-level coursework in legal, ethical, and professional
9 standards issues in the practice of mental health counseling,
10 which includes goals, objectives, and practices of
11 professional counseling organizations, codes of ethics, legal
12 considerations, standards of preparation, certifications and
13 licensing, and the role identity and professional obligations
14 of mental health counselors. Courses in research, thesis or
15 dissertation work, practicums, internships, or fieldwork may
16 not be applied toward this requirement.

17 c. The equivalent, as determined by the board,of at
18 least 1,000 hours of university-sponsored supervised clinical
19 practicum, internship, or field experience as required in the
20 accrediting standards of the Council for Accreditation of
21 Counseling and Related Educational Programs for mental health
22 counseling programs. ~~If the academic practicum, internship, or~~
23 ~~field experience was less than 1,000 hours, experience gained~~
24 ~~outside the academic arena in clinical mental health settings~~
25 ~~under the supervision of a qualified supervisor as determined~~
26 ~~by the board may be applied.~~This experience may not be used
27 to satisfy the post-master's clinical experience requirement.

28 2. If the course title which appears on the
29 applicant's transcript does not clearly identify the content
30 of the coursework, the applicant shall be required to provide
31 additional documentation, including, but not limited to, a

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1 syllabus or catalog description published for the course.
2
3 Education and training in mental health counseling must have
4 been received in an institution of higher education which at
5 the time the applicant graduated was: fully accredited by a
6 regional accrediting body recognized by the Commission on
7 Recognition of Postsecondary Accreditation; publicly
8 recognized as a member in good standing with the Association
9 of Universities and Colleges of Canada; or an institution of
10 higher education located outside the United States and Canada,
11 which at the time the applicant was enrolled and at the time
12 the applicant graduated maintained a standard of training
13 substantially equivalent to the standards of training of those
14 institutions in the United States which are accredited by a
15 regional accrediting body recognized by the Commission on
16 Recognition of Postsecondary Accreditation. Such foreign
17 education and training must have been received in an
18 institution or program of higher education officially
19 recognized by the government of the country in which it is
20 located as an institution or program to train students to
21 practice as mental health counselors. The burden of
22 establishing that the requirements of this provision have been
23 met shall be upon the applicant, and the board shall require
24 documentation, such as, but not limited to, an evaluation by a
25 foreign equivalency determination service, as evidence that
26 the applicant's graduate degree program and education were
27 equivalent to an accredited program in this country.

28 (6) RULES.--The board may adopt rules necessary to
29 implement any education or experience requirement of this
30 section for licensure as a clinical social worker, marriage
31 and family therapist, or mental health counselor.

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1 Section 170. Paragraph (b) of subsection (1) of
2 section 491.006, Florida Statutes, is amended to read:

3 491.006 Licensure or certification by endorsement.--

4 (1) The department shall license or grant a
5 certificate to a person in a profession regulated by this
6 chapter who, upon applying to the department and remitting the
7 appropriate fee, demonstrates to the board that he or she:

8 (b)1. Holds an active valid license to practice and
9 has actively practiced the profession for which licensure is
10 applied in another state for 3 of the last 5 years immediately
11 preceding licensure.

12 2. Meets the education requirements of this chapter
13 for the profession for which licensure is applied.

14 3. Has passed a substantially equivalent licensing
15 examination in another state or has passed the licensure
16 examination in this state in the profession for which the
17 applicant seeks licensure.

18 4. Holds a license in good standing, is not under
19 investigation for an act which would constitute a violation of
20 this chapter, and has not been found to have committed any act
21 which would constitute a violation of this chapter.

22 Section 171. Section 491.0085, Florida Statutes, is
23 amended to read:

24 491.0085 Continuing education and laws and rules
25 courses; approval of providers, programs, and courses; proof
26 of completion.--

27 (1) Continuing education providers, programs, and
28 courses and laws and rules courses and their providers and
29 programs shall be approved by the department or the board.

30 (2) The department or the board has the authority to
31 set a fee not to exceed \$200 for each applicant who applies

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1 for or renews provider status. Such fees shall be deposited
2 into the Medical Quality Assurance ~~Health Care~~ Trust Fund.

3 (3) Proof of completion of the required number of
4 hours of continuing education and completion of the laws and
5 rules course shall be submitted to the department or the board
6 in the manner and time specified by rule and on forms provided
7 by the department or the board.

8 (4) The department or the board shall adopt rules and
9 guidelines to administer and enforce the provisions of this
10 section.

11 Section 172. Paragraph (d) of subsection (4) of
12 section 491.014, Florida Statutes, 1998 Supplement, is amended
13 to read:

14 491.014 Exemptions.--

15 (4) No person shall be required to be licensed,
16 provisionally licensed, registered, or certified under this
17 chapter who:

18 (d) Is not a resident of this state but offers
19 services in this state, provided:

20 1. Such services are performed for no more than ~~5 days~~
21 ~~in any month and no more than~~ 15 days in any calendar year;
22 and

23 2. Such nonresident is licensed or certified to
24 practice the services provided by a state or territory of the
25 United States or by a foreign country or province.

26 Section 173. Paragraph (a) of subsection (1) and
27 subsection (5) of section 499.012, Florida Statutes, 1998
28 Supplement, are amended to read:

29 499.012 Wholesale distribution; definitions; permits;
30 general requirements.--

31 (1) As used in this section, the term:

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1 (a) "Wholesale distribution" means distribution of
2 prescription drugs to persons other than a consumer or
3 patient, but does not include:

4 1. Any of the following activities, which is not a
5 violation of s. 499.005(21) if such activity is conducted in
6 accordance with s. 499.014:

7 a. The purchase or other acquisition by a hospital or
8 other health care entity that is a member of a group
9 purchasing organization of a prescription drug for its own use
10 from the group purchasing organization or from other hospitals
11 or health care entities that are members of that organization.

12 b. The sale, purchase, or trade of a prescription drug
13 or an offer to sell, purchase, or trade a prescription drug by
14 a charitable organization described in s. 501(c)(3) of the
15 Internal Revenue Code of 1986, as amended and revised, to a
16 nonprofit affiliate of the organization to the extent
17 otherwise permitted by law.

18 c. The sale, purchase, or trade of a prescription drug
19 or an offer to sell, purchase, or trade a prescription drug
20 among hospitals or other health care entities that are under
21 common control. For purposes of this section, "common control"
22 means the power to direct or cause the direction of the
23 management and policies of a person or an organization,
24 whether by ownership of stock, by voting rights, by contract,
25 or otherwise.

26 d. The sale, purchase, trade, or other transfer of a
27 prescription drug from or for any federal, state, or local
28 government agency or any entity eligible to purchase
29 prescription drugs at public health services prices pursuant
30 to s. 602 of Pub. L. No. 102-585 to a contract provider or its
31 subcontractor for eligible patients of the agency or entity

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1 under the following conditions:

2 (I) The agency or entity must obtain written
3 authorization for the sale, purchase, trade, or other transfer
4 of a prescription drug under this sub-subparagraph from the
5 Secretary of Health or his or her designee.

6 (II) The contract provider or subcontractor must be
7 authorized by law to administer or dispense prescription
8 drugs.

9 (III) In the case of a subcontractor, the agency or
10 entity must be a party to and execute the subcontract.

11 (IV) A contract provider or subcontractor must
12 maintain separate and apart from other prescription drug
13 inventory any prescription drugs of the agency or entity in
14 its possession.

15 (V) The contract provider and subcontractor must
16 maintain and produce immediately for inspection all records of
17 movement or transfer of all the prescription drugs belonging
18 to the agency or entity, including, but not limited to, the
19 records of receipt and disposition of prescription drugs.
20 Each contractor and subcontractor dispensing or administering
21 these drugs must maintain and produce records documenting the
22 dispensing or administration. Records that are required to be
23 maintained include, but are not limited to, a perpetual
24 inventory itemizing drugs received and drugs dispensed by
25 prescription number or administered by patient identifier,
26 which must be submitted to the agency or entity quarterly.

27 (VI) The contract provider or subcontractor may
28 administer or dispense the prescription drugs only to the
29 eligible patients of the agency or entity or must return the
30 prescription drugs for or to the agency or entity. The
31 contract provider or subcontractor must require proof from

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1 each person seeking to fill a prescription or obtain treatment
2 that the person is an eligible patient of the agency or entity
3 and must, at a minimum, maintain a copy of this proof as part
4 of the records of the contractor or subcontractor required
5 under sub-sub-subparagraph (V).

6 (VII) The prescription drugs transferred pursuant to
7 this sub-subparagraph may not be billed to Medicaid.

8 (VIII) In addition to the departmental inspection
9 authority set forth in s. 499.051, the establishment of the
10 contract provider and subcontractor and all records pertaining
11 to prescription drugs subject to this sub-subparagraph shall
12 be subject to inspection by the agency or entity. All records
13 relating to prescription drugs of a manufacturer under this
14 sub-subparagraph shall be subject to audit by the manufacturer
15 of those drugs, without identifying individual patient
16 information.

17 2. Any of the following activities, which is not a
18 violation of s. 499.005(21) if such activity is conducted in
19 accordance with rules established by the department:

20 a. The sale, purchase, or trade of a prescription drug
21 among federal, state, or local government health care entities
22 that are under common control and are authorized to purchase
23 such prescription drug.

24 b. The sale, purchase, or trade of a prescription drug
25 or an offer to sell, purchase, or trade a prescription drug
26 for emergency medical reasons. ~~For purposes of this~~
27 ~~sub-subparagraph subparagraph~~, the term "emergency medical
28 reasons" includes transfers of prescription drugs by a retail
29 pharmacy to another retail pharmacy to alleviate a temporary
30 shortage.

31 c. The transfer ~~purchase or acquisition~~ of a

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1 prescription drug acquired by a medical director on behalf of
2 a licensed an emergency medical services provider to that
3 ~~medical director for use by~~ emergency medical services
4 provider and its transport vehicles for use in accordance with
5 the provider's license under providers acting within the scope
6 ~~of their professional practice pursuant to~~ chapter 401.

7 d. The revocation of a sale or the return of a
8 prescription drug to the person's prescription drug wholesale
9 supplier.

10 e. The donation of a prescription drug by a health
11 care entity to a charitable organization that has been granted
12 an exemption under s. 501(c)(3) of the Internal Revenue Code
13 of 1986, as amended, and that is authorized to possess
14 prescription drugs.

15 f. The transfer of a prescription drug by a person
16 authorized to purchase or receive prescription drugs to a
17 person licensed or permitted to handle reverse distributions
18 or destruction under the laws of the jurisdiction in which the
19 person handling the reverse distribution or destruction
20 receives the drug.

