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1 section 232.435, Florida Statutes, is amended to read:

2 232.435 Extracurricular athletic activities; athletic
3 trainers.--

4 (3)

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

10 Section 59. Subsection (2) of section 381.026, Florida
11 Statutes, 1998 Supplement, is amended to read:

12 381.026 Florida Patient's Bill of Rights and
13 Responsibilities.--

14 (2) DEFINITIONS.--As used in this section and s.
15 381.0261, the term:

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

17 (b)~~(a)~~ "Health care facility" means a facility
18 licensed under chapter 395.

19 (c)~~(b)~~ "Health care provider" means a physician
20 licensed under chapter 458, an osteopathic physician licensed
21 under chapter 459, or a podiatric physician licensed under
22 chapter 461.

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

26 Section 60. Subsection (4) of section 381.0261,
27 Florida Statutes, 1998 Supplement, is amended to read:

28 381.0261 Summary of patient's bill of rights;
29 distribution; penalty.--

30 (4)(a) An administrative fine may be imposed by the
31 Agency for Health Care Administration when any ~~health care~~

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1 ~~provider or~~ health care facility fails to make available to
 2 patients a summary of their rights, pursuant to s. 381.026 and
 3 this section. Initial nonwillful violations shall be subject
 4 to corrective action and shall not be subject to an
 5 administrative fine. The Agency for Health Care Administration
 6 may levy a fine against a health care facility of up to \$5,000
 7 for nonwillful violations, and up to \$25,000 for intentional
 8 and willful violations. Each intentional and willful violation
 9 constitutes a separate violation and is subject to a separate
 10 fine.

11 (b) An administrative fine may be imposed by the
 12 appropriate regulatory board, or the department if there is no
 13 board, when any health care provider fails to make available
 14 to patients a summary of their rights, pursuant to s. 381.026
 15 and this section. Initial nonwillful violations shall be
 16 subject to corrective action and shall not be subject to an
 17 administrative fine. The appropriate regulatory board or
 18 department agency may levy a fine against a health care
 19 provider of up to \$100 for nonwillful violations and up to
 20 \$500 for willful violations. Each intentional and willful
 21 violation constitutes a separate violation and is subject to a
 22 separate fine.

23 Section 61. Subsections (4) and (6) of section
 24 455.501, Florida Statutes, are amended to read:

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

26 (4) "Health care practitioner" means any person
 27 licensed under s. 400.211; chapter 457; chapter 458; chapter
 28 459; chapter 460; chapter 461; chapter 462; chapter 463;
 29 chapter 464; chapter 465; chapter 466; chapter 467; part I,
 30 part II, part III, part V, or part X, part XIII, or part XIV
 31 of chapter 468; chapter 478; chapter 480; part III or part IV

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1 of chapter 483;chapter 484; chapter 486; chapter 490; or
2 chapter 491.

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

6 Section 62. Section 455.507, Florida Statutes, is
7 amended to read:

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

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

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

31 Section 63. Section 455.521, Florida Statutes, 1998

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1 Supplement, is amended to read:

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

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

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

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

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

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

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

30 (7) Require all proceedings of any board or panel
31 thereof and all formal or informal proceedings conducted by

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1 the department, an administrative law judge, or a hearing
2 officer with respect to licensing or discipline to be
3 electronically recorded in a manner sufficient to assure the
4 accurate transcription of all matters so recorded.

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

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

22 Section 64. Paragraph (k) of subsection (2) of section
23 455.557, Florida Statutes, 1998 Supplement, is amended to
24 read:

25 455.557 Standardized credentialing for health care
26 practitioners.--

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

28 (k) "Health care practitioner" means any person
29 licensed, or, for credentialing purposes only, any person
30 applying for licensure, under chapter 458, chapter 459,
31 chapter 460, or chapter 461 or any person licensed under a

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1 chapter subsequently made subject to this section by the
2 department with the approval of the applicable board, except a
3 person registered or applying for registration pursuant to s.
4 458.345 or 459.021.

5 Section 65. Subsections (1), (2), (6), (7), (8), and
6 (9) of section 455.564, Florida Statutes, 1998 Supplement, are
7 amended to read:

8 455.564 Department; general licensing provisions.--

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

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

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

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

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

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

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1 criteria for and content of such courses and shall provide for
2 a videocassette course validation form to be signed by the
3 vendor and the licensee and submitted to the department, along
4 with the license renewal application, for continuing education
5 credit.

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

30 (9) Notwithstanding any law to the contrary, an
31 elected official who is licensed under a practice act

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1 administered by the Division of Medical ~~Health~~ Quality
2 Assurance may hold employment for compensation with any public
3 agency concurrent with such public service. Such dual service
4 must be disclosed according to any disclosure required by
5 applicable law.

6 Section 66. Subsections (1) and (4) of section
7 455.565, Florida Statutes, 1998 Supplement, are amended to
8 read:

9 455.565 Designated health care professionals;
10 information required for licensure.--

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

23 (a)1. The name of each medical school that the
24 applicant has attended, with the dates of attendance and the
25 date of graduation, and a description of all graduate medical
26 education completed by the applicant, excluding any coursework
27 taken to satisfy medical licensure continuing education
28 requirements.

29 2. The name of each hospital at which the applicant
30 has privileges.

31 3. The address at which the applicant will primarily

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1 conduct his or her practice.

2 4. Any certification that the applicant has received
3 from a specialty board that is recognized by the board to
4 which the applicant is applying.

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

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

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

26 8. A description of any final disciplinary action
27 taken within the previous 10 years against the applicant by
28 the agency regulating the profession that the applicant is or
29 has been licensed to practice, whether in this state or in any
30 other jurisdiction, by a specialty board that is recognized by
31 the American Board of Medical Specialities, the American

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1 Osteopathic Association, or a similar national organization,
2 or by a licensed hospital, health maintenance organization,
3 prepaid health clinic, ambulatory surgical center, or nursing
4 home. Disciplinary action includes resignation from or
5 nonrenewal of medical staff membership or the restriction of
6 privileges at a licensed hospital, health maintenance
7 organization, prepaid health clinic, ambulatory surgical
8 center, or nursing home taken in lieu of or in settlement of a
9 pending disciplinary case related to competence or character.
10 If the applicant indicates that the disciplinary action is
11 under appeal and submits a copy of the document initiating an
12 appeal of the disciplinary action, the department must state
13 that the disciplinary action is under appeal if the
14 disciplinary action is reported in the applicant's profile.

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

26 (4)(a) An applicant for initial licensure must submit
27 a set of fingerprints to the Department of Health in
28 accordance with s. 458.311, s. 458.3115, s. 458.3124, s.
29 458.313, s. 459.0055, s. 460.406, or s. 461.006.

30 (b) An applicant for renewed licensure who received an
31 initial license in this state after January 1, 1992, must

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1 submit a set of fingerprints for the initial renewal of his or
2 her license after January 1, 2000, to the agency regulating
3 that profession in accordance with procedures established
4 under s. 458.319, s. 459.008, s. 460.407, or s. 461.007.

5 (c) The Department of Health shall submit the
6 fingerprints provided by an applicant for initial licensure to
7 the Florida Department of Law Enforcement for a statewide
8 criminal history check, and the Florida Department of Law
9 Enforcement shall forward the fingerprints to the Federal
10 Bureau of Investigation for a national criminal history check
11 of the applicant. The department shall submit the fingerprints
12 provided by an applicant for a renewed license who received an
13 initial license in this state after January 1, 1992, to the
14 Florida Department of Law Enforcement for a statewide criminal
15 history check, and the Florida Department of Law Enforcement
16 shall forward the fingerprints to the Federal Bureau of
17 Investigation for a national criminal history check for the
18 initial renewal of the applicant's license after January 1,
19 2000. ~~For~~ For any subsequent renewal of the applicant's license
20 and of any applicant who received an initial license in this
21 state on or before January 1, 1992, the department shall
22 submit the required information for a statewide criminal
23 history check of the applicant.

24 Section 67. Present subsections (5), (6), and (7) of
25 section 455.5651, Florida Statutes, 1998 Supplement, are
26 renumbered as subsections (6), (7), and (8), respectively, and
27 a new subsection (5) is added to that section, to read:

28 455.5651 Practitioner profile; creation.--

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

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1 Section 68. Section 455.567, Florida Statutes, is
2 amended to read:

3 455.567 Sexual misconduct; disqualification for
4 license, certificate, or registration.--

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

15 (2) Each board within the jurisdiction of the
16 department, or the department if there is no board, shall
17 refuse to admit a candidate to any examination and refuse to
18 issue a license, certificate, or registration to any applicant
19 if the candidate or applicant has:

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

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

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1 For purposes of this subsection, a licensing authority's
2 acceptance of a candidate's relinquishment of a license which
3 is offered in response to or in anticipation of the filing of
4 administrative charges against the candidate's license
5 constitutes the surrender of the license.

6 Section 69. Subsection (2) of section 455.574, Florida
7 Statutes, 1998 Supplement, is amended to read:

8 455.574 Department of Health; examinations.--

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

31 Section 70. Subsection (1) of section 455.587, Florida

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1 Statutes, is amended, present subsections (2) through (7) are
2 renumbered as subsections (3) through (8), respectively, and a
3 new subsection (2) is added to that section, to read:

4 455.587 Fees; receipts; disposition for boards within
5 the department.--

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

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1 various funds in accordance with the allocation of investment
2 earnings during the period of the advance.

3 (2) Each board, or the department if there is no
4 board, may charge a fee not to exceed \$25, as determined by
5 rule, for the issuance of a wall certificate pursuant to s.
6 455.564(2) requested by a licensee who was licensed prior to
7 July 1, 1998, or for the issuance of a duplicate wall
8 certificate requested by any licensee.

9 Section 71. Subsections (1) and (6) of section
10 455.604, Florida Statutes, 1998 Supplement, are amended to
11 read:

12 455.604 Requirement for instruction for certain
13 licensees on human immunodeficiency virus and acquired immune
14 deficiency syndrome.--

15 (1) The appropriate board shall require each person
16 licensed or certified under chapter 457; chapter 458; chapter
17 459; chapter 460; chapter 461; chapter 463; chapter 464;
18 chapter 465; chapter 466; part II, part III, ~~or~~ part V, or
19 part X of chapter 468; or chapter 486 to complete a continuing
20 educational course, approved by the board, on human
21 immunodeficiency virus and acquired immune deficiency syndrome
22 as part of biennial relicensure or recertification. The course
23 shall consist of education on the modes of transmission,
24 infection control procedures, clinical management, and
25 prevention of human immunodeficiency virus and acquired immune
26 deficiency syndrome. Such course shall include information on
27 current Florida law on acquired immune deficiency syndrome and
28 its impact on testing, confidentiality of test results,
29 treatment of patients, and any protocols and procedures
30 applicable to human immunodeficiency virus counseling and
31 testing, reporting, the offering of HIV testing to pregnant

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1 women, and partner notification issues pursuant to ss. 381.004
2 and 384.25.

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

11 Section 72. Subsection (1) of section 455.607, Florida
12 Statutes, is amended to read:

13 455.607 Athletic trainers and massage therapists;
14 requirement for instruction on human immunodeficiency virus
15 and acquired immune deficiency syndrome.--

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

28 Section 73. Paragraphs (t), (u), (v), (w), and (x) are
29 added to subsection (1) of section 455.624, Florida Statutes,
30 subsection (2) of that section is amended, present subsection
31 (3) of that section is renumbered as subsection (4) and

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1 amended, present subsections (4) and (5) of that subsection
2 are renumbered as subsections (5) and (6), respectively, and a
3 new subsection (3) is added to that section, to read:

4 455.624 Grounds for discipline; penalties;
5 enforcement.--

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

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

13 (u) Engaging or attempting to engage a patient or
14 client in verbal or physical sexual activity. For the purposes
15 of this section, a patient or client shall be presumed to be
16 incapable of giving free, full, and informed consent to verbal
17 or physical sexual activity.

18 (v) Failing to comply with the requirements for
19 profiling and credentialing, including, but not limited to,
20 failing to provide initial information, failing to timely
21 provide updated information, or making misleading, untrue,
22 deceptive, or fraudulent representations on a profile,
23 credentialing, or initial or renewal licensure application.

24 (w) Failing to report to the board, or the department
25 if there is no board, in writing within 30 days after the
26 licensee has been convicted or found guilty of, or entered a
27 plea of nolo contendere to, regardless of adjudication, a
28 crime in any jurisdiction. Convictions, findings,
29 adjudications, and pleas entered into prior to the enactment
30 of this paragraph must be reported in writing to the board, or
31 department if there is no board, on or before October 1, 1999.

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

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

18 (a) Refusal to certify, or to certify with
 19 restrictions, an application for a license.

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

21 (c) Restriction of practice.

22 (d) Imposition of an administrative fine not to exceed
 23 ~~\$5,000~~ \$10,000 for each count or separate offense.

24 (e) Issuance of a reprimand.

25 (f) Placement of the licensee on probation for a
 26 period of time and subject to such conditions as the board, or
 27 the department when there is no board, may specify. Those
 28 conditions may include, but are not limited to, requiring the
 29 licensee to undergo treatment, attend continuing education
 30 courses, submit to be reexamined, work under the supervision
 31 of another licensee, or satisfy any terms which are reasonably

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1 tailored to the violations found.

2 (g) Corrective action.

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

5
 6 In determining what action is appropriate, the board, or
 7 department when there is no board, must first consider what
 8 sanctions are necessary to protect the public or to compensate
 9 the patient. Only after those sanctions have been imposed may
 10 the disciplining authority consider and include in the order
 11 requirements designed to rehabilitate the practitioner. All
 12 costs associated with compliance with orders issued under this
 13 subsection are the obligation of the practitioner.

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

25 (4)(3) In addition to any other discipline imposed
 26 pursuant to this section or discipline imposed for a violation
 27 of any practice act, the board, or the department when there
 28 is no board, may assess costs related to the investigation and
 29 prosecution of the case ~~excluding costs associated with an~~
 30 ~~attorney's time~~. In any case where the board or the department
 31 imposes a fine or assessment and the fine or assessment is not

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1 paid within a reasonable time, such reasonable time to be
2 prescribed in the rules of the board, or the department when
3 there is no board, or in the order assessing such fines or
4 costs, the department or the Department of Legal Affairs may
5 contract for the collection of, or bring a civil action to
6 recover, the fine or assessment.

7 Section 74. Section 455.664, Florida Statutes, is
8 amended to read:

9 455.664 Advertisement by a health care practitioner
10 ~~provider~~ of free or discounted services; required
11 statement.--In any advertisement for a free, discounted fee,
12 or reduced fee service, examination, or treatment by a health
13 care practitioner ~~provider~~ licensed under chapter 458, chapter
14 459, chapter 460, chapter 461, chapter 462, chapter 463,
15 chapter 464, chapter 465, chapter 466, chapter 467, chapter
16 478, chapter 483, chapter 484, or chapter 486, chapter 490, or
17 chapter 491, the following statement shall appear in capital
18 letters clearly distinguishable from the rest of the text:
19 THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A
20 RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR
21 PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT THAT
22 IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING
23 TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED
24 FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required
25 statement shall not be necessary as an accompaniment to an
26 advertisement of a licensed health care practitioner ~~provider~~
27 defined by this section if the advertisement appears in a
28 classified directory the primary purpose of which is to
29 provide products and services at free, reduced, or discounted
30 prices to consumers and in which the statement prominently
31 appears in at least one place.

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1 Section 75. Subsections (7) and (16) of section
2 455.667, Florida Statutes, 1998 Supplement, are amended to
3 read:

4 455.667 Ownership and control of patient records;
5 report or copies of records to be furnished.--

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

22 2. The department may obtain patient records and
23 insurance information pursuant to a subpoena without written
24 authorization from the patient if the department and the
25 probable cause panel of the appropriate board, if any, find
26 reasonable cause to believe that a health care practitioner
27 has provided inadequate medical care based on termination of
28 insurance and also find that appropriate, reasonable attempts
29 were made to obtain a patient release.

30 3. The department may obtain patient records, billing
31 records, insurance information, provider contracts, and all

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

24 (b) Patient records, billing records, insurance
25 information, provider contracts, and all attachments thereto
26 ~~record~~ obtained by the department pursuant to this subsection
27 shall be used solely for the purpose of the department and the
28 appropriate regulatory board in disciplinary proceedings. ~~The~~
29 ~~records shall otherwise be confidential and exempt from s.~~
30 ~~119.07(1).~~ This section does not limit the assertion of the
31 psychotherapist-patient privilege under s. 90.503 in regard to

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1 records of treatment for mental or nervous disorders by a
 2 medical practitioner licensed pursuant to chapter 458 or
 3 chapter 459 who has primarily diagnosed and treated mental and
 4 nervous disorders for a period of not less than 3 years,
 5 inclusive of psychiatric residency. However, the health care
 6 practitioner shall release records of treatment for medical
 7 conditions even if the health care practitioner has also
 8 treated the patient for mental or nervous disorders. If the
 9 department has found reasonable cause under this section and
 10 the psychotherapist-patient privilege is asserted, the
 11 department may petition the circuit court for an in camera
 12 review of the records by expert medical practitioners
 13 appointed by the court to determine if the records or any part
 14 thereof are protected under the psychotherapist-patient
 15 privilege.

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

23 Section 76. Subsection (3) is added to section
 24 455.687, Florida Statutes, to read:

25 455.687 Certain health care practitioners; immediate
 26 suspension of license.--

27 (3) The department may issue an emergency order
 28 suspending or restricting the license of any health care
 29 practitioner as defined in s. 455.501(4) who tests positive
 30 for any drug on any government or private-sector preemployment
 31 or employer-ordered confirmed drug test, as defined in s.

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1 112.0455, when the practitioner does not have a lawful
2 prescription and legitimate medical reason for using such
3 drug. The practitioner shall be given 48 hours from the time
4 of notification to the practitioner of the confirmed test
5 result to produce a lawful prescription for the drug before an
6 emergency order is issued.

7 Section 77. Section 455.694, Florida Statutes, 1998
8 Supplement, is amended to read:

9 455.694 Financial responsibility requirements for
10 ~~Boards regulating~~ certain health care practitioners.--

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

24 (2) The board or department may grant exemptions upon
25 application by practitioners meeting any of the following
26 criteria:

27 (a) Any person licensed under chapter 457, chapter
28 460, chapter 461, s. 464.012, ~~or~~ chapter 466, or chapter 467
29 who practices exclusively as an officer, employee, or agent of
30 the Federal Government or of the state or its agencies or its
31 subdivisions. For the purposes of this subsection, an agent

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1 of the state, its agencies, or its subdivisions is a person
2 who is eligible for coverage under any self-insurance or
3 insurance program authorized by the provisions of s.
4 768.28(15) or who is a volunteer under s. 110.501(1).

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

18 (c) Any person holding a limited license pursuant to
19 s. 455.561, and practicing under the scope of such limited
20 license.

21 (d) Any person licensed or certified under chapter
22 457, chapter 460, chapter 461, s. 464.012, ~~or~~ chapter 466, or
23 chapter 467 who practices only in conjunction with his or her
24 teaching duties at an accredited school or in its main
25 teaching hospitals. Such person may engage in the practice of
26 medicine to the extent that such practice is incidental to and
27 a necessary part of duties in connection with the teaching
28 position in the school.

29 (e) Any person holding an active license or
30 certification under chapter 457, chapter 460, chapter 461, s.
31 464.012, ~~or~~ chapter 466, or chapter 467 who is not practicing

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1 in this state. If such person initiates or resumes practice
2 in this state, he or she must notify the department of such
3 activity.

4 (f) Any person who can demonstrate to the board or
5 department that he or she has no malpractice exposure in the
6 state.

7 (3) Notwithstanding the provisions of this section,
8 the financial responsibility requirements of ss. 458.320 and
9 459.0085 shall continue to apply to practitioners licensed
10 under those chapters.

11 Section 78. Section 455.712, Florida Statutes, is
12 created to read:

13 455.712 Business establishments; requirements for
14 active status licenses.--

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

23 (2) A business establishment must apply with a
24 complete application, as defined by rule of the board, or the
25 department if there is no board, to renew an active status
26 license before the license expires. If a business
27 establishment fails to renew before the license expires, the
28 license becomes delinquent, except as otherwise provided in
29 statute, in the license cycle following expiration.

30 (3) A delinquent business establishment must apply
31 with a complete application, as defined by rule of the board,

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1 or the department if there is no board, for active status
2 within 6 months after becoming delinquent. Failure of a
3 delinquent business establishment to renew the license within
4 the 6 months after the expiration date of the license renders
5 the license null without any further action by the board or
6 the department. Any subsequent licensure shall be as a result
7 of applying for and meeting all requirements imposed on a
8 business establishment for new licensure.

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

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

22 Section 79. Subsection (7) is added to section
23 457.102, Florida Statutes, 1998 Supplement, to read:

24 457.102 Definitions.--As used in this chapter:

25 (7) "Prescriptive rights" means the prescription,
26 administration, and use of needles and devices, restricted
27 devices, and prescription devices that are used in the
28 practice of acupuncture and oriental medicine.

29 Section 80. Subsections (2) and (4) of section
30 458.307, Florida Statutes, 1998 Supplement, are amended to
31 read:

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1 458.307 Board of Medicine.--

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

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

27 Section 81. Subsection (3) is added to section
28 458.309, Florida Statutes, 1998 Supplement, to read:

29 458.309 Authority to make rules.--

30 (3) All physicians who perform level 2 procedures
31 lasting more than 5 minutes and all level 3 surgical

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1 procedures in an office setting must register the office with
2 the department unless that office is licensed as a facility
3 pursuant to chapter 395. Registration information shall not
4 include the specific type of surgery performed by the
5 physician. The department shall inspect the physician's office
6 annually unless the office is accredited by a nationally
7 recognized accrediting agency or an accrediting organization
8 subsequently approved by the Board of Medicine. The actual
9 costs for registration and inspection or accreditation shall
10 be paid by the person seeking to register and operate the
11 office setting in which office surgery is performed.

12 Section 82. Section 458.311, Florida Statutes, 1998
13 Supplement, is amended to read:

14 458.311 Licensure by examination; requirements;
15 fees.--

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

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

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

30 (c) Is of good moral character.

31 (d) Has not committed any act or offense in this or

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1 any other jurisdiction which would constitute the basis for
2 disciplining a physician pursuant to s. 458.331.

3 (e) For any applicant who has graduated from medical
4 school after October 1, 1992, has completed the equivalent of
5 2 academic years of preprofessional, postsecondary education,
6 as determined by rule of the board, which shall include, at a
7 minimum, courses in such fields as anatomy, biology, and
8 chemistry prior to entering medical school.

9 (f) Meets one of the following medical education and
10 postgraduate training requirements:

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

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

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

25 2.a. Is a graduate of an allopathic ~~a~~ foreign medical
26 school registered with the World Health Organization and
27 certified pursuant to s. 458.314 as having met the standards
28 required to accredit medical schools in the United States or
29 reasonably comparable standards;

30 b. If the language of instruction of the foreign
31 medical school is other than English, has demonstrated

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1 competency in English through presentation of the Educational
2 Commission for Foreign Medical Graduates English proficiency
3 certificate or by a satisfactory grade on the Test of Spoken
4 English of the Educational Testing Service or a similar test
5 approved by rule of the board; and

6 c. Has completed an approved residency of at least 1
7 year.

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

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

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

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

27 (h) Has obtained a passing score, as established by
28 rule of the board, on the licensure examination of the United
29 States Medical Licensing Examination (USMLE); or a combination
30 of the United States Medical Licensing Examination (USMLE),
31 the examination of the Federation of State Medical Boards of

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

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

25 (3) Notwithstanding the provisions of subparagraph
26 (1)(f)3., a graduate of a foreign medical school need not
27 present the certificate issued by the Educational Commission
28 for Foreign Medical Graduates or pass the examination utilized
29 by that commission if the graduate:

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

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

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

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

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

27 (5) The board may not certify to the department for
28 licensure any applicant who is under investigation in another
29 jurisdiction for an offense which would constitute a violation
30 of this chapter until such investigation is completed. Upon
31 completion of the investigation, the provisions of s. 458.331

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1 shall apply. Furthermore, the department may not issue an
2 unrestricted license to any individual who has committed any
3 act or offense in any jurisdiction which would constitute the
4 basis for disciplining a physician pursuant to s. 458.331.
5 When the board finds that an individual has committed an act
6 or offense in any jurisdiction which would constitute the
7 basis for disciplining a physician pursuant to s. 458.331,
8 then the board may enter an order imposing one or more of the
9 terms set forth in subsection (9).

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

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

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

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

25 (b) Certification to the department of an application
26 for licensure, certification, or registration with
27 restrictions on the scope of practice of the licensee; or

28 (c) Certification to the department of an application
29 for licensure, certification, or registration with placement
30 of the physician on probation for a period of time and subject
31 to such conditions as the board may specify, including, but

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1 not limited to, requiring the physician to submit to
2 treatment, attend continuing education courses, submit to
3 reexamination, or work under the supervision of another
4 physician.