21 ~~3. The dispensing of a prescription drug pursuant to a~~
22 ~~prescription.~~

23 ~~3.4. The distribution of prescription drug samples by~~
24 ~~manufacturers' representatives or distributors'~~
25 ~~representatives conducted in accordance with s. 499.028. or~~

26 ~~4.5. The sale, purchase, or trade of blood and blood~~
27 ~~components intended for transfusion. As used in this~~
28 ~~subparagraph section, the term "blood" means whole blood~~
29 ~~collected from a single donor and processed either for~~
30 ~~transfusion or further manufacturing, and the term "blood~~
31 ~~components" means that part of the blood separated by physical~~

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1 or mechanical means.

2 5. The lawful dispensing of a prescription drug in
3 accordance with chapter 465.

4 (5) The department may adopt rules governing the
5 recordkeeping, storage, and handling with respect to each of
6 the distributions of prescription drugs specified in
7 subparagraphs (1)(a)1.-4. ~~(1)(a)1., 2., 4., and 5.~~

8 Section 174. Subsection (6) is added to section
9 626.883, Florida Statutes, to read:

10 626.883 Administrator as intermediary; collections
11 held in fiduciary capacity; establishment of account;
12 disbursement; payments on behalf of insurer.--

13 (6) All payments to a health care provider by a fiscal
14 intermediary for noncapitated providers must include an
15 explanation of services being reimbursed which includes, at a
16 minimum, the patient's name, the date of service, the
17 procedure code, the amount of reimbursement, and the
18 identification of the plan on whose behalf the payment is
19 being made. For capitated providers, the statement of services
20 must include the number of patients covered by the contract,
21 the rate per patient, the total amount of the payment, and the
22 identification of the plan on whose behalf the payment is
23 being made.

24 Section 175. Paragraph (a) of subsection (2) of
25 section 641.316, Florida Statutes, 1998 Supplement, is amended
26 to read:

27 641.316 Fiscal intermediary services.--

28 (2)(a) The term "fiduciary" or "fiscal intermediary
29 services" means reimbursements received or collected on behalf
30 of health care professionals for services rendered, patient
31 and provider accounting, financial reporting and auditing,

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1 receipts and collections management, compensation and
2 reimbursement disbursement services, or other related
3 fiduciary services pursuant to health care professional
4 contracts with health maintenance organizations. All payments
5 to a health care provider by a fiscal intermediary for
6 noncapitated providers must include an explanation of services
7 being reimbursed which includes, at a minimum, the patient's
8 name, the date of service, the procedure code, the amount of
9 reimbursement, and the identification of the plan on whose
10 behalf the payment is being made. For capitated providers, the
11 statement of services must include the number of patients
12 covered by the contract, the rate per patient, the total
13 amount of the payment, and the identification of the plan on
14 whose behalf the payment is being made.

15 Section 176. Task Force on Telehealth.--

16 (1) Because telecommunications technology has made it
17 possible to provide a wide range of health care services
18 across state lines between healthcare practitioners and
19 patients, it is the intent of the Legislature to protect the
20 health and safety of all patients in this state receiving
21 services by means of such technology and to ensure the
22 accountability of the healthcare profession with respect to
23 unsafe and incompetent practitioners using such technology to
24 provide health care services to patients in this state.

25 (2) The Secretary of Health shall appoint a task force
26 consisting of representatives from the affected medical and
27 allied health professions and other affected health care
28 industries.

29 (3) The task force shall address the following:

30 (a) Identification of various electronic
31 communications or telecommunications technologies currently

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1 used within the state and by other states to provide
2 healthcare information.

3 (b) Identification of laws, regulations, and
4 reimbursement practices that serve as barriers to
5 implementation of electronic communications related to health
6 care.

7 (c) Recommendation of the appropriate level of
8 regulation of health care professionals necessary to protect
9 the health and safety of patients in this state, including
10 analysis of existing provisions governing in-state
11 professionals such as licensing, financial responsibility, and
12 medical malpractice insurance requirements.

13 (d) Potential preemption of state regulation by the
14 Commerce Clause of the United States Constitution.

15 (e) The effect of telehealth on access to health care
16 in rural and underserved areas.

17 (f) Potential antitrust concerns.

18 (g) The effect of regulations by other states or
19 jurisdictions on health care professionals in this state who
20 provide consultative services through telehealth to entities
21 and patients outside the state.

22 (h) Research on other public and private data and
23 initiatives related to telehealth.

24 (i) Any other issue affecting the health, safety, and
25 welfare of patients through telehealth identified by the task
26 force.

27 (4) The task force shall submit a report of its
28 findings and recommendations by January 1, 2000, to the
29 Governor, the President of the Senate, and the Speaker of the
30 House of Representatives.

31 Section 177. Subsection (1) of section 468.352,

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1 Florida Statutes, is amended to read:

2 468.352 Definitions.--As used in this part, unless the
3 context otherwise requires, the term:

4 (1) "Board" means the Board of Respiratory Care
5 Medicine.

6 Section 178. Section 468.353, Florida Statutes, is
7 amended to read:

8 468.353 Board of Respiratory Care ~~Medicine~~; powers and
9 duties.--

10 (1) The board, ~~with the assistance of the Advisory~~
11 ~~Council on Respiratory Care~~, is authorized to establish
12 minimum standards for the delivery of respiratory care
13 services and to adopt those rules necessary to administer this
14 part.

15 (2) The board may administer oaths, summon witnesses,
16 and take testimony in all matters relating to its duties under
17 this part.

18 (3) The board may adopt rules to administer this part,
19 including rules governing the investigation, inspection, and
20 review of schools and colleges that offer courses in
21 respiratory care in order to ascertain their compliance with
22 standards established by the board or appropriate accrediting
23 agencies ~~delegate such powers and duties to the council as it~~
24 ~~may deem proper~~.

25 Section 179. Section 468.354, Florida Statutes, is
26 amended to read:

27 468.354 Board of ~~Advisory Council on~~ Respiratory Care;
28 organization; function.--

29 (1) There is created within the department, the Board
30 of ~~Advisory Council on~~ Respiratory Care, composed of seven
31 members appointed by the Governor and confirmed by the Senate

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1 ~~under the supervision of the board.~~

2 (2) The board council ~~shall consist of five members~~
3 ~~appointed by the board and shall include:~~

4 (a) A registered respiratory therapist.

5 (b) A certified respiratory therapist care
6 practitioner.

7 (c) A respiratory care professional from each of the
8 following areas:

9 1. Respiratory care education.

10 2. Respiratory care management and supervision.

11 3. Homecare/subacute ~~Cardiopulmonary diagnostics.~~

12 (d) Two consumer members, who are residents of this
13 state and have never been licensed as health care
14 practitioners.

15

16 ~~Each member of the council shall be a~~ respiratory care
17 professional on the board must have ~~who has~~ been actively
18 engaged in the delivery of respiratory care services in this
19 state for at least 4 consecutive years prior to appointment.

20 (3)(a) Except as provided in paragraph (b), the term
21 of office for each board council member shall be 4 years. No
22 member shall serve for more than two consecutive terms. Any
23 time there is a vacancy to be filled ~~on the council~~, all
24 professional organizations dealing with respiratory therapy
25 incorporated within the state as not for profit which register
26 their interest ~~with the board~~ shall recommend at least twice
27 as many persons to fill the vacancy ~~to the council~~ as the
28 number of vacancies to be filled, and the Governor ~~board~~ may
29 appoint from the submitted list, in his ~~its~~ discretion, any of
30 those persons so recommended. The Governor ~~board~~ shall,
31 insofar as possible, appoint persons from different

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1 geographical areas.

2 (b) ~~in order~~ To achieve staggering of terms, within
3 120 days after July 1, 1999, ~~October 1, 1984~~, the Governor
4 ~~board~~ shall appoint the board members ~~of the council~~ as
5 follows:

6 1. Two members ~~One member~~ shall be appointed for terms
7 ~~a term~~ of 2 years.

8 2. Two members shall be appointed for terms of 3
9 years.

10 3. Three ~~Two~~ members shall be appointed for terms of 4
11 years.

12 (c) All provisions of part II of chapter 455, relating
13 to boards apply to this part.

14 (4)(a) The board ~~council~~ shall annually elect from
15 among its members a chair and vice chair.

16 (b) The board ~~council~~ shall meet at least twice a year
17 and shall hold ~~such~~ additional meetings as are deemed
18 necessary ~~by the board~~. Four ~~Three~~ members of the council
19 constitute a quorum.

20 (c) Unless otherwise provided by law, a board ~~council~~
21 member shall be compensated \$50 for each day he or she attends
22 an official board meeting ~~of the council~~ and for each day he
23 or she participates in any other board business ~~involving the~~
24 ~~council~~. A board ~~council~~ member shall also be entitled to
25 reimbursement for expenses pursuant to s. 112.061. Travel out
26 of the state shall require the prior approval of the secretary
27 of the department.

28 (5)(a) The board ~~may council~~ shall recommend to the
29 department a code of ethics for those persons licensed
30 pursuant to this part.

31 ~~(b) The council shall make recommendations to the~~

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1 ~~department for the approval of continuing education courses.~~

2 Section 180. Section 468.355, Florida Statutes, is
3 amended to read:

4 468.355 Eligibility for licensure; temporary
5 licensure.--

6 (1) To be eligible for licensure by the board as a
7 respiratory care practitioner, an applicant must:

8 (a) Be at least 18 years old.

9 (b) Possess a high school diploma or a graduate
10 equivalency diploma.

11 (c) Meet at least one of the following criteria:

12 1. The applicant has successfully completed a training
13 program for respiratory therapy technicians or respiratory
14 therapists approved by the Commission on Accreditation of
15 Allied Health Education Programs, or the equivalent thereof,
16 as accepted by the board.

17 2. The applicant is currently a "Certified Respiratory
18 Therapy Technician" certified by the National Board for
19 Respiratory Care, or the equivalent thereof, as accepted by
20 the board.

21 3. The applicant is currently a "Registered
22 Respiratory Therapist" registered by the National Board for
23 Respiratory Care, or the equivalent thereof, as accepted by
24 the board.

25 ~~4. The applicant is currently employed in this state
26 as a respiratory care practitioner or respiratory therapist on
27 October 1, 1984.~~

28
29 The criteria set forth in subparagraphs 2. and 3.
30 notwithstanding, the board shall periodically ~~annually~~ review
31 the examinations and standards of the National Board for

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1 Respiratory Care and may reject those examinations and
2 standards if they are deemed inappropriate.

3 (2) To be eligible for licensure by the board as a
4 respiratory therapist, an applicant must:

5 (a) Be at least 18 years old.

6 (b) Possess a high school diploma or a graduate
7 equivalency diploma.

8 (c) Meet at least one of the following criteria:

9 1. The applicant has successfully completed a training
10 program for respiratory therapists approved by the Commission
11 on Accreditation of Allied Health Education Programs, or the
12 equivalent thereof, as accepted by the board.

13 2. The applicant is currently a "Registered
14 Respiratory Therapist" registered by the National Board for
15 Respiratory Care, or the equivalent thereof, as accepted by
16 the board.

17

18 The criteria set forth in subparagraphs 1. and 2.
19 notwithstanding, the board shall periodically ~~annually~~ review
20 the examinations and standards of the National Board for
21 Respiratory Care and may reject those examinations and
22 standards if they are deemed inappropriate.

23 (3) With respect to the delivery of respiratory care
24 services, the board shall establish procedures for temporary
25 licensure of eligible individuals entering the state and
26 temporary licensure of those persons who have graduated from a
27 program approved by the board. Such temporary licensure shall
28 be for a period not to exceed 1 year.

29 Section 181. Section 468.357, Florida Statutes, is
30 amended to read:

31 468.357 Licensure by examination.--

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1 (1) A person who desires to be licensed as a
2 respiratory care practitioner may submit an application ~~to the~~
3 ~~department~~ to take the examination, in accordance with board
4 rule to be administered by the department.

5 (a) ~~The department shall examine~~ Each applicant may
6 take the examination who is determined by the board to have:

7 1. Completed the application form and remitted the
8 applicable fee set by the board;

9 2. Submitted required documentation as required in s.
10 468.355; and

11 3. Remitted an examination fee set by the examination
12 provider board.

13 (b) ~~The department shall conduct~~ Examinations for
14 licensure of respiratory care practitioners must be conducted
15 no less than two times a year in such geographical locations
16 or by such methods as are deemed advantageous to the majority
17 of the applicants.

18 (c) The examination given for respiratory care
19 practitioners shall be the same as that given by the National
20 Board for Respiratory Care for entry-level certification of
21 respiratory therapy technicians. However, an equivalent
22 examination may be accepted by the board in lieu of that
23 examination.

24 (2) Each applicant who passes the examination shall be
25 entitled to licensure as a respiratory care practitioner, and
26 the department shall issue a license pursuant to this part to
27 any applicant who successfully completes the examination in
28 accordance with this section. However, the department shall
29 not issue a license to any applicant who is under
30 investigation in another jurisdiction for an offense which
31 would constitute a violation of this part. Upon completion of

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1 such an investigation, if the applicant is found guilty of
2 such an offense, the applicable provisions of s. 468.365 will
3 apply.

4 ~~(3) Any person who was employed in this state on or~~
5 ~~before September 30, 1983, as a respiratory therapy technician~~
6 ~~or respiratory therapist, and who has performed services in~~
7 ~~such professional capacity for 4 years or more by October 1,~~
8 ~~1987, under the supervision of a licensed physician or in a~~
9 ~~hospital or licensed health care facility, shall be issued a~~
10 ~~license without examination, if such person provides~~
11 ~~acceptable documentation of performance of such services to~~
12 ~~the board. Such documentation shall include certification by~~
13 ~~a physician licensed pursuant to chapter 458 or chapter 459~~
14 ~~who has direct knowledge of the practice of, or who has~~
15 ~~supervised, the person. If such person is not determined to~~
16 ~~have performed critical care respiratory services for at least~~
17 ~~4 years, the board may limit the license of such person to the~~
18 ~~performance of noncritical care respiratory services.~~

19 Section 182. Section 468.364, Florida Statutes, 1998
20 Supplement, is amended to read:

21 468.364 Fees; establishment; disposition.--

22 (1) The board shall establish by rule fees for the
23 following purposes:

24 (a) Application, a fee not to exceed \$50.

25 ~~(b) Examination, a fee not to exceed \$125 plus the~~
26 ~~actual per applicant cost to the department for purchase of~~
27 ~~the examination from the National Board for Respiratory Care~~
28 ~~or a similar national organization.~~

29 ~~(b)(c)~~ Initial licensure, a fee not to exceed \$200.

30 ~~(c)(d)~~ Renewal of licensure, a fee not to exceed \$200
31 biennially.

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1 ~~(d)(e)~~ Renewal of inactive licensure, a fee not to
2 exceed \$50.

3 ~~(e)(f)~~ Reactivation, a fee not to exceed \$50.

4 (2) The fees established pursuant to subsection (1)
5 shall be based upon the actual costs incurred by the
6 department in carrying out its responsibilities under this
7 part.

8 (3) All moneys collected by the department under this
9 part shall be deposited as required by s. 455.587.

10 Section 183. Paragraph (f) of subsection (1) of
11 section 468.365, Florida Statutes, 1998 Supplement, is amended
12 to read:

13 468.365 Disciplinary grounds and actions.--

14 (1) The following acts constitute grounds for which
15 the disciplinary actions in subsection (2) may be taken:

16 (f) Unprofessional conduct, which includes, but is not
17 limited to, any departure from, or failure to conform to,
18 acceptable standards related to the delivery of respiratory
19 care services, as set forth by the board ~~and the Advisory~~
20 ~~Council on Respiratory Care~~ in rules adopted pursuant to this
21 part.

22 Section 184. Paragraph (a) of subsection (2) of
23 section 464.016, Florida Statutes, is amended to read:

24 464.016 Violations and penalties.--

25 (2) Each of the following acts constitutes a
26 misdemeanor of the first degree, punishable as provided in s.
27 775.082 or s. 775.083:

28 (a) Using the name or title "Nurse," "Registered
29 Nurse," "Licensed Practical Nurse," "Advanced Registered Nurse
30 Practitioner," or any other name or title which implies that a
31 person was licensed or certified as same, unless such person

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1 is duly licensed or certified.

2 Section 185. Paragraphs (b) and (c) of subsection (1)
3 of section 458.3115, Florida Statutes, 1998 Supplement, are
4 amended to read:

5 458.3115 Restricted license; certain foreign-licensed
6 physicians; United States Medical Licensing Examination
7 (USMLE) or agency-developed examination; restrictions on
8 practice; full licensure.--

9 (1)

10 (b) A person who is eligible to take and elects to
11 take the USMLE who has previously passed part 1 or part 2 of
12 the previously administered FLEX shall not be required to
13 retake or pass the equivalent parts of the USMLE up to the
14 year 2002 ~~2000~~.

15 (c) A person shall be eligible to take such
16 examination for restricted licensure if the person:

17 1. Has taken, upon approval by the board, and
18 completed, in November 1990 or November 1992, one of the
19 special preparatory medical update courses authorized by the
20 board and the University of Miami Medical School and
21 subsequently passed the final course examination; upon
22 approval by the board to take the course completed in 1990 or
23 in 1992, has a certificate of successful completion of that
24 course from the University of Miami or the Stanley H. Kaplan
25 course; or can document to the department that he or she was
26 one of the persons who took and successfully completed the
27 Stanley H. Kaplan course that was approved by the Board of
28 Medicine and supervised by the University of Miami. At a
29 minimum, the documentation must include class attendance
30 records and the test score on the final course examination;

31 2. Applies to the agency and submits an application

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1 fee that is nonrefundable and equivalent to the fee required
2 for full licensure;

3 3. Documents no less than 2 years of the active
4 practice of medicine in any ~~another~~ jurisdiction;

5 4. Submits an examination fee that is nonrefundable
6 and equivalent to the fee required for full licensure plus the
7 actual per-applicant cost to the agency to provide either
8 examination described in this section;

9 5. Has not committed any act or offense in this or any
10 other jurisdiction that would constitute a substantial basis
11 for disciplining a physician under this chapter or part II of
12 chapter 455; and

13 6. Is not under discipline, investigation, or
14 prosecution in this or any other jurisdiction for an act that
15 would constitute a violation of this chapter or part II of
16 chapter 455 and that substantially threatened or threatens the
17 public health, safety, or welfare.

18 Section 186. Subsection (2) of section 458.3124,
19 Florida Statutes, 1998 Supplement, is amended to read:

20 458.3124 Restricted license; certain experienced
21 foreign-trained physicians.--

22 (2) A person applying for licensure under this section
23 must submit to the Department of Health on or before December
24 31, 2000 ~~1998~~:

25 (a) A completed application and documentation required
26 by the Board of Medicine to prove compliance with subsection
27 (1); and

28 (b) A nonrefundable application fee not to exceed \$500
29 and a nonrefundable examination fee not to exceed \$300 plus
30 the actual cost to purchase and administer the examination.

31 Section 187. Effective upon this act becoming a law,

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1 section 301 of chapter 98-166, Laws of Florida, is amended to
2 read:

3 Section 301. The sum of \$1.2 million from the
4 unallocated balance in the Medical Quality Assurance Trust
5 Fund is appropriated to the Department of Health to allow the
6 department to develop the examination required for foreign
7 licensed physicians in section 458.3115(1)(a), Florida
8 Statutes, through a contract with the University of South
9 Florida. The department shall charge examinees a fee not to
10 exceed 25 percent of the cost of the actual costs of the first
11 examination administered pursuant to section 458.3115, Florida
12 Statutes, 1998 Supplement, and a fee not to exceed 75 percent
13 of the actual costs for any subsequent examination
14 administered pursuant to that section.

15 Section 188. The Agency for Health Care
16 Administration, in conjunction with the Medicare Fraud
17 Division of the Office of the Attorney General, shall conduct
18 a detailed study and analysis of clinical laboratory services
19 for kidney dialysis patients in the State of Florida. The
20 study shall include, but not be limited to, an analysis of the
21 past and present utilization rates of clinical laboratory
22 services for dialysis patients, financial arrangements among
23 kidney dialysis centers, their medical directors, and any
24 business relationships and affiliations with clinical
25 laboratories, any self referral to clinical laboratories, the
26 quality and responsiveness of clinical laboratory services for
27 dialysis patients in Florida, and the average annual revenue
28 for dialysis patients for clinical laboratory services for the
29 past ten years. The agency shall report back to the President
30 of the Senate, Speaker of the House of Representatives, and
31 chairs of the appropriate substantive committees of the

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1 Legislature on its findings no later than February 1, 2000.

2 Section 189. Subsection (3) is added to section
3 455.651, Florida Statutes, 1998 Supplement, to read:

4 455.651 Disclosure of confidential information.--

5 (1) No officer, employee, or person under contract
6 with the department, or any board therein, or any subject of
7 an investigation shall convey knowledge or information to any
8 person who is not lawfully entitled to such knowledge or
9 information about any public meeting or public record, which
10 at the time such knowledge or information is conveyed is
11 exempt from the provisions of s. 119.01, s. 119.07(1), or s.
12 286.011.