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

18 1. ~~Is a graduate of a World Health Organization~~
19 ~~recognized foreign medical institution located in a country in~~
20 ~~the Western Hemisphere.~~

21 2. ~~Received a medical education which has been~~
22 ~~determined by the board to be substantially similar, at the~~
23 ~~time of the applicant's graduation, to approved United States~~
24 ~~medical programs.~~

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

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

30 5. ~~Successfully completed the Educational Commission~~
31 ~~for Foreign Medical Graduates Examination or Foreign Medical~~

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

16
17 ~~However, applicants eligible for licensure under s. 455.581 or~~
18 ~~subsection (9), 1988 Supplement to the Florida Statutes 1987,~~
19 ~~as amended by s. 18, chapter 89-162, Laws of Florida, and ss.~~
20 ~~5 and 42, chapter 89-374, Laws of Florida, and renumbered as~~
21 ~~subsection (8) by s. 5, chapter 89-374, Laws of Florida, shall~~
22 ~~not be eligible to apply under this subsection.~~

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

27 ~~(c) Upon recommendation of the supervising physician~~
28 ~~and demonstration of clinical competency to the satisfaction~~
29 ~~of the board that the holder of a restricted license issued~~
30 ~~pursuant to this subsection has practiced for 1 year under~~
31 ~~direct supervision, such licenseholder shall work for 1 year~~

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1 ~~under general supervision, as defined by board rule, of a~~
2 ~~Florida-licensed physician in an area of critical need as~~
3 ~~determined by the board. Prior to commencing such~~
4 ~~supervision, the supervising physician shall notify the board.~~

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

12 ~~(e) Rules necessary to implement and carry out the~~
13 ~~provisions of this subsection shall be promulgated by the~~
14 ~~board.~~

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

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

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

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

29 ~~(d) Remits a nonrefundable administration fee, not to~~
30 ~~exceed \$50, and an examination fee, not to exceed \$300, plus~~
31 ~~the actual cost per person to the department for the purchase~~

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1 ~~of the examination from the Federation of State Medical Boards~~
2 ~~of the United States or a similar national organization. The~~
3 ~~examination fee is refundable if the person is found to be~~
4 ~~ineligible to take the examination.~~

5 Section 83. Section 458.3115, Florida Statutes, 1998
6 Supplement, is amended to read:

7 458.3115 Restricted license; certain foreign-licensed
8 physicians; ~~United States Medical Licensing Examination~~
9 ~~(USMLE) or agency-developed examination; restrictions on~~
10 ~~practice; full licensure.--~~

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

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1 examination five times within 5 years.

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

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

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

23 2. Applies to the department ~~agency~~ and submits an
24 application fee that is nonrefundable and equivalent to the
25 fee required for full licensure;

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

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

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

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

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

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

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

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

8 1. Periodic and random department ~~agency~~ audits of the
 9 licensee's patient records and review of those records by the
 10 board or the department ~~agency~~.

11 2. Periodic appearances of the licensee before the
 12 board or the department ~~agency~~.

13 3. Submission of written reports to the board or the
 14 department ~~agency~~.

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

21 (c) The board may adopt rules necessary to implement
 22 this subsection.

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

31 1. Is not under discipline, investigation, or

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1 prosecution for a violation which poses a substantial threat
2 to the public health, safety, or welfare; and

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

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

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

16 Section 84. Subsections (1), (2), and (8) of section
17 458.313, Florida Statutes, are amended to read:

18 458.313 Licensure by endorsement; requirements;
19 fees.--

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

25 (a) Has met the qualifications for licensure in s.
26 458.311(1)(b)-(g) or in s. 458.311(1)(b)-(e) and (g) and (3);

27 (b) Prior to January 1, 2000, has obtained a passing
28 score, as established by rule of the board, on the licensure
29 examination of the Federation of State Medical Boards of the
30 United States, Inc. (FLEX), on ~~or of~~ the United States Medical
31 Licensing Examination (USMLE), or on the examination of the

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

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

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

30 ~~(b)~~ The board may require an applicant for licensure
31 by endorsement to take and pass the appropriate licensure

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1 examination prior to certifying the applicant as eligible for
2 licensure.

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

13 Section 85. Subsection (1) of section 458.315, Florida
14 Statutes, is amended to read:

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

28 (1) The board shall determine the areas of critical
29 need, and the physician so certified may practice in any of
30 those areas ~~only in that specific area~~ for a time to be
31 determined by the board. Such areas shall include, but not be

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1 limited to, health professional shortage areas designated by
2 the United States Department of Health and Human Services.

3 (a) A recipient of a temporary certificate for
4 practice in areas of critical need may use the license to work
5 for any approved employer in any area of critical need
6 approved by the board.

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

13 Section 86. Section 458.3165, Florida Statutes, is
14 amended to read:

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

24 (1) Such certificate shall:

25 (a) Authorize the holder to practice only in a public
26 mental health facility or program funded in part or entirely
27 by state funds.

28 (b) Be issued and renewable biennially if the
29 secretary of the Department of Health ~~and Rehabilitative~~
30 ~~Services~~ and the chair of the department of psychiatry at one
31 of the public medical schools or the chair of the department

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1 of psychiatry at the accredited medical school at the
2 University of Miami recommend in writing that the certificate
3 be issued or renewed.

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

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

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

13 Section 87. Subsection (4) is added to section
14 458.317, Florida Statutes, 1998 Supplement, to read:

15 458.317 Limited licenses.--

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

25 Section 88. Subsection (1) of section 458.319, Florida
26 Statutes, 1998 Supplement, is amended to read:

27 458.319 Renewal of license.--

28 (1) The department shall renew a license upon receipt
29 of the renewal application, evidence that the applicant has
30 actively practiced medicine or has been on the active teaching
31 faculty of an accredited medical school for at least 2 years

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1 of the immediately preceding 4 years, and a fee not to exceed
2 \$500; provided, however, that if the licensee is either a
3 resident physician, assistant resident physician, fellow,
4 house physician, or intern in an approved postgraduate
5 training program, as defined by the board by rule, the fee
6 shall not exceed \$100 per annum. If the licensee has not
7 actively practiced medicine for at least 2 years of the
8 immediately preceding 4 years, the board shall require that
9 the licensee successfully complete a board-approved clinical
10 competency examination prior to renewal of the license.

11 "Actively practiced medicine" means that practice of medicine
12 by physicians, including those employed by any governmental
13 entity in community or public health, as defined by this
14 chapter, including physicians practicing administrative
15 medicine. An applicant for a renewed license must also submit
16 the information required under s. 455.565 to the department on
17 a form and under procedures specified by the department, along
18 with payment in an amount equal to the costs incurred by the
19 Department of Health for the statewide criminal background
20 check of the applicant. An ~~The~~ applicant for a renewed license
21 who received an initial license in this state after January 1,
22 1992, must submit a set of fingerprints to the Department of
23 Health on a form and under procedures specified by the
24 department, along with payment in an amount equal to the costs
25 incurred by the department for a national criminal background
26 check of the applicant for the initial renewal of his or her
27 license after January 1, 2000. If the applicant fails to
28 submit either the information required under s. 455.565 or a
29 set of fingerprints to the department as required by this
30 section, the department shall issue a notice of noncompliance,
31 and the applicant will be given 30 additional days to comply.

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

25 Section 89. Paragraph (mm) is added to subsection (1)
26 of section 458.331, Florida Statutes, 1998 Supplement, and
27 subsection (2) of that section is amended to read:

28 458.331 Grounds for disciplinary action; action by the
29 board and department.--

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

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1 be taken:

2 (mm) Failing to comply with the requirements of ss.
3 381.026 and 381.0261 to provide patients with information
4 about their patient rights and how to file a patient
5 complaint.

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

11 (a) Refusal to certify, or certification with
12 restrictions, to the department an application for licensure,
13 certification, or registration.

14 (b) Revocation or suspension of a license.

15 (c) Restriction of practice.

16 (d) Imposition of an administrative fine not to exceed
17 ~~\$10,000~~~~\$5,000~~ for each count or separate offense.

18 (e) Issuance of a reprimand.

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

25 (g) Issuance of a letter of concern.

26 (h) Corrective action.

27 (i) Refund of fees billed to and collected from the
28 patient.

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

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

9 Section 90. Subsection (7) of section 458.347, Florida
10 Statutes, 1998 Supplement, is amended to read:

11 458.347 Physician assistants.--

12 (7) PHYSICIAN ASSISTANT LICENSURE.--

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

17 1. Is at least 18 years of age.

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

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

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

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

4 c. A sworn statement of any previous revocation or
5 denial of licensure or certification in any state.

6 d. Two letters of recommendation.

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

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

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1 application deadline and if the applicant is otherwise
2 eligible under this section. To demonstrate the ability to
3 communicate orally in basic English, a passing score or grade
4 is required, as determined by the department or organization
5 that developed it, on one of the following English
6 examinations:

- 7 (I) The test for spoken English (TSE) by the
8 Educational Testing Service (ETS);
9 (II) The test of English as a foreign language
10 (TOEFL), by ETS;
11 (III) A high school or college level English course;
12 (IV) The English examination for citizenship,
13 Immigration and Naturalization Service.

14

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

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

31 c. Was eligible and made initial application for

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1 certification as a physician assistant in this state between
2 July 1, 1990, and June 30, 1991.

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

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

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

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

13 (c) The license must be renewed biennially. Each
14 renewal must include:

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

17 2. A sworn statement of no felony convictions in the
18 previous 2 years.

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

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

30 (f) Notwithstanding subparagraph (a)2., the department
31 may grant to a recent graduate of an approved program, as

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

30 (g) The Board of Medicine may impose any of the
31 penalties specified in ss. 455.624 and 458.331(2) upon a

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1 physician assistant if the physician assistant or the
2 supervising physician has been found guilty of or is being
3 investigated for any act that constitutes a violation of this
4 chapter or part II of chapter 455.

5 Section 91. Section 459.005, Florida Statutes, 1998
6 Supplement, is amended to read:

7 459.005 Rulemaking authority.--

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

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

25 Section 92. Subsection (7) is added to section
26 459.0075, Florida Statutes, to read:

27 459.0075 Limited licenses.--

28 (7) Any person holding an active license to practice
29 osteopathic medicine in the state may convert that license to
30 a limited license for the purpose of providing volunteer,
31 uncompensated care for low-income Floridians. The applicant

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1 must submit a statement from the employing agency or
2 institution stating that he or she will not receive
3 compensation for any service involving the practice of
4 osteopathic medicine. The application and all licensure fees,
5 including neurological injury compensation assessments, shall
6 be waived.

7 Section 93. Subsection (1) of section 459.008, Florida
8 Statutes, 1998 Supplement, is amended to read:

9 459.008 Renewal of licenses and certificates.--
10 (1) The department shall renew a license or
11 certificate upon receipt of the renewal application and fee.
12 An applicant for a renewed license must also submit the
13 information required under s. 455.565 to the department on a
14 form and under procedures specified by the department, along
15 with payment in an amount equal to the costs incurred by the
16 Department of Health for the statewide criminal background
17 check of the applicant. An ~~The~~ applicant for a renewed license
18 who received an initial license in this state after January 1,
19 1992, must submit a set of fingerprints to the Department of
20 Health on a form and under procedures specified by the
21 department, along with payment in an amount equal to the costs
22 incurred by the department for a national criminal background
23 check of the applicant for the initial renewal of his or her
24 license after January 1, 2000. If the applicant fails to
25 submit either the information required under s. 455.565 or a
26 set of fingerprints to the department as required by this
27 section, the department shall issue a notice of noncompliance,
28 and the applicant will be given 30 additional days to comply.
29 If the applicant fails to comply within 30 days after the
30 notice of noncompliance is issued, the department or board, as
31 appropriate, may issue a citation to the applicant and may

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

22 Section 94. Paragraph (oo) is added to subsection (1)
23 of section 459.015, F.S., 1998 supplement, and subsection (2)
24 of this section is amended to read:

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

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

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

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

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

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

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

11 (c) Restriction of practice.

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

14 (e) Issuance of a reprimand.

15 (f) Issuance of a letter of concern.

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

23 (h) Corrective action.