13 (2) Any person who willfully violates any provision of
14 this section is guilty of a misdemeanor of the first degree,
15 punishable as provided in s. 775.082 or s. 775.083, and may be
16 subject to discipline pursuant to s. 455.624, and, if
17 applicable, shall be removed from office, employment, or the
18 contractual relationship.

19 (3) Any person injured as a result of a violation of
20 this section shall have a civil cause of action for treble
21 damages, reasonable attorney fees, and costs.

22 Section 190. Section 641.261, Florida Statutes, is
23 amended to read:

24 641.261 Other reporting requirements.--

25 (1) Each authorized health maintenance organization
26 shall provide records and information to the Agency for Health
27 Care Administration ~~Department of Health and Rehabilitative~~
28 ~~Services~~ pursuant to s. 409.910(20) and (21)~~(22)~~ for the sole
29 purpose of identifying potential coverage for claims filed
30 with the agency ~~Department of Health and Rehabilitative~~
31 ~~Services~~ and its fiscal agents for payment of medical services

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1 under the Medicaid program.

2 (2) Any information provided by a health maintenance
3 organization under this section to the agency ~~Department of~~
4 ~~Health and Rehabilitative Services~~ shall not be considered a
5 violation of any right of confidentiality or contract that the
6 health maintenance organization may have with covered persons.
7 The health maintenance organization is immune from any
8 liability that it may otherwise incur through its release of
9 information to the agency ~~Department of Health and~~
10 ~~Rehabilitative Services~~ under this section.

11 Section 191. Section 641.411, Florida Statutes, is
12 amended to read:

13 641.411 Other reporting requirements.--

14 (1) Each prepaid health clinic shall provide records
15 and information to the Agency for Health Care Administration
16 ~~Department of Health and Rehabilitative Services~~ pursuant to
17 s. 409.910(20) and (21)~~(22)~~ for the sole purpose of
18 identifying potential coverage for claims filed with the
19 agency ~~Department of Health and Rehabilitative Services~~ and
20 its fiscal agents for payment of medical services under the
21 Medicaid program.

22 (2) Any information provided by a prepaid health
23 clinic under this section to the agency ~~Department of Health~~
24 ~~and Rehabilitative Services~~ shall not be considered a
25 violation of any right of confidentiality or contract that the
26 prepaid health clinic may have with covered persons. The
27 prepaid health clinic is immune from any liability that it may
28 otherwise incur through its release of information to the
29 agency ~~Department of Health and Rehabilitative Services~~ under
30 this section.

31 Section 192. Paragraph (a) of subsection (4) of

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1 section 733.212, Florida Statutes, is amended to read:

2 733.212 Notice of administration; filing of objections
3 and claims.--

4 (4)(a) The personal representative shall promptly make
5 a diligent search to determine the names and addresses of
6 creditors of the decedent who are reasonably ascertainable and
7 shall serve on those creditors a copy of the notice within 3
8 months after the first publication of the notice. Under s.
9 409.9101, the Agency for Health Care Administration is
10 considered a reasonably ascertainable creditor in instances
11 where the decedent had received Medicaid assistance for
12 medical care after reaching 55 years of age. Impracticable and
13 extended searches are not required. Service is not required
14 on any creditor who has filed a claim as provided in this
15 part; a creditor whose claim has been paid in full; or a
16 creditor whose claim is listed in a personal representative's
17 timely proof of claim if the personal representative notified
18 the creditor of that listing.

19 Section 193. (1) There is established a seven-member
20 task force to review sources of funds deposited into the
21 Public Medical Assistance Trust Fund as created by section
22 409.918, Florida Statutes. The task force shall consist of:

23 (a) Two members appointed by the President of the
24 Senate, one of whom must be a member of the Senate and one of
25 whom must represent a hospital subject to the assessment
26 imposed under section 395.701, Florida Statutes, 1998
27 Supplement, or section 394.4786, Florida Statutes;

28 (b) Two members appointed by the Speaker of the House
29 of Representatives, one of whom must be a member of the House
30 and one of whom must represent a health care entity subject to
31 the assessment imposed under section 395.7015, Florida

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1 Statutes, 1998 Supplement;

2 (c) Three members appointed by the Governor, one of
3 whom must be the Director of the Agency for Health Care
4 Administration, or his or her designee; one of whom must be a
5 medical doctor licensed to practice in the state; and one of
6 whom must be a consumer who has no employment or investment
7 interest in any health care entity subject to the assessment
8 imposed for deposit into the Public Medical Assistance Trust
9 Fund and who is a representative of Florida TaxWatch.

10 (2) The Governor shall designate the task force chair
11 from among the members.

12 (3) The task force shall consider and make specific
13 recommendations concerning, but not limited to:

14 (a) Whether any provisions of sections 395.701,
15 395.7015, and 409.918, Florida Statutes, need to be revised;

16 (b) Whether the annual assessments imposed by these
17 statutes on the various health care entities are imposed
18 equitably;

19 (c) Whether additional exemptions from, or inclusions
20 within, the assessments are justified; and

21 (d) The extent to which modifications to other
22 statutory provisions that require deposit of specified revenue
23 into the Public Medical Assistance Trust Fund, including, but
24 not limited to, sections 210.20, 395.1041, 408.040, and
25 408.08, Florida Statutes, could result in increased revenue
26 for the trust fund.

27
28 The task force shall provide an analysis of the budgetary
29 impact of any recommended exemptions from, inclusions within,
30 or modifications to existing assessments.

31 (4) The Agency for Health Care Administration shall

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1 provide necessary staff support and technical assistance to
2 the task force.

3 (5) The task force shall convene by August 1, 1999,
4 for its first meeting, and shall submit its findings and
5 recommendations, including any proposed legislation, to the
6 President of the Senate, the Speaker of the House of
7 Representatives, and the Governor by December 1, 1999.

8 Section 194. Section 395.40, Florida Statutes, is
9 created to read:

10 395.40 Legislative findings and intent.--

11 (1) The Legislature finds that there has been a lack
12 of timely access to trauma care due to the state's fragmented
13 trauma system. This finding is based on the 1999 Trauma System
14 Report on Timely Access to Trauma Care submitted by the
15 department in response to the request of the Legislature.

16 (2) The Legislature finds that it is necessary to plan
17 for and to establish an inclusive trauma system to meet the
18 needs of trauma victims. An "inclusive trauma system" means a
19 system designed to meet the needs of all injured trauma
20 victims who require care in an acute-care setting and into
21 which every health care provider or facility with resources to
22 care for the injured trauma victim is incorporated. The
23 Legislature deems the benefits of trauma care provided within
24 an inclusive trauma system to be of vital significance to the
25 outcome of a trauma victim.

26 (3) It is the intent of the Legislature to place
27 primary responsibility for the planning and establishment of a
28 statewide inclusive trauma system with the department. The
29 department shall undertake the implementation of a statewide
30 inclusive trauma system as funding is available.

31 (4) The Legislature finds that significant benefits

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1 are to be obtained by directing the coordination of activities
2 by several state agencies, relative to access to trauma care
3 and the provision of trauma care to all trauma victims. It is
4 the intent of the Legislature that the department, the Agency
5 for Health Care Administration, the Board of Medicine, and the
6 Board of Nursing establish interagency teams and agreements
7 for the development of guidelines, standards, and rules for
8 those portions of the inclusive state trauma system within the
9 statutory authority of each agency. This coordinated approach
10 will provide the necessary continuum of care for the trauma
11 victim from injury to final hospital discharge. The department
12 has the leadership responsibility for this activity.

13 (5) In addition, the agencies listed in subsection (4)
14 should undertake to:

15 (a) Establish a coordinated methodology for
16 monitoring, evaluating, and enforcing the requirements of the
17 state's inclusive trauma system which recognizes the interests
18 of each agency.

19 (b) Develop appropriate roles for trauma agencies, to
20 assist in furthering the operation of trauma systems at the
21 regional level. This should include issues of system
22 evaluation as well as managed care.

23 (c) Develop and submit appropriate requests for
24 waivers of federal requirements which will facilitate the
25 delivery of trauma care.

26 (d) Develop criteria that will become the future basis
27 for mandatory consultation on the care of trauma victims and
28 mandatory transfer of appropriate trauma victims to trauma
29 centers.

30 (e) Develop a coordinated approach to the care of the
31 trauma victim. This shall include the movement of the trauma

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1 victim through the system of care and the identification of
2 medical responsibility for each phase of care for
3 out-of-hospital and in-hospital trauma care.

4 (f) Require the medical director of an emergency
5 medical services provider to have medical accountability for a
6 trauma victim during interfacility transfer.

7 (6) Furthermore, the Legislature encourages the
8 department to actively foster the provision of trauma care and
9 serve as a catalyst for improvements in the process and
10 outcome of the provision of trauma care in an inclusive trauma
11 system. Among other considerations, the department is
12 encouraged to:

13 (a) Promote the development of at least one trauma
14 center in every trauma service area.

15 (b) Promote the development of a trauma agency for
16 each trauma region.

17 (c) Update the state trauma system plan by December
18 2000 and at least every 5th year thereafter.

19 Section 195. Subsection (1) and paragraphs (c) and (n)
20 of subsection (2) of section 395.401, Florida Statutes, 1998
21 Supplement, are amended to read:

22 395.401 Trauma services system plans; verification of
23 trauma centers and pediatric trauma referral centers;
24 procedures; renewal.--

25 (1) As used in this part, the term:

26 (a) "Agency" means the Agency for Health Care
27 Administration.

28 (b) "Charity care" or "uncompensated charity care"
29 means that portion of hospital charges reported to the agency
30 for which there is no compensation for care provided to a
31 patient whose family income for the 12 months preceding the

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1 determination is less than or equal to 150 percent of the
2 federal poverty level, unless the amount of hospital charges
3 due from the patient exceeds 25 percent of the annual family
4 income. However, in no case shall the hospital charges for a
5 patient whose family income exceeds four times the federal
6 poverty level for a family of four be considered charity.

7 (c) "Department" means the Department of Health.

8 (d) "Level I trauma center" means a hospital that is
9 determined by the department to be in substantial compliance
10 with trauma center and pediatric trauma referral center
11 verification standards as established by rule of the
12 department, and which:

13 1. Has formal research and education programs for the
14 enhancement of trauma care.

15 2. Serves as a resource facility to Level II trauma
16 centers, pediatric trauma referral centers, and community
17 hospitals.

18 3. Ensures an organized system of trauma care.

19 (e) "Level II trauma center" means a hospital that is
20 determined by the department to be in substantial compliance
21 with trauma center verification standards as established by
22 rule of the department, and which:

23 1. Serves as a resource facility to community
24 hospitals.

25 2. Ensures an organized system of trauma care.

26 ~~(f) "Local trauma agency" means an agency established~~
27 ~~and operated by a county or an entity with which the county~~
28 ~~contracts for the purpose of administrative trauma services.~~

29 (f)~~(g)~~ "Pediatric trauma referral center" means a
30 hospital that is determined to be in substantial compliance
31 with pediatric trauma referral center standards as established

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1 by rule of the department.

2 ~~(h) "Regional trauma agency" means an agency created~~
3 ~~and operated by two or more counties, or an entity with which~~
4 ~~two or more counties contract, for the purpose of~~
5 ~~administering trauma services.~~

6 (g)(i) "State-approved trauma center" means a hospital
7 that has successfully completed the state-approved selection
8 process pursuant to s. 395.4025 and has been approved by the
9 department to operate as a trauma center in the state.

10 (h)(j) "State-sponsored trauma center" means a
11 state-approved trauma center that receives state funding for
12 trauma care services.

13 (i) "Trauma agency" means an agency established and
14 operated by one or more counties, or an entity with which one
15 or more counties contract, for the purpose of administering an
16 inclusive regional trauma system.

17 (j) "Trauma alert victim" means a person who has
18 incurred a single or multisystem injury due to blunt or
19 penetrating means or burns; who requires immediate medical
20 intervention or treatment; and who meets one or more of the
21 adult or pediatric scorecard criteria established by the
22 department by rule.

23 (k) "Trauma center" means any hospital that has been
24 determined by the department to be in substantial compliance
25 with trauma center verification standards.

26 (l) "Trauma scorecard" means a statewide methodology
27 adopted by the department by rule under which a person who has
28 incurred a traumatic injury is graded as to the severity of
29 his or her injuries or illness and which methodology is used
30 as the basis for making destination decisions.

31 (m) "Trauma victim" means any person who has incurred

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1 a single or multisystem ~~life-threatening~~ injury due to blunt
2 or penetrating means or burns and who requires immediate
3 medical intervention or treatment.

4 (2)

5 (c) The department shall receive plans for the
6 implementation of inclusive trauma ~~care~~ systems from ~~local and~~
7 ~~regional~~ trauma agencies. The department may approve or not
8 approve ~~the local or regional~~ trauma agency plans based on the
9 conformance of the plan ~~local or regional plans~~ with this
10 section and ss. 395.4015, 395.404, and 395.4045 and the rules
11 adopted by the department pursuant to those sections. The
12 department shall approve or disapprove the plans within 120
13 days after the date the plans are submitted to the department.

14 (n) After the submission of the initial ~~local or~~
15 ~~regional~~ trauma ~~care~~ system plan, each ~~local or regional~~
16 trauma agency shall, every 5th year, ~~annually~~ submit to the
17 department for approval an updated plan that ~~which~~ identifies
18 the changes, if any, to be made in the regional trauma ~~care~~
19 system. ~~The department shall approve or disapprove the updated~~
20 ~~plan within 120 days after the date the plan is submitted to~~
21 ~~the department. At least 60 days before the local or regional~~
22 ~~trauma agency submits a plan for a trauma care system to the~~
23 ~~department, the local or regional trauma agency shall hold a~~
24 ~~public hearing and give adequate notice of the public hearing~~
25 ~~to all hospitals and other interested parties in the area. A~~
26 ~~local or regional trauma agency shall submit to the department~~
27 ~~written notice of its intent to cease operation of the local~~
28 ~~or regional trauma agency at least 90 days before the date on~~
29 ~~which the local or regional trauma agency will cease~~
30 ~~operation.~~

31 Section 196. Subsections (1) and (3) of section

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1 395.402, Florida Statutes, are amended to read:

2 395.402 Trauma service areas; number and location of
3 trauma centers.--

4 ~~(1) The Legislature finds that it is appropriate to~~
5 ~~recognize as a trauma patient someone with an injury severity~~
6 ~~score (ISS) of 9 or greater.~~ The Legislature ~~also~~ recognizes
7 that Level I and Level II trauma centers should each be
8 capable of annually treating a minimum of 1,000 and 500
9 patients, respectively, with an injury severity score (ISS) of
10 9 or greater. Further, the Legislature finds that, based on
11 the numbers and locations of trauma victims with these injury
12 severity scores, there should be 19 trauma service areas in
13 the state, and, at a minimum, there should be at least one
14 trauma center in each service area.

15 (3) Trauma service areas are to be used. The
16 department shall periodically review the assignment of the 67
17 counties to trauma service areas. These assignments are made
18 for the purpose of developing a system of trauma centers.
19 Revisions made by the department should take into
20 consideration the recommendations made as part of the regional
21 trauma system plans approved by the department, as well as the
22 recommendations made as part of the state trauma system plan.
23 These areas must, at a minimum, be reviewed in the year 2000
24 and every 5 years thereafter. Until the department completes
25 its initial review, the assignment of counties shall remain as
26 established pursuant to chapter 90-284, Laws of Florida.~~The~~
27 ~~following trauma service areas are to be utilized in~~
28 ~~developing a system of state-sponsored trauma centers. These~~
29 ~~areas are subject to periodic revision by the Legislature~~
30 ~~based on recommendations made as part of local or regional~~
31 ~~trauma plans approved by the department pursuant to s.~~

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1 ~~395.401(2). These areas shall, at a minimum, be reviewed by~~
2 ~~the Legislature prior to the next 7-year verification cycle of~~
3 ~~state-sponsored trauma centers.~~

4 (a) The following trauma service areas are hereby
5 established:

6 1. Trauma service area 1 shall consist of Escambia,
7 Okaloosa, Santa Rosa, and Walton Counties.

8 2. Trauma service area 2 shall consist of Bay, Gulf,
9 Holmes, and Washington Counties.

10 3. Trauma service area 3 shall consist of Calhoun,
11 Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison,
12 Taylor, and Wakulla Counties.

13 4. Trauma service area 4 shall consist of Alachua,
14 Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette,
15 Levy, Putnam, Suwannee, and Union Counties.

16 5. Trauma service area 5 shall consist of Baker, Clay,
17 Duval, Nassau, and St. Johns Counties.

18 6. Trauma service area 6 shall consist of Citrus,
19 Hernando, and Marion Counties.

20 7. Trauma service area 7 shall consist of Flagler and
21 Volusia Counties.

22 8. Trauma service area 8 shall consist of Lake,
23 Orange, Osceola, Seminole, and Sumter Counties.

24 9. Trauma service area 9 shall consist of Pasco and
25 Pinellas Counties.

26 10. Trauma service area 10 shall consist of
27 Hillsborough County.

28 11. Trauma service area 11 shall consist of Hardee,
29 Highlands, and Polk Counties.

30 12. Trauma service area 12 shall consist of Brevard
31 and Indian River Counties.

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1 13. Trauma service area 13 shall consist of DeSoto,
2 Manatee, and Sarasota Counties.

3 14. Trauma service area 14 shall consist of Martin,
4 Okeechobee, and St. Lucie Counties.

5 15. Trauma service area 15 shall consist of Charlotte,
6 Glades, Hendry, and Lee Counties.

7 16. Trauma service area 16 shall consist of Palm Beach
8 County.

9 17. Trauma service area 17 shall consist of Collier
10 County.

11 18. Trauma service area 18 shall consist of Broward
12 County.

13 19. Trauma service area 19 shall consist of Dade and
14 Monroe Counties.

15 (b) Each trauma service area should have at least one
16 Level I or Level II trauma center.

17 (c) There shall be no more than a total of 44
18 state-sponsored trauma centers in the state.

19 Section 197. Subsection (1) of section 395.4045,
20 Florida Statutes, is amended to read:

21 395.4045 Emergency medical service providers;
22 transport of trauma victims to trauma centers.--

23 (1) Each emergency medical services provider licensed
24 under chapter 401 shall transport trauma alert victims to
25 hospitals approved as trauma centers, except as may be
26 provided for either in department-approved local or regional
27 trauma transport protocol or, if no local or regional trauma
28 transport protocol is in effect, as provided for in a
29 department-approved provider's trauma transport protocol.
30 Development of regional trauma protocols shall be through
31 consultation with interested parties, including, but not

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1 limited to, each approved trauma center; physicians
2 specializing in trauma care, emergency care, and surgery in
3 the region; each trauma system administrator in the region;
4 and each emergency medical service provider in the region
5 licensed under chapter 401. Trauma alert victims shall be
6 identified through the use of a trauma scoring system. The
7 department shall specify by rule the subjects to be included
8 in an emergency medical service provider's trauma transport
9 protocol and shall approve or disapprove each such protocol.

10 Section 198. Section 458.351, Florida Statutes, is
11 created to read:

12 458.351 Reports of adverse incidents in office
13 practice settings.--

14 (1) Any adverse incident that occurs on or after
15 January 1, 2000, in any office maintained by a physician for
16 the practice of medicine which is not licensed under chapter
17 395 must be reported to the department in accordance with the
18 provisions of this section.

19 (2) Any physician or other licensee under this chapter
20 practicing in this state must notify the department if the
21 physician or licensee was involved in an adverse incident that
22 occurred on or after January 1, 2000, in any office maintained
23 by a physician for the practice of medicine which is not
24 licensed under chapter 395.

25 (3) The required notification to the department must
26 be submitted in writing by certified mail and postmarked
27 within 15 days after the occurrence of the adverse incident.

28 (4) For purposes of notification to the department
29 pursuant to this section, the term "adverse incident" means an
30 event over which the physician or licensee could exercise
31 control and which is associated in whole or in part with a

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1 medical intervention, rather than the condition for which such
2 intervention occurred, and which results in the following
3 patient injuries:

4 (a) The death of a patient.
5 (b) Brain or spinal damage to a patient.
6 (c) The performance of a surgical procedure on the
7 wrong patient.

8 (d)1. The performance of a wrong-site surgical
9 procedure;

10 2. The performance of a wrong surgical procedure; or
11 3. The surgical repair of damage to a patient
12 resulting from a planned surgical procedure where the damage
13 is not a recognized specific risk as disclosed to the patient
14 and documented through the informed-consent process
15
16 if it results in: death; brain or spinal damage; permanent
17 disfigurement not to include the incision scar; fracture or
18 dislocation of bones or joints; a limitation of neurological,
19 physical or sensory function; or any condition that required
20 the transfer of the patient.