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

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

28

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

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

6 Section 95. Subsection (6) is added to section
7 460.402, Florida Statutes, to read:

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

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

16 Section 96. Present subsections (4) through (10) of
17 section 460.403, Florida Statutes, 1998 Supplement, are
18 renumbered as subsections (5) through (11), respectively, a
19 new subsection (4) is added to that section, and present
20 subsections (6) and (9) are amended, to read:

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

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

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

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

17 Section 97. Subsection (1) of section 460.406, Florida
18 Statutes, 1998 Supplement, is amended to read:

19 460.406 Licensure by examination.--

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

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- 1 (a) Completed the application form and remitted the
- 2 appropriate fee.
- 3 (b) Submitted proof satisfactory to the department
- 4 that he or she is not less than 18 years of age.
- 5 (c) Submitted proof satisfactory to the department
- 6 that he or she is a graduate of a chiropractic college which
- 7 is accredited by or has status with the Council on
- 8 Chiropractic Education or its predecessor agency. However, any
- 9 applicant who is a graduate of a chiropractic college that was
- 10 initially accredited by the Council on Chiropractic Education
- 11 in 1995, who graduated from such college within the 4 years
- 12 immediately preceding such accreditation, and who is otherwise
- 13 qualified shall be eligible to take the examination. No
- 14 application for a license to practice chiropractic medicine
- 15 shall be denied solely because the applicant is a graduate of
- 16 a chiropractic college that subscribes to one philosophy of
- 17 chiropractic medicine as distinguished from another.
- 18 (d)1. For an applicant who has matriculated in a
- 19 chiropractic college prior to July 2, 1990, completed at least
- 20 2 years of residence college work, consisting of a minimum of
- 21 one-half the work acceptable for a bachelor's degree granted
- 22 on the basis of a 4-year period of study, in a college or
- 23 university accredited by an accrediting agency recognized and
- 24 approved by the United States Department of Education.
- 25 However, prior to being certified by the board to sit for the
- 26 examination, each applicant who has matriculated in a
- 27 chiropractic college after July 1, 1990, shall have been
- 28 granted a bachelor's degree, based upon 4 academic years of
- 29 study, by a college or university accredited by a regional
- 30 accrediting agency which is a member of the Commission on
- 31 Recognition of Postsecondary Accreditation.

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

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

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

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

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

10 Section 98. Subsection (1) of section 460.407, Florida
11 Statutes, 1998 Supplement, is amended to read:

12 460.407 Renewal of license.--

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

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

26 Section 99. Paragraphs (p) and (dd) of subsection (1)
27 and paragraph (b) of subsection (2) of section 460.413,
28 Florida Statutes, 1998 Supplement, are amended to read:

29 460.413 Grounds for disciplinary action; action by the
30 board.--

31 (1) The following acts shall constitute grounds for

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1 which the disciplinary actions specified in subsection (2) may
2 be taken:

3 (p) Prescribing, dispensing, or administering any
4 medicinal drug except as authorized by s. 460.403(9)(c)2.~~s.~~
5 ~~460.403(8)(c)2.~~, performing any surgery, or practicing
6 obstetrics.

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

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

12 (d) Imposition of an administrative fine not to exceed
13 \$10,000~~\$2,000~~ for each count or separate offense.

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

23 Section 100. Section 460.4165, Florida Statutes, is
24 amended to read:

25 460.4165 Certified chiropractic physician's
26 assistants.--

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

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1 for innovative development of programs for the education of
2 physician's assistants.

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

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

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

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

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

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

30 (4)~~(3)~~ PERFORMANCE BY TRAINEES.--Notwithstanding any
31 other provision of law, a trainee may perform chiropractic

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1 services when such services are rendered within the scope of
2 an approved program.

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

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

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

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

31 (6)~~(5)~~ APPLICATION APPROVAL.--Any person desiring to

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1 be licensed as a certified chiropractic physician's assistant
2 must apply to the department. The department shall issue a
3 certificate to any person certified by the board as having met
4 the following requirements:

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

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

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

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

19 2. A sworn statement of any prior felony conviction in
20 any jurisdiction.

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

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

30 ~~1. The qualifications, including related experience,~~
31 ~~of the certified chiropractic physician's assistant intended~~

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1 ~~to be employed.~~

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

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

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

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

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

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1 assistant is guilty of a felony of the third degree,
2 punishable as provided in s. 775.082 or s. 775.084 or by a
3 fine not exceeding \$5,000.

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

10 (9)~~(8)~~ FEES.--

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

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

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

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

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1 or his or its supervision and control.

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

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

11 (a) Each renewal must include:

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

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

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

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

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

3 Section 101. Persons holding certificates as certified
4 chiropractic physicians' assistants on the effective date of
5 this act need not reapply for certification, but must comply
6 with biennial renewal requirements as provided in section
7 460.4165(6), Florida Statutes. The requirement for completion
8 of the continuing education requirements for biennial renewal
9 of the certificate shall not take effect until the beginning
10 of the next biennial renewal period following the effective
11 date of this act.

12 Section 102. Section 460.4166, Florida Statutes, 1998
13 Supplement, is amended to read:

14 460.4166 Registered chiropractic assistants.--

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

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

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- 1 (a) Perform clinical procedures, which include:
- 2 1. Preparing patients for the chiropractic physician's
- 3 care.
- 4 2. Taking vital signs.
- 5 3. Observing and reporting patients' signs or
- 6 symptoms.
- 7 (b) Administer basic first aid.
- 8 (c) Assist with patient examinations or treatments
- 9 other than manipulations or adjustments.
- 10 (d) Operate office equipment.
- 11 (e) Collect routine laboratory specimens as directed
- 12 by the chiropractic physician or certified chiropractic
- 13 physician's assistant.
- 14 (f) Administer nutritional supplements as directed by
- 15 the chiropractic physician or certified chiropractic
- 16 physician's assistant.
- 17 (g) Perform office procedures required by the
- 18 chiropractic physician or certified chiropractic physician's
- 19 assistant under direct supervision of the chiropractic
- 20 physician or certified chiropractic physician's assistant.
- 21 (3) REGISTRATION.--Registered chiropractic assistants
- 22 may be registered by the board for a biennial fee not to
- 23 exceed \$25.
- 24 Section 103. Section 461.003, Florida Statutes, 1998
- 25 Supplement, is amended to read:
- 26 461.003 Definitions.--As used in this chapter:
- 27 ~~(1) "Department" means the Department of Health.~~
- 28 (1)(2) "Board" means the Board of Podiatric Medicine
- 29 as created in this chapter.
- 30 (2) "Certified podiatric X-ray assistant" means a
- 31 person who is employed by and under the direct supervision of

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

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

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

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

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

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

3 Section 104. Paragraph (d) of subsection (1) of
4 section 461.006, Florida Statutes, 1998 Supplement, is amended
5 to read:

6 461.006 Licensure by examination.--

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

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

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

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

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

3 Section 105. Subsection (1) of section 461.007,
4 Florida Statutes, 1998 Supplement, is amended to read:

5 461.007 Renewal of license.--

6 (1) The department shall renew a license upon receipt
7 of the renewal application and a fee not to exceed \$350 set by
8 the board, and evidence that the applicant has actively

9 practiced podiatric medicine or has been on the active

10 teaching faculty of an accredited school of podiatric medicine

11 for at least 2 years of the immediately preceding 4 years. If

12 the licensee has not actively practiced podiatric medicine for

13 at least 2 years of the immediately preceding 4 years, the

14 board shall require that the licensee successfully complete a

15 board-approved course prior to renewal of the license. For

16 purposes of this subsection, "actively practiced podiatric

17 medicine" means the licensed practice of podiatric medicine as

18 defined in s. 461.003(5) by podiatric physicians, including

19 podiatric physicians employed by any governmental entity, on

20 the active teaching faculty of an accredited school of

21 podiatric medicine, or practicing administrative podiatric

22 medicine. An applicant for a renewed license must also submit

23 the information required under s. 455.565 to the department on

24 a form and under procedures specified by the department, along

25 with payment in an amount equal to the costs incurred by the

26 Department of Health for the statewide criminal background

27 check of the applicant. ~~An~~ The applicant for a renewed license

28 who received an initial license in this state after January 1,

29 1992, must submit a set of fingerprints to the Department of

30 Health on a form and under procedures specified by the

31 department, along with payment in an amount equal to the costs

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

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1 Section 106. Paragraph (bb) is added to subsection (1)
 2 of section 461.013, Florida Statutes, 1998 Supplement, and
 3 subsection (2) of that section is amended, to read:

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

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

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

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

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

18 (b) Revocation or suspension of a license.

19 (c) Restriction of practice.

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

22 (e) Issuance of a reprimand.

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

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

31 Section 107. Section 461.0135, Florida Statutes, is

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1 created to read:

2 461.0135 Operation of X-ray machines by podiatric
3 X-ray assistants.--A licensed podiatric physician may utilize
4 an X-ray machine, expose X-ray films, and interpret or read
5 such films. The provision of part IV of chapter 468 to the
6 contrary notwithstanding, a licensed podiatric physician may
7 authorize or direct a certified podiatric X-ray assistant to
8 operate such equipment and expose such films under the
9 licensed podiatric physician's direction and supervision,
10 pursuant to rules adopted by the board in accordance with s.
11 461.004, which ensures that such certified podiatric X-ray
12 assistant is competent to operate such equipment in a safe and
13 efficient manner by reason of training, experience, and
14 passage of a board-approved course which includes an
15 examination. The board shall issue a certificate to an
16 individual who successfully completes the board-approved
17 course and passes the examination to be administered by the
18 training authority upon completion of such course.

19 Section 108. Subsection (3) is added to section
20 464.008, Florida Statutes, to read:

21 464.008 Licensure by examination.--

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

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1 courses.

2 Section 109. Subsection (13) is added to section
3 464.022, Florida Statutes, to read:

4 464.022 Exceptions.--No provision of this chapter
5 shall be construed to prohibit:

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

8 Section 110. Subsection (12) of section 465.003,
9 Florida Statutes, is amended, subsections (4) through (14) of
10 said section are renumbered as subsections (5) through (15),
11 respectively, and a new subsection (4) is added to said
12 section, to read:

13 465.003 Definitions.--As used in this chapter, the
14 term:

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

19 (13)(12) "Practice of the profession of pharmacy"
20 includes compounding, dispensing, and consulting concerning
21 contents, therapeutic values, and uses of any medicinal drug;
22 and consulting concerning therapeutic values and interactions
23 of patent or proprietary preparations, whether pursuant to
24 prescriptions or in the absence and entirely independent of
25 such prescriptions or orders; and other pharmaceutical
26 services. For purposes of this subsection, "other
27 pharmaceutical services" means the monitoring of the patient's
28 drug therapy and assisting the patient in the management of
29 his or her drug therapy, and includes review of the patient's
30 drug therapy and communication with the patient's prescribing
31 health care provider as licensed under chapter 458, chapter

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

18 Section 111. Paragraph (1) of subsection (1) and
 19 paragraph (c) of subsection (2) of section 465.016, Florida
 20 Statutes, are amended, and paragraph (q) is added to
 21 subsection (1) of that section, to read:

22 465.016 Disciplinary actions.--

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

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

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

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

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

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

13 Section 112. Section 465.014, Florida Statutes, is
14 amended to read:

15 465.014 Pharmacy technician.--No person other than a
16 licensed pharmacist or pharmacy intern may engage in the
17 practice of the profession of pharmacy, except that a licensed
18 pharmacist may delegate to nonlicensed pharmacy technicians
19 those duties, tasks, and functions which do not fall within
20 the purview of s. 465.003(13)~~(12)~~. All such delegated acts
21 shall be performed under the direct supervision of a licensed
22 pharmacist who shall be responsible for all such acts
23 performed by persons under his or her supervision. A pharmacy
24 technician, under the supervision of a pharmacist, may
25 initiate or receive communications with a practitioner or his
26 or her agent, on behalf of a patient, regarding refill
27 authorization requests. No licensed pharmacist shall
28 supervise more than one pharmacy technician unless otherwise
29 permitted by the guidelines adopted by the board. The board
30 shall establish guidelines to be followed by licensees or
31 permittees in determining the circumstances under which a

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1 licensed pharmacist may supervise more than one but not more
2 than three pharmacy technicians.

3 Section 113. Paragraph (c) of subsection (2) of
4 section 465.015, Florida Statutes, is amended to read:

5 465.015 Violations and penalties.--

6 (2) It is unlawful for any person:

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

10 Section 114. Section 465.0196, Florida Statutes, is
11 amended to read:

12 465.0196 Special pharmacy permits.--Any person
13 desiring a permit to operate a pharmacy which does not fall
14 within the definitions set forth in s. 465.003(11)(~~10~~)(a)1.,
15 2., and 3. shall apply to the department for a special
16 pharmacy permit. If the board certifies that the application
17 complies with the applicable laws and rules of the board
18 governing the practice of the profession of pharmacy, the
19 department shall issue the permit. No permit shall be issued
20 unless a licensed pharmacist is designated to undertake the
21 professional supervision of the compounding and dispensing of
22 all drugs dispensed by the pharmacy. The licensed pharmacist
23 shall be responsible for maintaining all drug records and for
24 providing for the security of the area in the facility in
25 which the compounding, storing, and dispensing of medicinal
26 drugs occurs. The permittee shall notify the department
27 within 10 days of any change of the licensed pharmacist
28 responsible for such duties.

29 Section 115. Subsection (3) of section 468.812,
30 Florida Statutes, is amended to read:

31 468.812 Exemptions from licensure.--

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

16 Section 116. Subsection (19) of section 499.003,
17 Florida Statutes, is amended to read:

18 499.003 Definitions of terms used in ss.
19 499.001-499.081.--As used in ss. 499.001-499.081, the term:

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

26 Section 117. (1) There is created within the
27 Department of Health a Task Force for the Study of
28 Collaborative Drug Therapy Management. The department shall
29 provide staff support for the task force. The task force shall
30 consist of not more than 13 members nominated by the
31 associations and entities named in this section and appointed

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

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

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

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

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

31 (2) The task force shall hold its first meeting no

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1 later than August 1, 1999, and shall report its findings to
2 the President of the Senate, the Speaker of the House of
3 Representatives, and the chairs of the applicable legislative
4 committees of substance not later than December 31, 1999. All
5 task force meetings must be held in Tallahassee at the
6 department in order to minimize costs to the state.

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

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

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

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

19 Section 118. Section 466.021, Florida Statutes, is
20 amended to read:

21 466.021 Employment of unlicensed persons by dentist;
22 penalty.--Every duly licensed dentist who uses the services of
23 any unlicensed person for the purpose of constructing,
24 altering, repairing, or duplicating any denture, partial
25 denture, bridge splint, or orthodontic or prosthetic appliance
26 shall be required to furnish such unlicensed person with a
27 written work order in such form as prescribed shall be
28 approved by rule of the board department. This form shall be
29 supplied to the dentist by the department at a cost not to
30 exceed that of printing and handling. The work order blanks
31 shall be assigned to individual dentists and are not

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1 ~~transferable.~~This form shall be dated and signed by such
2 dentist and shall include the patient's name or number with
3 sufficient descriptive information to clearly identify the
4 case for each separate and individual piece of work. ~~A/ said~~
5 ~~work order shall be made in duplicate form, the duplicate copy~~
6 of such work order shall ~~to~~ be retained in a permanent file in
7 the dentist's office for a period of 2 years, and the original
8 work order shall ~~to~~ be retained in a permanent file for a
9 period of 2 years by such ~~said~~ unlicensed person in her or his
10 place of business. Such permanent file of work orders to be
11 kept by such dentist or by such unlicensed person shall be
12 open to inspection at any reasonable time by the department or
13 its duly constituted agent. Failure of the dentist to keep
14 such permanent records of such ~~said~~ work orders shall subject
15 the dentist to suspension or revocation of her or his license
16 to practice dentistry. Failure of such unlicensed person to
17 have in her or his possession a work order as required by this
18 section ~~above defined~~ shall be admissible evidence of a
19 violation of this chapter and shall constitute a misdemeanor
20 of the second degree, punishable as provided in s. 775.082 or
21 s. 775.083. Nothing in this section shall preclude a
22 registered dental laboratory from working for another
23 registered dental laboratory, provided that such work is
24 performed pursuant to written authorization, in a form to be
25 prescribed by rule of the board ~~department~~, which evidences
26 that the originating laboratory has obtained a valid work
27 order and which sets forth the work to be performed.
28 Furthermore, nothing in this section shall preclude a
29 registered laboratory from providing its services to dentists
30 licensed and practicing in another state, provided that such
31 work is requested or otherwise authorized in written form

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1 which clearly identifies the name and address of the
2 requesting dentist and which sets forth the work to be
3 performed.

4 Section 119. Paragraph (b) of subsection (2),
5 paragraph (b) of subsection (3), and subsection (4) of section
6 468.1155, Florida Statutes, are amended to read:

7 468.1155 Provisional license; requirements.--

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

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

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

30 2. Six semester hours in audiology.

31 3. Thirty of the required 60 semester hours in courses

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

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

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

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

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

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

31 (4) An applicant for a provisional license who has

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

9 Section 120. Section 468.1215, Florida Statutes, is
10 amended to read:

11 468.1215 Speech-language pathology assistant and
12 audiology assistant; certification.--

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

16 (1)(2) The department shall issue a certificate as a
17 speech-language pathology assistant ~~or as an audiology~~
18 ~~assistant~~ to each applicant who the board certifies has:

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

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

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

31 (a) Completed the application form and remitted the

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1 required fees, including a nonrefundable application fee.

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

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

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

14 Section 121. Subsection (1) of section 468.307,
15 Florida Statutes, 1998 Supplement, is amended to read:

16 468.307 Certificate; issuance; possession; display.--

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

23 Section 122. Section 468.506, Florida Statutes, 1998
24 Supplement, is amended to read:

25 468.506 Dietetics and Nutrition Practice
26 Council.--There is created the Dietetics and Nutrition
27 Practice Council under the supervision of the board. The
28 council shall consist of four persons licensed under this part
29 and one consumer who is 60 years of age or older. Council
30 members shall be appointed by the board. Licensed members
31 shall be appointed based on the proportion of licensees within

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

24 Section 123. Section 468.701, Florida Statutes, 1998
25 Supplement, is amended to read:

26 468.701 Definitions.--As used in this part, the term:

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

29 (2) "Athletic activity" means the participation in an
30 activity, conducted by an educational institution, a
31 professional athletic organization, or an amateur athletic

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

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

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

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

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

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

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

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

19 (9)~~(10)~~ "Supervision" means the easy availability of
 20 the supervisor to the athletic trainer, which includes the
 21 ability to communicate by telecommunications.

22 Section 124. Section 468.703, Florida Statutes, 1998
 23 Supplement, is amended to read:

24 468.703 Board Council of Athletic Training.--

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

29 (2) Five ~~Four~~ members of the board must ~~council shall~~
 30 be licensed athletic trainers. One member of the board must
 31 ~~council shall~~ be a physician licensed under chapter 458 or

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

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

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

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

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

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

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

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

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

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

30 ~~(b) Monitoring the practice of athletic training in~~
31 ~~other jurisdictions.~~

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1 ~~(c) Educating the public about the role of athletic~~
2 ~~trainers.~~

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

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

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

12 Section 125. Section 468.705, Florida Statutes, 1998
13 Supplement, is amended to read:

14 468.705 Rulemaking authority.--The board ~~department~~ is
15 authorized to adopt rules pursuant to ss. 120.536(1) and
16 120.54 to implement provisions of this part conferring duties
17 upon it. Such rules shall include, but not be limited to, the
18 allowable scope of practice regarding the use of equipment,
19 procedures, and medication, and requirements for a written
20 protocol between the athletic trainer and a supervising
21 physician, licensure requirements, licensure examination,
22 continuing education requirements, fees, records, and reports
23 to be filed by licensees, protocols, and any other
24 requirements necessary to regulate the practice of athletic
25 training.

26 Section 126. Section 468.707, Florida Statutes, 1998
27 Supplement, is amended to read:

28 468.707 Licensure by examination; requirements.--

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

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- 1 (a) The department shall license each applicant who:
- 2 1. Has completed the application form and remitted the
- 3 required fees.
- 4 2. Is at least 21 years of age.
- 5 3. Has obtained a baccalaureate degree from a college
- 6 or university accredited by an accrediting agency recognized
- 7 and approved by the United States Department of Education or
- 8 the Commission on Recognition of Postsecondary Accreditation,
- 9 or approved by the board department.
- 10 4. Has completed coursework from a college or
- 11 university accredited by an accrediting agency recognized and
- 12 approved by the United States Department of Education or the
- 13 Commission on Recognition of Postsecondary Accreditation, or
- 14 approved by the board department, in each of the following
- 15 areas, as provided by rule: health, human anatomy,
- 16 kinesiology/biomechanics, human physiology, physiology of
- 17 exercise, basic athletic training, and advanced athletic
- 18 training.
- 19 5. Has current certification in standard first aid and
- 20 cardiovascular pulmonary resuscitation from the American Red
- 21 Cross or an equivalent certification as determined by the
- 22 board department.
- 23 6. Has, within 2 of the preceding 5 years, attained a
- 24 minimum of 800 hours of athletic training experience under the
- 25 direct supervision of a licensed athletic trainer or an
- 26 athletic trainer certified by the National Athletic Trainers'
- 27 Association or a comparable national athletic standards
- 28 organization.
- 29 7. Has passed an examination administered or approved
- 30 by the board department.
- 31 (b) The department shall also license each applicant

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1 who:

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

4 2. Is at least 21 years of age.

5 3. Has current certification in standard first aid and
6 cardiovascular pulmonary resuscitation from the American Red
7 Cross or an equivalent certification as determined by the
8 board department.

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

11 b. Is currently certified by the National Athletic
12 Trainers' Association or a comparable national athletic
13 standards organization.

14 (2) Pursuant to the requirements of s. 455.607
15 ~~455.604~~, each applicant shall complete a continuing education
16 course on human immunodeficiency virus and acquired immune
17 deficiency syndrome as part of initial licensure.

18 Section 127. Section 468.709, Florida Statutes, is
19 amended to read:

20 468.709 Fees.--

21 (1) The board department shall, by rule, establish
22 fees for the following purposes:

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

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

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

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

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

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

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

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

31 (2) The board department shall establish fees at a

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

6 Section 128. Subsections (2) and (3) of section
7 468.711, Florida Statutes, 1998 Supplement, are amended to
8 read:

9 468.711 Renewal of license; continuing education.--

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

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

21 Section 129. Subsection (2) of section 468.719,
22 Florida Statutes, 1998 Supplement, is amended to read:

23 468.719 Disciplinary actions.--

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

28 Section 130. Section 468.721, Florida Statutes, is
29 amended to read:

30 468.721 Saving clause.--

31 ~~(1) An athletic trainer registration which is valid on~~

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

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

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

19 Section 131. Paragraph (g) of subsection (3) of
20 section 20.43, Florida Statutes, 1998 Supplement, is amended
21 to read:

22 20.43 Department of Health.--There is created a
23 Department of Health.

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

26 (g) Division of Medical Quality Assurance, which is
27 responsible for the following boards and professions
28 established within the division:

- 29 1. Nursing assistants, as provided under s. 400.211.
- 30 2. Health care services pools, as provided under s.
- 31 402.48.

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- 1 3. The Board of Acupuncture, created under chapter
- 2 457.
- 3 4. The Board of Medicine, created under chapter 458.
- 4 5. The Board of Osteopathic Medicine, created under
- 5 chapter 459.
- 6 6. The Board of Chiropractic Medicine, created under
- 7 chapter 460.
- 8 7. The Board of Podiatric Medicine, created under
- 9 chapter 461.
- 10 8. Naturopathy, as provided under chapter 462.
- 11 9. The Board of Optometry, created under chapter 463.
- 12 10. The Board of Nursing, created under chapter 464.
- 13 11. The Board of Pharmacy, created under chapter 465.
- 14 12. The Board of Dentistry, created under chapter 466.
- 15 13. Midwifery, as provided under chapter 467.
- 16 14. The Board of Speech-Language Pathology and
- 17 Audiology, created under part I of chapter 468.
- 18 15. The Board of Nursing Home Administrators, created
- 19 under part II of chapter 468.
- 20 16. The Board of Occupational Therapy, created under
- 21 part III of chapter 468.
- 22 17. Respiratory therapy, as provided under part V of
- 23 chapter 468.
- 24 18. Dietetics and nutrition practice, as provided
- 25 under part X of chapter 468.
- 26 19. The Board of Athletic Training ~~trainers~~, created
- 27 ~~as provided~~ under part XIII of chapter 468.
- 28 20. The Board of Orthotists and Prosthetists, created
- 29 under part XIV of chapter 468.
- 30 21. Electrolysis, as provided under chapter 478.
- 31 22. The Board of Massage Therapy, created under

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1 chapter 480.

2 23. The Board of Clinical Laboratory Personnel,
3 created under part III of chapter 483.

4 24. Medical physicists, as provided under part IV of
5 chapter 483.

6 25. The Board of Opticianry, created under part I of
7 chapter 484.

8 26. The Board of Hearing Aid Specialists, created
9 under part II of chapter 484.

10 27. The Board of Physical Therapy Practice, created
11 under chapter 486.

12 28. The Board of Psychology, created under chapter
13 490.

14 29. School psychologists, as provided under chapter
15 490.