21 (e) A procedure to remove unplanned foreign objects
22 remaining from a surgical procedure.

23 (f) Any condition that required the transfer of a
24 patient to a hospital licensed under chapter 395 from an
25 ambulatory surgical center licensed under chapter 395 or any
26 facility or any office maintained by a physician for the
27 practice of medicine which is not licensed under chapter 395.

28 (5) The department shall review each incident and
29 determine whether it potentially involved conduct by a health
30 care professional who is subject to disciplinary action, in
31 which case s. 455.621 applies. Disciplinary action, if any,

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1 shall be taken by the board under which the health care
2 professional is licensed.

3 (6) The board may adopt rules to administer this
4 section.

5 Section 199. Section 459.026, Florida Statutes, is
6 created to read:

7 459.026 Reports of adverse incidents in office
8 practice settings.--

9 (1) Any adverse incident that occurs on or after
10 January 1, 2000, in any office maintained by an osteopathic
11 physician for the practice of osteopathic medicine which is
12 not licensed under chapter 395 must be reported to the
13 department in accordance with the provisions of this section.

14 (2) Any osteopathic physician or other licensee under
15 this chapter practicing in this state must notify the
16 department if the osteopathic physician or licensee was
17 involved in an adverse incident that occurred on or after
18 January 1, 2000, in any office maintained by an osteopathic
19 physician for the practice of osteopathic medicine which is
20 not licensed under chapter 395.

21 (3) The required notification to the department must
22 be submitted in writing by certified mail and postmarked
23 within 15 days after the occurrence of the adverse incident.

24 (4) For purposes of notification to the department
25 pursuant to this section, the term "adverse incident" means an
26 event over which the physician or licensee could exercise
27 control and which is associated in whole or in part with a
28 medical intervention, rather than the condition for which such
29 intervention occurred, and which results in the following
30 patient injuries:

31 (a) The death of a patient.

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- 1 (b) Brain or spinal damage to a patient.
2 (c) The performance of a surgical procedure on the
3 wrong patient.
4 (d)1. The performance of a wrong-site surgical
5 procedure;
6 2. The performance of a wrong surgical procedure; or
7 3. The surgical repair of damage to a patient
8 resulting from a planned surgical procedure where the damage
9 is not a recognized specific risk as disclosed to the patient
10 and documented through the informed-consent process
11
12 if it results in: death; brain or spinal damage; permanent
13 disfigurement not to include the incision scar; fracture or
14 dislocation of bones or joints; a limitation of neurological,
15 physical or sensory function; or any condition that required
16 the transfer of the patient.
17 (e) A procedure to remove unplanned foreign objects
18 remaining from a surgical procedure.
19 (f) Any condition that required the transfer of a
20 patient to a hospital licensed under chapter 395 from an
21 ambulatory surgical center licensed under chapter 395 or any
22 facility or any office maintained by a physician for the
23 practice of medicine which is not licensed under chapter 395.
24 (5) The department shall review each incident and
25 determine whether it potentially involved conduct by a health
26 care professional who is subject to disciplinary action, in
27 which case s. 455.621 applies. Disciplinary action, if any,
28 shall be taken by the board under which the health care
29 professional is licensed.
30 (6) The board may adopt rules to administer this
31 section.

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1 Section 200. (1) The Department of Health shall
2 establish maximum allowable levels for contaminants in
3 compressed air used for recreational sport diving in this
4 state. In developing the standards, the department must take
5 into consideration the levels of contaminants allowed by the
6 Grade "E" Recreational Diving Standards of the Compressed Gas
7 Association.

8 (2) The standards prescribed under this section do not
9 apply to:

10 (a) Any person providing compressed air for his or her
11 own use.

12 (b) Any governmental entity using a governmentally
13 owned compressed air source for work related to the
14 governmental entity.

15 (c) Foreign registered vessels upon which a compressor
16 is used to provide compressed air for work related to the
17 operation of the vessel.

18 (3) A person or entity that, for compensation,
19 provides compressed air for recreational sport diving in this
20 state, including compressed air provided as part of a dive
21 package of equipment rental, dive boat rental, or dive boat
22 charter, must ensure that the compressed air is tested
23 quarterly by a laboratory that is accredited by either the
24 American Industrial Hygiene Association or the American
25 Association for Laboratory Accreditation and that the results
26 of such tests are provided quarterly to the Department of
27 Health. In addition, the person or entity must post the
28 certificate issued by the laboratory accredited by the
29 American Industrial Hygiene Association or the American
30 Association for Laboratory Accreditation in a conspicuous
31 location where it can readily be seen by any person purchasing

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1 compressed air.

2 (4) The Department of Health shall maintain a record
3 of all quarterly test results provided under this section.

4 (5) It is a misdemeanor of the second degree for any
5 person or entity to provide, for compensation, compressed air
6 for recreational sport diving in this state, including
7 compressed air provided as part of a dive package of equipment
8 rental, dive boat rental, or dive boat charter, without:

9 (a) Having received a valid certificate issued by a
10 laboratory accredited by the American Industrial Hygiene
11 Association or the American Association for Laboratory
12 Accreditation which certifies that the compressed air meets
13 the standards for contaminant levels established by the
14 Department of Health.

15 (b) Posting the certificate issued by a laboratory
16 accredited by the American Industrial Hygiene Association or
17 the American Association for Laboratory Accreditation in a
18 conspicuous location where it can readily be seen by persons
19 purchasing compressed air.

20 (6) The department shall adopt rules necessary to
21 carry out the provisions of this section, which must include:

22 (a) Maximum allowable levels of contaminants in
23 compressed air used for sport diving.

24 (b) Procedures for the submission of test results to
25 the department.

26 (7) This section shall take effect January 1, 2000.

27 Section 201. Except as otherwise expressly provided in
28 this act, this act shall take effect July 1, 1999.

29
30
31

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause,

4

5 and insert:

6

 A bill to be entitled

7

 An act relating to health care; providing for

8

 the issuance of Medicaid numbers to certain

9

 children; amending s. 20.43, F.S.; revising

10

 powers and the internal structure of the

11

 department; amending s. 110.205, F.S.;

12

 exempting certain positions from career

13

 service; amending s. 120.80, F.S.; exempting

14

 certain hearings within the department from the

15

 requirement of being conducted by an

16

 administrative law judge from the Division of

17

 Administrative Hearings; amending s. 154.504,

18

 F.S.; revising standards for eligibility to

19

 participate in a primary care for children and

20

 families challenge grant; amending s. 287.155,

21

 F.S.; authorizing the department to purchase

22

 vehicles and automotive equipment for county

23

 health departments; amending s. 372.6672, F.S.;

24

 deleting an obsolete reference to the

25

 Department of Health and Rehabilitative

26

 Services; amending s. 381.004, F.S.;

27

 prescribing conditions under which an HIV test

28

 may be performed without obtaining consent;

29

 amending s. 381.0051, F.S.; authorizing the

30

 Department of Health to adopt rules to

31

 implement the Comprehensive Family Planning

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1 Act; amending s. 381.006, F.S.; providing the
2 department with rule authority relating to
3 inspection of certain group care facilities;
4 amending s. 381.0061, F.S.; providing the
5 department with authority to impose certain
6 fines; amending s. 381.0062, F.S.; redefining
7 the term "private water system" and defining
8 the term "multi-family water system"; providing
9 that either type of system may include a rental
10 residence in its service; regulating
11 multi-family systems; amending s. 381.90, F.S.;
12 revising membership of the Health Information
13 Systems Council; prescribing its duties with
14 respect to developing a review process;
15 requiring a report; amending s. 382.003, F.S.;
16 revising powers and duties of the department
17 with respect to vital records; providing for
18 forms and documents to be submitted under oath;
19 amending s. 382.004, F.S.; restating the
20 admissibility of copies of records; amending s.
21 382.008, F.S.; deleting provisions relating to
22 restriction on disclosure of a decedent's
23 social security number; amending s. 382.013,
24 F.S.; revising provisions relating to who must
25 file a birth registration; amending s. 382.015,
26 F.S.; revising provisions relating to issuance
27 of new birth certificates upon determination of
28 paternity; amending s. 382.016, F.S.;
29 prescribing procedures for amending records;
30 amending s. 382.019, F.S.; providing for
31 dismissal of an application for delayed

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1 registration which is not actively pursued;
2 amending s. 382.025, F.S.; exempting certain
3 birth records from confidentiality
4 requirements; amending s. 382.0255, F.S.;
5 revising provisions relating to disposition of
6 the additional fee imposed on certification of
7 birth records; amending s. 383.14, F.S.;
8 conforming a reference to the name of a
9 program; amending s. 385.202, F.S.; deleting
10 provisions relating to reimbursing hospitals
11 reporting information for the statewide cancer
12 registry; amending s. 385.203, F.S.;
13 establishing requirements and membership for
14 the Diabetes Advisory Council; amending s.
15 391.028, F.S.; revising provisions relating to
16 administration of the Children's Medical
17 Services program; amending s. 391.0315, F.S.;
18 revising standards for benefits provided under
19 the program for certain children; amending s.
20 392.69, F.S.; providing for an advisory board
21 for the A. G. Holley State Hospital; amending
22 s. 401.25, F.S.; providing qualifications for
23 licensure as basic or advanced life support
24 service; amending s. 401.27, F.S.; providing
25 standards for certification of emergency
26 medical technicians and paramedics; creating s.
27 401.2701, F.S.; establishing criteria for
28 emergency medical services training programs;
29 creating s. 401.2715, F.S.; providing for
30 recertification training of emergency medical
31 technicians and paramedics; providing for fees;

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1 amending s. 401.30, F.S.; providing for use and
2 maintenance of records; amending s. 401.35,
3 F.S.; providing rulemaking authority; amending
4 s. 409.9126, F.S.; revising requirements for
5 capitation payments to Children's Medical
6 Services programs; amending s. 465.019, F.S.;
7 revising definitions; amending s. 499.005,
8 F.S.; revising the elements of certain offenses
9 relating to purchase or receipt of legend
10 drugs, recordkeeping with respect to drugs,
11 cosmetics, and household products, and permit
12 and registration requirements; amending s.
13 499.007, F.S.; revising conditions under which
14 a drug is considered misbranded; amending s.
15 499.028, F.S.; providing an exemption from the
16 prohibition against possession of a drug
17 sample; amending s. 499.069, F.S.; providing
18 penalties for certain violations of s. 499.005,
19 F.S.; amending s. 742.10, F.S.; revising
20 procedures relating to establishing paternity
21 for children born out of wedlock; amending ss.
22 39.303, 385.203, 391.021, 391.221, 391.222,
23 391.223, F.S., to conform to the renaming of
24 the Division of Children's Medical Services;
25 repealing s. 381.731(3), F.S., relating to the
26 date for submission of a report; repealing s.
27 383.307(5), F.S., relating to licensure of
28 birth center staff and consultants; repealing
29 s. 404.20(7), F.S., relating to transportation
30 of radioactive materials; repealing s.
31 409.9125, F.S., relating to the study of