16 30. The Board of Clinical Social Work, Marriage and
17 Family Therapy, and Mental Health Counseling, created under
18 chapter 491.

19

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

25 Section 132. The Council of Athletic Training and the
26 terms of all council members are terminated on July 1, 1999.
27 However, such termination in no way precludes the Governor
28 from considering any former council member for appointment to
29 the Board of Athletic Training created by this act.

30 Section 133. Section 468.805, Florida Statutes, is
31 amended to read:

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1 468.805 Grandfathering Licensure without examination
2 ~~provisional licensure.--~~

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

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

28 (b) An applicant for provisional licensure shall
29 submit proof that he or she has been actively practicing as a
30 nationally certified orthotist, prosthetist, or
31 prosthetist-orthotist, an application fee, and a provisional

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1 license fee.

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

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

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

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

29 (4) An applicant who successfully completed prior to
30 March 1, 1998, at least one-half of the examination required
31 for national certification and successfully completed the

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1 remaining portion of the examination and became certified
2 prior to July 1, 1998, shall be considered as nationally
3 certified by March 1, 1998, for purposes of this section.

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

5 Section 134. Subsection (3) of section 468.806,
6 Florida Statutes, is amended to read:

7 468.806 Biennial renewal of license.--

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

14 Section 135. Subsection (5) of section 478.42, Florida
15 Statutes, is amended to read:

16 478.42 Definitions.--As used in this chapter, the
17 term:

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

28 Section 136. Section 483.041, Florida Statutes, is
29 amended to read:

30 483.041 Definitions.--As used in this part, the term:

31 (1) "Agency" means the Agency for Health Care

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1 Administration.

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

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

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

13 (c) Cytology laboratory services are the examinations
14 of cells from individual tissues or fluid taken from the human
15 body.

16 (3) "Clinical laboratory examination" means a
17 procedure performed to deliver the services defined in
18 subsection (2), including the oversight or interpretation
19 thereof.

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

23 ~~(5)~~⁽⁴⁾ "Collection station" or "branch office" means a
24 facility operated by a clinical laboratory where materials or
25 specimens are withdrawn or collected from patients or
26 assembled after being withdrawn or collected from patients
27 elsewhere, for subsequent delivery to another location for
28 examination.

29 ~~(6)~~⁽⁵⁾ "Hospital laboratory" means a laboratory
30 located in a hospital licensed under chapter 395 that provides
31 services solely to that hospital and that is owned by the

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1 hospital and governed by the hospital medical staff or
2 governing board.

3 (7)(6) "Licensed practitioner" means a physician
4 licensed under chapter 458, chapter 459, chapter 460, or
5 chapter 461; a dentist licensed under chapter 466; a person
6 licensed under chapter 462; or an advanced registered nurse
7 practitioner licensed under chapter 464 or a duly licensed
8 practitioner from another state licensed under similar
9 statutes who orders examinations on materials or specimens for
10 non residents of the State of Florida, but who reside in the
11 same state as the requesting licensed practitioner.

12 (8)(7) "Person" means the State of Florida or any
13 individual, firm, partnership, association, corporation,
14 county, municipality, political subdivision, or other entity,
15 whether organized for profit or not.

16 (9)(8) "Validation inspection" means an inspection of
17 a clinical laboratory by the agency to assess whether a review
18 by an accrediting organization has adequately evaluated the
19 clinical laboratory according to state standards.

20 (10)(9) "Waived test" means a test that the federal
21 Health Care Financing Administration has determined qualifies
22 for a certificate of waiver under the federal Clinical
23 Laboratory Improvement Amendments of 1988, and the federal
24 rules adopted thereunder.

25 Section 137. Subsections (2), (3), and (7) of section
26 483.803, Florida Statutes, are amended to read:

27 483.803 Definitions.--As used in this part, the term:

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

30 (3) "Clinical laboratory examination" means a clinical
31 laboratory examination as defined in s. 483.041 ~~an examination~~

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1 ~~performed on materials or specimens of the human body to~~
 2 ~~provide information or materials for use in the diagnosis,~~
 3 ~~prevention, or treatment of a disease or the identification or~~
 4 ~~assessment of a medical or physical condition.~~

5 (7) "Licensed practitioner of the healing arts" means
 6 a physician licensed under ~~pursuant to~~ chapter 458, chapter
 7 459, ~~or~~ chapter 460, or chapter 461; a dentist licensed under
 8 ~~pursuant to~~ chapter 466; or a person licensed under ~~pursuant~~
 9 ~~to chapter 461 or chapter 462.~~

10

11

12 Section 138. Subsection (9) of section 483.807,
 13 Florida Statutes, 1998 Supplement, is amended to read:

14 483.807 Fees; establishment; disposition.--

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

18 Section 139. Subsections (2) and (3) of section
 19 483.809, Florida Statutes, are amended to read:

20 483.809 Licensure; examinations; registration of
 21 trainees; approval of curricula.--

22 (2) EXAMINATIONS.--The department shall conduct
 23 examinations required by board rules to determine in part the
 24 qualification of clinical laboratory personnel for licensure.
 25 The board by rule may designate a ~~An approved~~ national
 26 certification examination that may be accepted in lieu of
 27 state examination for clinical laboratory personnel or public
 28 health scientists.

29 (3) REGISTRATION OF TRAINEES.--The department shall
 30 provide for ~~annual~~ registration of clinical laboratory
 31 trainees who are enrolled in a training program ~~employed by~~

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1 ~~laboratories~~ approved pursuant to s. 483.811, which
2 registration may not be renewed except upon special
3 authorization of the board.

4 Section 140. Section 483.812, Florida Statutes, is
5 amended to read:

6 483.812 Public health laboratory scientists;
7 licensure.--

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

10 (2)(1) Applicants at the ~~director~~ and supervisor level
11 in the category of public health who are certified ~~registered~~
12 by the National Registry in ~~of~~ Clinical Chemistry
13 ~~Certification~~ or the American Society for ~~of~~ Microbiology,
14 licensed as a technologist, and have 5 years of pertinent
15 clinical laboratory experience may qualify ~~under board rules~~
16 by passing the state-administered ~~appropriate~~ supervision and
17 administration examination.

18 (3)(2)(a) A technologist applicant for licensure in
19 the category of public health microbiology, with a
20 baccalaureate degree in one of the biological sciences from an
21 accredited institution, may use the American Society for ~~of~~
22 Microbiology or the National Registry in ~~of~~ Microbiology
23 Certification in Public Health Microbiology to qualify for a
24 technologist license in public health microbiology. Such a
25 technologist may work in a public health microbiology
26 laboratory.

27 (b) A technologist applicant for licensure in the
28 category of public health chemistry, with a baccalaureate
29 degree in one of the chemical, biological, or physical
30 sciences from an accredited institution, may use the National
31 Registry of Clinical Chemistry Certification to qualify for a

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1 technologist license in public health chemistry. Such a
2 technologist may work in a public health chemistry laboratory.

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

13 ~~(4)(3)~~ A person licensed by the Board of Clinical
14 Laboratory Personnel may work in a public health laboratory at
15 the appropriate level and specialty.

16 Section 141. Section 483.813, Florida Statutes, is
17 amended to read:

18 483.813 Clinical laboratory personnel license.--A
19 person may not conduct a clinical laboratory examination or
20 report the results of such examination unless such person is
21 licensed under this part to perform such procedures. However,
22 this provision does not apply to any practitioner of the
23 healing arts authorized to practice in this state or to
24 persons engaged in testing performed by laboratories regulated
25 under s. 483.035(1) or exempt from regulation under s.
26 483.031(2). The department may grant a temporary license to
27 any candidate it deems properly qualified, for a period not to
28 exceed 1 year, ~~or a conditional license for a period not to~~
29 ~~exceed 3 years.~~

30 Section 142. Subsection (3) is added to section
31 483.821, Florida Statutes, to read:

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1 483.821 Periodic demonstration of competency;
2 continuing education or reexamination.--

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

6 Section 143. Section 483.824, Florida Statutes, is
7 amended to read:

8 483.824 Qualifications of clinical laboratory
9 director.--A clinical laboratory director must have 4 years of
10 clinical laboratory experience with 2 years of experience in
11 the speciality to be directed or be nationally board certified
12 in the specialty to be directed, and must meet one of the
13 following requirements:

14 (1) Be a physician licensed under chapter 458 or
15 chapter 459;

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

19 (3) For the subspecialty of oral pathology, be a
20 physician licensed under chapter 458 or chapter 459 or a
21 dentist licensed under chapter 466.

22 Section 144. Section 483.825, Florida Statutes, is
23 amended to read:

24 483.825 Grounds for disciplinary action.--The
25 following acts constitute grounds for which disciplinary
26 actions specified in s. 483.827 may be taken against
27 applicants, registrants, and licensees under this part:

28 (1) Attempting to obtain, obtaining, or renewing a
29 license or registration under this part by bribery, by
30 fraudulent misrepresentation, or through an error of the
31 department or the board.

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

5 (3) Demonstrating incompetence or making consistent
6 errors in the performance of clinical laboratory examinations
7 or procedures or erroneous reporting.

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

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

22 (6) Having been adjudged mentally or physically
23 incompetent.

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

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

28 (9) Knowingly advertising false services or
29 credentials.

30 (10) Having a license revoked, suspended, or otherwise
31 acted against, including the denial of licensure, by the

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1 licensing authority of another jurisdiction. The licensing
2 authority's acceptance of a relinquishment of a license,
3 stipulation, consent order, or other settlement, offered in
4 response to or in anticipation of the filing of administrative
5 charges against the licensee, shall be construed as action
6 against the licensee.

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

13 (12) Being unable to perform or report clinical
14 laboratory examinations with reasonable skill and safety to
15 patients by reason of illness or use of alcohol, drugs,
16 narcotics, chemicals, or any other type of material or as a
17 result of any mental or physical condition. In enforcing this
18 subsection, the department shall have, upon a finding of the
19 secretary or his or her designee that probable cause exists to
20 believe that the licensee is unable to practice because of the
21 reasons stated in this subsection, the authority to issue an
22 order to compel a licensee to submit to a mental or physical
23 examination by physicians designated by the department. If
24 the licensee refuses to comply with such order, the
25 department's order directing such examination may be enforced
26 by filing a petition for enforcement in the circuit court
27 where the licensee resides or does business. The department
28 shall be entitled to the summary procedure provided in s.
29 51.011. A licensee affected under this subsection shall at
30 reasonable intervals be afforded an opportunity to demonstrate
31 that he or she can resume competent practice with reasonable

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1 skill and safety to patients.

2 (13) Delegating professional responsibilities to a
3 person when the licensee delegating such responsibilities
4 knows, or has reason to know, that such person is not
5 qualified by training, experience, or licensure to perform
6 them.

7 (14) Violating a previous order of the board entered
8 in a disciplinary proceeding.

9 (15) Failing to report to the department a person or
10 other licensee who the licensee knows is in violation of this
11 chapter or the rules of the department or board adopted
12 hereunder.

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

22 (17) Paying or receiving any commission, bonus,
23 kickback, or rebate, or engaging in any split-fee arrangement
24 in any form whatsoever with a physician, organization, agency,
25 or person, either directly or indirectly for patients referred
26 to providers of health care goods and services including, but
27 not limited to, hospitals, nursing homes, clinical
28 laboratories, ambulatory surgical centers, or pharmacies. The
29 provisions of this subsection shall not be construed to
30 prevent a clinical laboratory professional from receiving a
31 fee for professional consultation services.

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1 (18) Exercising influence on a patient or client in
2 such a manner as to exploit the patient or client for the
3 financial gain of the licensee or other third party, which
4 shall include, but not be limited to, the promoting, selling,
5 or withholding of services, goods, appliances, referrals, or
6 drugs.

7 (19) Practicing or offering to practice beyond the
8 scope permitted by law or rule, or accepting or performing
9 professional services or responsibilities which the licensee
10 knows or has reason to know that he or she is not competent to
11 perform.

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

15 (21) Improperly interfering with an investigation or
16 any disciplinary proceeding.

17 (22) Engaging in or attempting to engage in sexual
18 misconduct, causing undue embarrassment or using disparaging
19 language or language of a sexual nature towards a patient,
20 exploiting superior/subordinate, professional/patient,
21 instructor/student relationships for personal gain, sexual
22 gratification, or advantage.

23 Section 145. Paragraph (g) of subsection (4) and
24 subsections (6) and (8) of section 483.901, Florida Statutes,
25 1998 Supplement, are amended to read:

26 483.901 Medical physicists; definitions; licensure.--

27 (4) COUNCIL.--The Advisory Council of Medical
28 Physicists is created in the Department of Health to advise
29 the department in regulating the practice of medical physics
30 in this state.

31 (g) If a vacancy on the council occurs, the secretary

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1 ~~director~~ shall appoint a member to serve for a 4-year term.

2 (6) LICENSE REQUIRED.--An individual may not engage in
3 the practice of medical physics, including the specialties of
4 diagnostic radiological physics, therapeutic radiological
5 physics, medical nuclear radiological physics, or medical
6 health physics, without a license issued by the department for
7 the appropriate specialty.

8 (a) The department shall adopt rules to administer
9 this section which specify license application and renewal
10 fees, continuing education requirements, and standards for
11 practicing medical physics. The council shall recommend to
12 the department continuing education requirements that shall be
13 a condition of license renewal. The department shall require
14 a minimum of 24 hours per biennium of continuing education
15 offered by an organization recommended by the council and
16 approved by the department. The department, upon
17 recommendation of the council, may adopt rules to specify
18 continuing education requirements for persons who hold a
19 license in more than one specialty.

20 (b) In order to apply for a medical physicist license
21 in one or more specialties, a person must file an individual
22 application for each specialty with the department. The
23 application must be on a form prescribed by the department and
24 must be accompanied by a nonrefundable application fee for
25 each specialty.

26 (c) The department may issue a license to an eligible
27 applicant if the applicant meets all license requirements. At
28 any time before the department issues a license, the applicant
29 may request in writing that the application be withdrawn. To
30 reapply, the applicant must submit a new application and an
31 additional nonrefundable application fee and must meet all

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1 current licensure requirements.

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

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

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

9 a. Earned from an accredited college or university a
10 doctoral degree in physics, medical physics, biophysics,
11 radiological physics, medical health physics, or nuclear
12 engineering and has at least 2 years' experience in the
13 practice of the medical physics specialty for which
14 application is made.

15 b. Earned from an accredited college or university a
16 master's degree in physics, medical physics, biophysics,
17 radiological physics, medical health physics, or nuclear
18 engineering and has at least 3 years' experience in the
19 practice of the medical physics specialty for which
20 application is made.

21 c. Earned from an accredited college or university a
22 bachelor's degree in physics and has at least 5 years'
23 experience in the practice of the medical physics specialty
24 for which application is made.

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

29 e. Is board certified in the medical physics specialty
30 in which the applicant applies to practice by the American
31 Board of Radiology for diagnostic radiological physics,

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1 therapeutic radiological physics, or medical nuclear
2 radiological physics; by the American Board of Medical Physics
3 or the Canadian Board of Medical Physics for diagnostic
4 radiological physics, therapeutic radiological physics, or
5 medical nuclear radiological physics; or by the American Board
6 of Health Physics or an equivalent certifying body approved by
7 the agency.

8 2. On or after October 1, 1997, to a person who is
9 board certified in the medical physics specialty in which the
10 applicant applies to practice by the American Board of
11 Radiology for diagnostic radiological physics, therapeutic
12 radiological physics, or medical nuclear radiological physics;
13 by the American Board of Medical Physics for diagnostic
14 radiological physics, therapeutic radiological physics, or
15 medical nuclear radiological physics; or by the American Board
16 of Health Physics or an equivalent certifying body approved by
17 the department.

18 (f) A licensee shall:

19 1. Display the license in a place accessible to the
20 public; and

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

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

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

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

30 3. Being convicted or found guilty of, or entering a
31 plea of nolo contendere to, regardless of adjudication, a

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1 crime in any jurisdiction which relates to the practice of, or
2 the ability to practice, the profession of medical physics.

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

7 5. Making misleading, deceptive, or fraudulent
8 representations in or related to the practice of medical
9 physics.

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

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

14 8. Failing to perform any statutory or legal
15 obligation placed upon a licensee.

16 9. Aiding, assisting, procuring, employing, or
17 advising any unlicensed person to practice medical physics
18 contrary to this section or any rule adopted thereunder.

19 10. Delegating or contracting for the performance of
20 professional responsibilities by a person when the licensee
21 delegating or contracting such responsibilities knows, or has
22 reason to know, such person is not qualified by training,
23 experience, and authorization to perform them.

24 11. Practicing or offering to practice beyond the
25 scope permitted by law or accepting and performing
26 professional responsibilities the licensee knows, or has
27 reason to know, the licensee is not competent to perform.

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

30 13. Judicially determined mental incompetency.

31 14. Being unable to practice medical physics with

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1 reasonable skill and safety because of a mental or physical
2 condition or illness or the use of alcohol, controlled
3 substances, or any other substance which impairs one's ability
4 to practice.

5 a. The department may, upon probable cause, compel a
6 licensee to submit to a mental or physical examination by
7 physicians designated by the department. The cost of an
8 examination shall be borne by the licensee, and the licensee's
9 failure to submit to such an examination constitutes an
10 admission of the allegations against the licensee, consequent
11 upon which a default and a final order may be entered without
12 the taking of testimony or presentation of evidence, unless
13 the failure was due to circumstances beyond the licensee's
14 control.

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

19 c. With respect to any proceeding under this
20 subparagraph, the record of proceedings or the orders entered
21 by the department may not be used against a licensee in any
22 other proceeding.

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

- 28 1. Deny the application for licensure.
- 29 2. Revoke or suspend the license.
- 30 3. Impose an administrative fine for each count or
31 separate offense.

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1 4. Place the licensee on probation for a specified
2 time and subject the licensee to such conditions as the
3 department determines necessary, including requiring
4 treatment, continuing education courses, or working under the
5 monitoring or supervision of another licensee.

6 5. Restrict a licensee's practice.

7 6. Issue a reprimand to the licensee.

8 (i) The department may not issue or reinstate a
9 license to a person it has deemed unqualified until it is
10 satisfied that such person has complied with the terms and
11 conditions of the final order and that the licensee can safely
12 practice medical physics.

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

16 (j)~~(k)~~ Upon receipt of a complete application and the
17 fee set forth by rule, the department may issue a
18 physicist-in-training certificate to a person qualified to
19 practice medical physics under direct supervision. The
20 department may establish by rule requirements for initial
21 certification and renewal of a physicist-in-training
22 certificate.

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

26 Section 146. Paragraph (d) of subsection (1) of
27 section 484.007, Florida Statutes, is amended to read:

28 484.007 Licensure of opticians; permitting of optical
29 establishments.--

30 (1) Any person desiring to practice opticianry shall
31 apply to the department, upon forms prescribed by it, to take

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1 a licensure examination. The department shall examine each
2 applicant who the board certifies:

3 (d)1. Has received an associate degree, or its
4 equivalent, in opticianry from an educational institution the
5 curriculum of which is accredited by an accrediting agency
6 recognized and approved by the United States Department of
7 Education or the Council on Postsecondary Education or
8 approved by the board;

9 2. Is an individual licensed to practice the
10 profession of opticianry pursuant to a regulatory licensing
11 law of another state, territory, or jurisdiction of the United
12 States, who has actively practiced in such other state,
13 territory, or jurisdiction for more than 3 years immediately
14 preceding application, and who meets the examination
15 qualifications as provided in this subsection;

16 3. Is an individual who has actively practiced in
17 another state, territory, or jurisdiction of the United States
18 for more than 5 years immediately preceding application and
19 who provides tax or business records, affidavits, or other
20 satisfactory documentation of such practice and who meets the
21 examination qualifications as provided in this subsection; or

22 4. Has registered as an apprentice with the department
23 and paid a registration fee not to exceed \$60, as set by rule
24 of the board. The apprentice shall complete 6,240 hours of
25 training under the supervision of an optician licensed in this
26 state for at least 1 year or of, a physician, or an
27 optometrist licensed under the laws of this state. These
28 requirements must be met within 5 years after the date of
29 registration. However, any time spent in a recognized school
30 may be considered as part of the apprenticeship program
31 provided herein. The board may establish administrative

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1 processing fees sufficient to cover the cost of administering
2 apprentice rules as promulgated by the board.

3 Section 147. Subsection (3) is added to section
4 484.0512, Florida Statutes, to read:

5 484.0512 Thirty-day trial period; purchaser's right to
6 cancel; notice; refund; cancellation fee.--

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

10 Section 148. Section 484.053, Florida Statutes, is
11 amended to read:

12 484.053 Prohibitions; penalties.--

13 (1) A person may not:

14 (a) Practice dispensing hearing aids unless the person
15 is a licensed hearing aid specialist;

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

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

19 (d) Give false, incomplete, or forged evidence to the
20 board or a member thereof for the purposes of obtaining a
21 license;

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

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

27 (g) Knowingly conceal information relative to
28 violations of this part.

29 (2) Any person who violates any of the provisions of
30 this section is guilty of a felony ~~misdemeanor~~ of the third
31 ~~second degree~~, punishable as provided in s. 775.082 or s.

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1 775.083.

2 (3) If a person licensed under this part allows the
3 sale of a hearing aid by an unlicensed person not registered
4 as a trainee or fails to comply with the requirements of s.
5 484.0445(2) relating to supervision of trainees, the board
6 shall, upon determination of that violation, order the full
7 refund of moneys paid by the purchaser upon return of the
8 hearing aid to the seller's place of business.

9 Section 149. Paragraph (a) of subsection (1) of
10 section 484.056, Florida Statutes, 1998 Supplement, is amended
11 to read:

12 484.056 Disciplinary proceedings.--

13 (1) The following acts relating to the practice of
14 dispensing hearing aids shall be grounds for both disciplinary
15 action against a hearing aid specialist as set forth in this
16 section and cease and desist or other related action by the
17 department as set forth in s. 455.637 against any person
18 owning or operating a hearing aid establishment who engages
19 in, aids, or abets any such violation:

20 (a) Violation of any provision of s. 455.624(1), s.
21 484.0512, or s. 484.053.

22 Section 150. Section 486.041, Florida Statutes, is
23 amended to read:

24 486.041 Physical therapist; application for license;
25 ~~fee; temporary permit.~~--

26 (1) A person who desires to be licensed as a physical
27 therapist shall apply to the department in writing on a form
28 furnished by the department. She or he shall embody in that
29 application evidence under oath, satisfactory to the board, of
30 possession of the qualifications preliminary to examination
31 required by s. 486.031. The applicant shall pay to the

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1 department at the time of filing the application a fee not to
2 exceed \$100, as fixed by the board.

3 ~~(2) If a person desires to practice physical therapy~~
4 ~~before becoming licensed through examination, she or he shall~~
5 ~~apply for a temporary permit in accordance with rules adopted~~
6 ~~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 and~~
12 ~~practicing under a temporary permit shall do so only under the~~
13 ~~direct supervision of a licensed physical therapist.~~

14 Section 151. Section 486.081, Florida Statutes, is
15 amended to read:

16 486.081 Physical therapist; issuance of license
17 without examination to person passing examination of another
18 authorized examining board; ~~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 satisfactory to the board of having passed
22 the American Registry Examination prior to 1971 or an
23 examination in physical therapy before a similar lawfully
24 authorized examining board of another state, the District of
25 Columbia, a territory, or a foreign country, if the standards
26 for licensure in physical therapy in such other state,
27 district, territory, or foreign country are determined by the
28 board to be as high as those of this state, as established by
29 rules adopted pursuant to this chapter. Any person who holds a
30 license pursuant to this section may use the words "physical
31 therapist" or "physiotherapist," or the letters "P.T.," in

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1 connection with her or his name or place of business to denote
2 her or his licensure hereunder.

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

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

13 Section 152. Section 486.103, Florida Statutes, is
14 amended to read:

15 486.103 Physical therapist assistant; application for
16 license; fee; ~~temporary permit.~~--

17 ~~(1)~~ A person who desires to be licensed as a physical
18 therapist assistant shall apply to the department in writing
19 on a form furnished by the department. She or he shall embody
20 in that application evidence under oath, satisfactory to the
21 board, of possession of the qualifications preliminary to
22 examination required by s. 486.104. The applicant shall pay to
23 the department at the time of filing the application a fee not
24 to exceed \$100, as fixed by the board.

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

29 ~~(a) A temporary permit shall only be issued for a~~
30 ~~limited period of time, not to exceed 1 year, and shall not be~~
31 ~~renewable. A temporary permit shall automatically expire if an~~

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1 ~~applicant fails the examination.~~

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

5 Section 153. Section 486.107, Florida Statutes, is
6 amended to read:

7 486.107 Physical therapist assistant; issuance of
8 license without examination to person licensed in another
9 jurisdiction; ~~temporary permit; fee.--~~

10 (1) The board may cause a license to be issued through
11 the department without examination to any applicant who
12 presents evidence to the board, under oath, of licensure in
13 another state, the District of Columbia, or a territory, if
14 the standards for registering as a physical therapist
15 assistant or licensing of a physical therapist assistant, as
16 the case may be, in such other state are determined by the
17 board to be as high as those of this state, as established by
18 rules adopted pursuant to this chapter. Any person who holds a
19 license pursuant to this section may use the words "physical
20 therapist assistant," or the letters "P.T.A.," in connection
21 with her or his name to denote licensure hereunder.