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1 Medicaid alternative networks; naming a certain
2 building in Jacksonville the "Wilson T. Sowder,
3 M.D., Building"; naming a certain building in
4 Tampa the "William G. 'Doc' Myers, M.D.,
5 Building"; naming the department headquarters
6 building the "Charlton E. Prather, M.D.,
7 Building"; authorizing the Department of Health
8 to become an accrediting authority for
9 environmental laboratory standards; providing
10 intent and rulemaking authority for the
11 Department of Health to implement standards of
12 the National Environmental Laboratory
13 Accreditation Program Accreditation Program;
14 amending s. 381.0022, F.S.; authorizing the
15 Department of Health to share certain
16 information on Medicaid recipients regarding
17 payment for services; amending s. 383.011,
18 F.S.; amending requirements for rules relating
19 to the Child Care Food Program; amending s.
20 468.304, F.S.; revising the application fees to
21 be paid for radiologic technology certification
22 examination; amending s. 468.306, F.S.;
23 revising certain fees for radiologic technology
24 certification examination; amending s. 468.309,
25 F.S.; amending the timing of biennial
26 certification renewal for radiologic
27 technologists; amending ss. 455.57 and 455.565,
28 F.S.; ensuring that an intern in a hospital is
29 not subject to the credentialing or profiling
30 laws; providing for clinical trials to be
31 conducted on the use of the drug Secretin by a

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1 nonprofit provider; requiring a report;
2 providing an appropriation; amending s.
3 232.435, F.S.; correcting a reference; amending
4 s. 381.026, F.S.; providing a definition;
5 amending s. 381.0261, F.S.; providing that the
6 Department of Health or a regulatory board,
7 rather than the Agency for Health Care
8 Administration, may impose an administrative
9 fine against any health care provider who fails
10 to make available to patients a summary of
11 their rights as required by law; amending s.
12 409.906, F.S.; authorizing the Agency for
13 Health Care Administration to develop a
14 certified-match program for Healthy Start
15 services under certain circumstances; amending
16 s. 409.910, F.S.; providing for use of Medicare
17 standard billing formats for certain
18 data-exchange purposes; creating s. 409.9101,
19 F.S.; providing a short title; providing
20 legislative intent relating to Medicaid estate
21 recovery; requiring certain notice of
22 administration of the estate of a deceased
23 Medicaid recipient; providing that receipt of
24 Medicaid benefits creates a claim and interest
25 by the agency against an estate; specifying the
26 right of the agency to amend the amount of its
27 claim based on medical claims submitted by
28 providers subsequent to the agency's initial
29 claim calculation; providing the basis of
30 calculation of the amount of the agency's
31 claim; specifying a claim's class standing;

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1 providing circumstances for nonenforcement of
2 claims; providing criteria for use in
3 considering hardship requests; providing for
4 recovery when estate assets result from a claim
5 against a third party; providing for estate
6 recovery in instances involving real property;
7 providing agency rulemaking authority; amending
8 s. 409.912, F.S.; eliminating a requirement
9 that a Medicaid provider service network
10 demonstration project be located in Orange
11 County; amending s. 409.913, F.S.; revising
12 provisions relating to the agency's authority
13 to withhold Medicaid payments pending
14 completion of certain legal proceedings;
15 providing for disbursement of withheld Medicaid
16 provider payments; creating s. 409.9131, F.S.;
17 providing legislative findings and intent
18 relating to integrity of the Medicaid program;
19 providing definitions; authorizing onsite
20 reviews of physician records by the agency;
21 requiring notice for such reviews; requiring
22 notice of due process rights in certain
23 circumstances; specifying procedures for
24 determinations of overpayment; requiring a
25 study of certain statistical models used by the
26 agency; requiring a report; amending s.
27 455.501, F.S.; redefining the terms "health
28 care practitioner" and "licensee"; amending s.
29 455.507, F.S.; revising provisions relating to
30 good standing of members of the Armed Forces
31 with administrative boards to provide

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1 applicability to the department when there is
2 no board; providing gender neutral language;
3 amending s. 455.521, F.S.; providing powers and
4 duties of the department for the professions,
5 rather than boards, under its jurisdiction;
6 amending s. 455.557, F.S.; revising the
7 credentials collection program for health care
8 practitioners; revising and providing
9 definitions; providing requirements for health
10 care practitioners and the Department of Health
11 under the program; renaming the advisory
12 council and abolishing it at a future date;
13 prohibiting duplication of data available from
14 the department; authorizing collection of
15 certain other information; revising
16 requirements for registration of credentials
17 verification organizations; providing for
18 biennial renewal of registration; providing
19 grounds for suspension or revocation of
20 registration; revising liability insurance
21 requirements; revising rulemaking authority;
22 specifying authority of the department after
23 the council is abolished; amending s. 455.564,
24 F.S.; prescribing the expiration date of an
25 incomplete license application; revising the
26 form and style of licenses; providing authority
27 to the department when there is no board to
28 adopt rules; revising and providing
29 requirements relating to obtaining continuing
30 education credit in risk management; correcting
31 a reference; amending s. 455.5651, F.S.;

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1 prohibiting inclusion of certain information in
2 practitioner profiles; amending s. 455.567,
3 F.S.; defining sexual misconduct and
4 prohibiting it in the practice of a health care
5 profession; providing penalties; amending s.
6 455.574, F.S.; revising provisions relating to
7 review of an examination after failure to pass
8 it; amending s. 455.587, F.S.; providing
9 authority to the department when there is no
10 board to determine by rule the amount of
11 license fees for the profession regulated;
12 providing for a fee for issuance of a wall
13 certificate to certain licensees or for a
14 duplicate wall certificate; amending s.
15 455.601, F.S.; providing, for purposes of
16 workers' compensation, a rebuttable presumption
17 relating to blood-borne infections; amending s.
18 455.604, F.S.; requiring instruction on human
19 immunodeficiency virus and acquired immune
20 deficiency syndrome as a condition of licensure
21 and relicensure to practice dietetics and
22 nutrition or nutrition counseling; amending s.
23 455.607, F.S.; correcting a reference; amending
24 s. 455.624, F.S.; revising and providing
25 grounds for discipline; providing penalties;
26 providing for assessment of certain costs;
27 amending s. 455.664, F.S.; requiring additional
28 health care practitioners to include a certain
29 statement in advertisements for free or
30 discounted services; correcting terminology;
31 amending s. 455.667, F.S.; authorizing the

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1 department to obtain patient records, billing
2 records, insurance information, provider
3 contracts, and all attachments thereto under
4 certain circumstances for purposes of
5 disciplinary proceedings; providing for charges
6 for making reports or records available for
7 digital scanning; amending s. 455.687, F.S.;
8 providing for the suspension or restriction of
9 the license of any health care practitioner who
10 tests positive for drugs under certain
11 circumstances; amending s. 455.694, F.S.;
12 providing financial responsibility requirements
13 for midwives; creating s. 455.712, F.S.;
14 providing requirements for active status
15 licensure of certain business establishments;
16 amending s. 457.102, F.S.; defining the term
17 "prescriptive rights" with respect to
18 acupuncture; amending s. 458.307, F.S.;
19 correcting terminology and a reference;
20 removing an obsolete date; amending s. 458.309,
21 F.S.; providing for registration and inspection
22 of certain offices performing levels 2 and 3
23 surgery; amending s. 458.311, F.S.; revising
24 provisions relating to licensure as a physician
25 by examination; eliminating an obsolete
26 provision relating to licensure of medical
27 students from Nicaragua and another provision
28 relating to taking the examination without
29 applying for a license; amending s. 458.3115,
30 F.S.; updating terminology; amending s.
31 458.313, F.S.; revising provisions relating to

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1 licensure by endorsement; repealing provisions
2 relating to reactivation of certain licenses
3 issued by endorsement; amending s. 458.315,
4 F.S.; providing additional requirements for
5 recipients of a temporary certificate for
6 practice in areas of critical need; amending s.
7 458.3165, F.S.; prescribing authorized
8 employment for holders of public psychiatry
9 certificates; correcting a reference; amending
10 s. 458.317, F.S.; providing for conversion of
11 an active license to a limited license for a
12 specified purpose; amending s. 458.319, F.S.;
13 revising requirements for submitting
14 fingerprints to the department for renewal of
15 licensure as a physician; amending s. 458.331,
16 F.S.; providing grounds for discipline;
17 providing penalties; amending s. 458.347, F.S.;
18 revising provisions relating to temporary
19 licensure as a physician assistant; amending s.
20 459.005, F.S.; providing for registration and
21 inspection of certain offices performing levels
22 2 and 3 surgery; amending s. 459.0075, F.S.;
23 providing for conversion of an active license
24 to a limited license for a specified purpose;
25 amending s. 459.008, F.S.; revising
26 requirements for submitting fingerprints to the
27 department for renewal of licensure as an
28 osteopathic physician; amending s. 459.015,
29 F.S.; revising and providing grounds for
30 discipline; providing penalties; amending s.
31 460.402, F.S.; providing an exemption from

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1 regulation under ch. 460, F.S., relating to
2 chiropractic, for certain students; amending s.
3 460.403, F.S.; defining the term
4 "community-based internship" for purposes of
5 ch. 460, F.S.; redefining the terms "direct
6 supervision" and "registered chiropractic
7 assistant"; amending s. 460.406, F.S.; revising
8 requirements for licensure as a chiropractic
9 physician by examination to remove a provision
10 relating to a training program; amending s.
11 460.407, F.S.; revising requirements for
12 submitting fingerprints to the department for
13 renewal of licensure as a chiropractic
14 physician; amending s. 460.413, F.S.;
15 increasing the administrative fine; conforming
16 cross-references; amending s. 460.4165, F.S.;
17 revising requirements for certification of
18 chiropractic physician's assistants; providing
19 for supervision of registered chiropractic
20 physician's assistants; providing for biennial
21 renewal; providing fees; providing
22 applicability to current certificateholders;
23 amending s. 460.4166, F.S.; authorizing
24 registered chiropractic assistants to be under
25 the direct supervision of a certified
26 chiropractic physician's assistant; amending s.
27 461.003, F.S.; defining the term "certified
28 podiatric X-ray assistant" and the term "direct
29 supervision" with respect thereto; redefining
30 the term "practice of podiatric medicine";
31 amending s. 461.006, F.S.; revising the

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1 residency requirement to practice podiatric
2 medicine; amending s. 461.007, F.S.; revising
3 requirements for renewal of license to practice
4 podiatric medicine; revising requirements for
5 submitting fingerprints to the department for
6 renewal of licensure; amending s. 461.013,
7 F.S.; revising and providing grounds for
8 discipline; providing penalties; creating s.
9 461.0135, F.S.; providing requirements for
10 operation of X-ray machines by certified
11 podiatric X-ray assistants; amending s.
12 464.008, F.S.; providing for remediation upon
13 failure to pass the examination to practice
14 nursing a specified number of times; amending
15 s. 464.022, F.S.; providing an exemption from
16 regulation relating to remedial courses;
17 amending s. 465.003, F.S.; defining the term
18 "data communication device"; revising the
19 definition of the term "practice of the
20 profession of pharmacy"; amending s. 465.016,
21 F.S.; authorizing the redispensing of unused or
22 returned unit-dose medication by correctional
23 facilities under certain conditions; providing
24 a ground for which a pharmacist may be subject
25 to discipline by the Board of Pharmacy;
26 increasing the administrative fine; amending
27 ss. 465.014, 465.015, 465.0196, 468.812,
28 499.003, F.S.; correcting cross-references, to
29 conform; creating the Task Force for the Study
30 of Collaborative Drug Therapy Management;
31 providing for staff support from the

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1 department; providing for participation by
2 specified associations and entities; providing
3 responsibilities; requiring a report to the
4 Legislature; amending s. 466.021, F.S.;
5 revising requirements relating to dental work
6 orders required of unlicensed persons; amending
7 s. 468.1155, F.S.; revising requirements for
8 provisional licensure to practice
9 speech-language pathology or audiology;
10 amending s. 468.1215, F.S.; revising
11 requirements for certification as a
12 speech-language pathologist or audiologist
13 assistant; amending s. 468.307, F.S.;
14 authorizing the issuance of subcategory
15 certificates in the field of radiologic
16 technology; amending s. 468.506, F.S.;
17 correcting references; amending s. 468.701,
18 F.S.; revising and removing definitions;
19 amending s. 468.703, F.S.; replacing the
20 Council of Athletic Training with a Board of
21 Athletic Training; providing for appointment of
22 board members and their successors; providing
23 for staggering of terms; providing for
24 applicability of other provisions of law
25 relating to activities of regulatory boards;
26 providing for the board's headquarters;
27 amending ss. 468.705, 468.707, 468.709,
28 468.711, 468.719, 468.721, F.S., relating to
29 rulemaking authority, licensure by examination,
30 fees, continuing education, disciplinary
31 actions, and certain regulatory transition;

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1 transferring to the board certain duties of the
2 department relating to regulation of athletic
3 trainers; amending s. 20.43, F.S.; placing the
4 board under the Division of Medical Quality
5 Assurance of the department; providing for
6 termination of the council and the terms of
7 council members; authorizing consideration of
8 former council members for appointment to the
9 board; amending s. 468.805, F.S.; revising
10 grandfathering provisions for the practice of
11 orthotics, prosthetics, or pedorthics; amending
12 s. 468.806, F.S.; providing for approval of
13 continuing education providers; amending s.
14 478.42, F.S.; redefining the term "electrolysis
15 or electrology"; amending s. 483.041, F.S.,
16 redefining the terms "clinical laboratory" and
17 "licensed practitioner" and defining the term
18 "clinical laboratory examination"; amending s.
19 483.803, F.S.; redefining the terms "clinical
20 laboratory examination" and "licensed
21 practitioner of the healing arts"; revising a
22 reference; amending s. 483.807, F.S.; revising
23 provisions relating to fees for approval as a
24 laboratory training program; amending s.
25 483.809, F.S.; revising requirements relating
26 to examination of clinical laboratory personnel
27 for licensure and to registration of clinical
28 laboratory trainees; amending s. 483.812, F.S.;
29 revising qualification requirements for
30 licensure of public health laboratory
31 scientists; amending s. 483.813, F.S.;

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1 eliminating a provision authorizing conditional
2 licensure of clinical laboratory personnel for
3 a specified period; amending s. 483.821, F.S.;
4 authorizing continuing education or retraining
5 for candidates who fail an examination a
6 specified number of times; amending s. 483.824,
7 F.S.; revising qualifications of clinical
8 laboratory directors; amending s. 483.825,
9 F.S.; revising and providing grounds for
10 discipline; providing penalties; amending s.
11 483.901, F.S.; correcting a reference;
12 eliminating a provision authorizing temporary
13 licensure as a medical physicist; correcting
14 the name of a trust fund; amending s. 484.007,
15 F.S.; revising requirements for opticians who
16 supervise apprentices; amending s. 484.0512,
17 F.S.; requiring sellers of hearing aids to
18 refund within a specified period all moneys
19 required to be refunded under trial-period
20 provisions; amending s. 484.053, F.S.;
21 increasing the penalty applicable to prohibited
22 acts relating to the dispensing of hearing
23 aids; amending s. 484.056, F.S.; providing that
24 violation of trial-period requirements is a
25 ground for disciplinary action; providing
26 penalties; amending ss. 486.041, 486.081,
27 486.103, and 486.107, F.S.; eliminating
28 provisions authorizing issuance of a temporary
29 permit to work as a physical therapist or
30 physical therapist assistant; amending s.
31 490.005, F.S.; revising educational

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1 requirements for licensure as a psychologist by
2 examination; changing a date, to defer certain
3 educational requirements; amending s. 490.006,
4 F.S.; providing additional requirements for
5 licensure as a psychologist by endorsement;
6 amending s. 490.0085, F.S.; correcting the name
7 of a trust fund; amending s. 491.0045, F.S.;
8 revising requirements for registration as a
9 clinical social worker intern, marriage and
10 family therapist intern, or mental health
11 counselor intern; amending s. 491.0046, F.S.;
12 revising requirements for provisional licensure
13 of clinical social workers, marriage and family
14 therapists, and mental health counselors;
15 amending s. 491.005, F.S.; revising
16 requirements for licensure of clinical social
17 workers, marriage and family therapists, and
18 mental health counselors; providing for
19 certification of education of interns;
20 providing rulemaking authority to implement
21 education and experience requirements for
22 licensure as a clinical social worker, marriage
23 and family therapist, or mental health
24 counselor; revising future licensure
25 requirements for mental health counselors and
26 providing rulemaking authority for
27 implementation thereof; amending s. 491.006,
28 F.S.; revising requirements for licensure or
29 certification by endorsement; amending s.
30 491.0085, F.S.; requiring laws and rules
31 courses and providing for approval thereof,

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1 including providers and programs; correcting
2 the name of a trust fund; amending s. 491.014,
3 F.S.; revising an exemption from regulation
4 relating to certain temporally limited
5 services; amending s. 499.012, F.S.; redefining
6 the term "wholesale distribution," relating to
7 the distribution of prescription drugs, to
8 provide for the exclusion of certain
9 activities; amending ss. 626.883, 641.316,
10 F.S.; requiring payments to a health care
11 provider by a fiscal intermediary to include an
12 explanation of services provided; creating a
13 Task Force on Telehealth; providing its duties;
14 requiring a report; amending s. 468.352, F.S.;
15 redefining the term "board"; amending s.
16 468.353, F.S.; conforming provision; providing
17 for the adoption of rules; amending s. 468.354,
18 F.S.; creating the Board of Respiratory Care;
19 providing for membership, powers, and duties;
20 amending s. 468.355, F.S.; providing for
21 periodic rather than annual review of certain
22 examinations and standards; amending s.
23 458.357, F.S.; conforming provisions; deleting
24 obsolete provisions; amending s. 468.364, F.S.;
25 deleting an examination fee; amending s.
26 468.365, F.S.; conforming provisions; amending
27 s. 464.016, F.S., providing that the use of the
28 title "nurse" without being licensed or
29 certified is a crime; amending s. 458.3115,
30 F.S.; revising requirements with respect to
31 eligibility of certain foreign-licensed

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1 physicians to take and pass standardized
2 examinations; amending s. 458.3124, F.S.;
3 changing the date by which application for a
4 restricted license must be submitted; amending
5 s. 301, ch. 98-166, Laws of Florida;
6 prescribing fees for foreign-licensed
7 physicians taking a certain examination;
8 providing for a detailed study and analysis of
9 clinical laboratory services for kidney
10 dialysis patients; amending s. 455.651, F.S.;
11 providing for treble damages, reasonable
12 attorney fees, and costs for improper
13 disclosure of confidential information;
14 amending ss. 641.261 and 641.411, F.S.;
15 conforming references and cross-references;
16 amending s. 733.212, F.S.; establishing the
17 agency as a reasonably ascertainable creditor
18 with respect to administration of certain
19 estates; requiring that a task force be
20 appointed to review sources of revenue for the
21 trust fund; providing for appointments of its
22 members and specifying topics to be studied;
23 providing for its staffing; providing for
24 meetings; requiring a report and
25 recommendations; creating s. 395.40, F.S.;
26 declaring legislative findings and intent with
27 respect to creation of a statewide inclusive
28 trauma system, as defined; amending s. 395.401,
29 F.S.; deleting the definitions of the terms
30 "local trauma agency" and "regional trauma
31 agency"; defining the terms "trauma agency" and

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1 "trauma alert victim"; prescribing duties of
2 the Department of Health with respect to
3 implementation of inclusive trauma systems and
4 trauma agency plans; amending s. 395.402, F.S.;
5 removing legislative findings; prescribing
6 duties of the department with respect to
7 assignment of counties to trauma service areas;
8 amending s. 395.4045, F.S.; prescribing
9 transport requirements for emergency medical
10 services providers; creating ss. 458.351 and
11 459.026, F.S.; requiring reports to the
12 Department of Health of adverse incidents in
13 specified settings; providing for review of
14 such incidents and initiation of disciplinary
15 proceedings, where appropriate; authorizing
16 department access to certain records and
17 preserving exemption from public access
18 thereto; providing rulemaking authority;
19 requiring the Department of Health to establish
20 standards for compressed air used in
21 recreational sport diving; providing that
22 certain persons and entities are exempt from
23 compliance with such standards; providing for
24 testing compressed air; requiring that test
25 results be provided to the department;
26 requiring that persons or entities selling
27 compressed air post a certificate of testing in
28 a conspicuous location; providing a penalty;
29 authorizing rules; providing effective dates.

31