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

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

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1 Section 154. Paragraph (b) of subsection (1) of
2 section 490.005, Florida Statutes, 1998 Supplement, is amended
3 to read:

4 490.005 Licensure by examination.--

5 (1) Any person desiring to be licensed as a
6 psychologist shall apply to the department to take the
7 licensure examination. The department shall license each
8 applicant who the board certifies has:

9 (b) Submitted proof satisfactory to the board that the
10 applicant has:

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

13 2. Received the equivalent of a doctoral-level
14 psychological education, as defined in s. 490.003(3), from a
15 program at a school or university located outside the United
16 States of America and Canada, which was officially recognized
17 by the government of the country in which it is located as an
18 institution or program to train students to practice
19 professional psychology. The burden of establishing that the
20 requirements of this provision have been met shall be upon the
21 applicant;

22 3. Received and submitted to the board, prior to July
23 1, 1999, certification of an augmented doctoral-level
24 psychological education from the program director of a
25 doctoral-level psychology program accredited by a programmatic
26 agency recognized and approved by the United States Department
27 of Education; or

28 4. Received and submitted to the board, prior to
29 August 31, 2001 ~~July 1, 2001~~, certification of a
30 doctoral-level program that at the time the applicant was
31 enrolled and graduated maintained a standard of education and

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1 training comparable to the standard of training of programs
2 accredited by a programmatic agency recognized and approved by
3 the United States Department of Education, ~~as such~~
4 ~~comparability was determined by the Board of Psychological~~
5 ~~Examiners immediately prior to the amendment of s. 490.005,~~
6 ~~Florida Statutes, 1994 Supplement, by s. 5, chapter 95-279,~~
7 ~~Laws of Florida.~~ Such certification of comparability shall be
8 provided by the program director of a doctoral-level
9 psychology program accredited by a programmatic agency
10 recognized and approved by the United States Department of
11 Education.

12 Section 155. Subsection (1) of section 490.006,
13 Florida Statutes, is amended to read:

14 490.006 Licensure by endorsement.--

15 (1) The department shall license a person as a
16 psychologist or school psychologist who, upon applying to the
17 department and remitting the appropriate fee, demonstrates to
18 the department or, in the case of psychologists, to the board
19 that the applicant:

20 (a) Holds a valid license or certificate in another
21 state to practice psychology or school psychology, as
22 applicable, provided that, when the applicant secured such
23 license or certificate, the requirements were substantially
24 equivalent to or more stringent than those set forth in this
25 chapter at that time; and, if no Florida law existed at that
26 time, then the requirements in the other state must have been
27 substantially equivalent to or more stringent than those set
28 forth in this chapter at the present time; ~~or~~

29 (b) Is a diplomate in good standing with the American
30 Board of Professional Psychology, Inc.; or

31 (c) Possesses a doctoral degree in psychology as

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1 described in s. 490.003 and has at least 20 years of
2 experience as a licensed psychologist in any jurisdiction or
3 territory of the United States within 25 years preceding the
4 date of application.

5 Section 156. Subsection (2) of section 490.0085,
6 Florida Statutes, is amended to read:

7 490.0085 Continuing education; approval of providers,
8 programs, and courses; proof of completion.--

9 (2) The department or, in the case of psychologists,
10 the board has the authority to set a fee not to exceed \$500
11 for each applicant who applies for or renews provider status.
12 Such fees shall be deposited into the Medical Quality
13 Assurance Health Care Trust Fund.

14 Section 157. Section 491.0045, Florida Statutes, is
15 amended to read:

16 491.0045 Intern registration; requirements.--

17 (1) Effective January 1, 1998, an individual who
18 intends to practice in Florida to satisfy the postgraduate or
19 post-master's level experience requirements, as specified in
20 s. 491.005(1)(c), (3)(c), or (4)(c), must register as an
21 intern in the profession for which he or she is seeking
22 licensure prior to commencing the post-master's experience
23 requirement or an individual who intends to satisfy part of
24 the required graduate-level practicum, internship, or field
25 experience, outside the academic arena for any profession,
26 must register as an intern in the profession for which he or
27 she is seeking licensure prior to commencing the practicum,
28 internship, or field experience.

29 (2) The department shall register as a clinical social
30 worker intern, marriage and family therapist intern, or mental
31 health counselor intern each applicant who the board certifies

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1 has:

2 (a) Completed the application form and remitted a
3 nonrefundable application fee not to exceed \$200, as set by
4 board rule;

5 (b)1. Completed the education requirements as
6 specified in s. 491.005(1)(c), (3)(c), or (4)(c)for the
7 profession for which he or she is applying for licensure, if
8 needed; and

9 2. Submitted an acceptable supervision plan, as
10 determined by the board, for meeting the practicum,
11 internship, or field work required for licensure that was not
12 satisfied in his or her graduate program.

13 (c) Identified a qualified supervisor.

14 (3) An individual registered under this section must
15 remain under supervision until he or she is in receipt of a
16 license or a letter from the department stating that he or she
17 is licensed to practice the profession for which he or she
18 applied.

19 (4) An individual who has applied for intern
20 registration on or before December 31, 2001, and has satisfied
21 the education requirements of s. 491.005 that are in effect
22 through December 31, 2000, will have met the educational
23 requirements for licensure for the profession for which he or
24 she has applied.

25 (5) Individuals who have commenced the experience
26 requirement as specified in s. 491.005(1)(c), (3)(c), or
27 (4)(c) but failed to register as required by subsection (1)
28 shall register with the department before January 1, 2000.
29 Individuals who fail to comply with this subsection shall not
30 be granted a license, and any time spent by the individual
31 completing the experience requirement prior to registering as

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1 an intern shall not count toward completion of such
2 requirement.

3 Section 158. Subsections (1) and (2) of section
4 491.0046, Florida Statutes, are amended to read:

5 491.0046 Provisional license; requirements.--

6 (1) An individual applying for licensure by
7 examination who has satisfied the clinical experience
8 requirements of s. 491.005 or an individual applying for
9 licensure by endorsement pursuant to s. 491.006 intending to
10 provide clinical social work, marriage and family therapy, or
11 mental health counseling services in Florida while satisfying
12 coursework or examination requirements for licensure must be
13 provisionally licensed in the profession for which he or she
14 is seeking licensure prior to beginning practice.

15 (2) The department shall issue a provisional clinical
16 social worker license, provisional marriage and family
17 therapist license, or provisional mental health counselor
18 license to each applicant who the board certifies has:

19 (a) Completed the application form and remitted a
20 nonrefundable application fee not to exceed \$100, as set by
21 board rule; and

22 ~~(b) Earned a graduate degree in social work, a~~
23 ~~graduate degree with a major emphasis in marriage and family~~
24 ~~therapy or a closely related field, or a graduate degree in a~~
25 ~~major related to the practice of mental health counseling;~~
26 ~~and, and satisfied the clinical experience requirements for~~
27 ~~licensure pursuant to s. 491.005; or~~

28 ~~2. Been approved for examination under the provisions~~
29 ~~for licensure by endorsement pursuant to s. 491.006.~~

30 (c) Has met the following minimum coursework
31 requirements:

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1 1. For clinical social work, a minimum of 15 semester
2 hours or 22 quarter hours of the coursework required by s.
3 491.005(1)(b)2.b.

4 2. For marriage and family therapy, ten of the courses
5 required by s. 491.005(3)(b)1.a.-c., as determined by the
6 board, and at least 6 semester hours or 9 quarter hours of the
7 course credits must have been completed in the area of
8 marriage and family systems, theories, or techniques.

9 3. For mental health counseling, a minimum of seven of
10 the courses required under s. 491.005(b)1.a.-c.

11 Section 159. Section 491.005, Florida Statutes, is
12 amended to read:

13 491.005 Licensure by examination.--

14 (1) CLINICAL SOCIAL WORK.--Upon verification of
15 documentation and payment of a fee not to exceed \$200, as set
16 by board rule, plus the actual per applicant cost to the
17 department for purchase of the examination from the American
18 Association of State Social Worker's Boards or a similar
19 national organization, the department shall issue a license as
20 a clinical social worker to an applicant who the board
21 certifies:

22 (a) Has made application therefor and paid the
23 appropriate fee.

24 (b)1. Has received a doctoral degree in social work
25 from a graduate school of social work which at the time the
26 applicant graduated was accredited by an accrediting agency
27 recognized by the United States Department of Education or has
28 received a master's degree in social work from a graduate
29 school of social work which at the time the applicant
30 graduated:

31 a. Was accredited by the Council on Social Work

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1 Education;

2 b. Was accredited by the Canadian Association of
3 Schools of Social Work; or

4 c. Has been determined to have been a program
5 equivalent to programs approved by the Council on Social Work
6 Education by the Foreign Equivalency Determination Service of
7 the Council on Social Work Education. An applicant who
8 graduated from a program at a university or college outside of
9 the United States or Canada must present documentation of the
10 equivalency determination from the council in order to
11 qualify.

12 2. The applicant's graduate program must have
13 emphasized direct clinical patient or client health care
14 services, including, but not limited to, coursework in
15 clinical social work, psychiatric social work, medical social
16 work, social casework, psychotherapy, or group therapy. The
17 applicant's graduate program must have included all of the
18 following coursework:

19 a. A supervised field placement which was part of the
20 applicant's advanced concentration in direct practice, during
21 which the applicant provided clinical services directly to
22 clients.

23 b. Completion of 24 semester hours or 32 37 quarter
24 hours in theory of human behavior and practice methods as
25 courses in clinically oriented services, including a minimum
26 of one course in psychopathology, and no more than one course
27 in research, taken in a school of social work accredited or
28 approved pursuant to subparagraph 1.

29 3. If the course title which appears on the
30 applicant's transcript does not clearly identify the content
31 of the coursework, the applicant shall be required to provide

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1 additional documentation, including, but not limited to, a
2 syllabus or catalog description published for the course.

3 (c) Has had not less than 2 years of clinical social
4 work experience, which took place subsequent to completion of
5 a graduate degree in social work at an institution meeting the
6 accreditation requirements of this section, under the
7 supervision of a licensed clinical social worker or the
8 equivalent who is a qualified supervisor as determined by the
9 board. An individual who intends to practice in Florida to
10 satisfy clinical experience requirements must register
11 pursuant to s. 491.0045 prior to commencing practice. If the
12 applicant's graduate program was not a program which
13 emphasized direct clinical patient or client health care
14 services as described in subparagraph (b)2.s. 491.003, the
15 supervised experience requirement must take place after the
16 applicant has completed a minimum of 15 semester hours or 22
17 quarter hours of the coursework required. A doctoral
18 internship may be applied toward the clinical social work
19 experience requirement. The experience requirement may be met
20 by work performed on or off the premises of the supervising
21 clinical social worker or the equivalent, provided the
22 off-premises work is not the independent private practice
23 rendering of clinical social work that does not have a
24 licensed mental health professional, as determined by the
25 board, on the premises at the same time the intern is
26 providing services.

27 (d) Has passed a theory and practice examination
28 provided by the department for this purpose.

29 (e) Has demonstrated, in a manner designated by rule
30 of the board, knowledge of the laws and rules governing the
31 practice of clinical social work, marriage and family therapy,

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1 and mental health counseling.

2 (2) CLINICAL SOCIAL WORK.--

3 (a) Notwithstanding the provisions of paragraph
4 (1)(b), coursework which was taken at a baccalaureate level
5 shall not be considered toward completion of education
6 requirements for licensure unless an official of the graduate
7 program certifies in writing on the graduate school's
8 stationery that a specific course, which students enrolled in
9 the same graduate program were ordinarily required to complete
10 at the graduate level, was waived or exempted based on
11 completion of a similar course at the baccalaureate level. If
12 this condition is met, the board shall apply the baccalaureate
13 course named toward the education requirements.

14 (b) An applicant from a master's or doctoral program
15 in social work which did not emphasize direct patient or
16 client services may complete the clinical curriculum content
17 requirement by returning to a graduate program accredited by
18 the Council on Social Work Education or the Canadian
19 Association of Schools of Social Work, or to a clinical social
20 work graduate program with comparable standards, in order to
21 complete the education requirements for examination. However,
22 a maximum of 6 semester or 9 quarter hours of the clinical
23 curriculum content requirement may be completed by credit
24 awarded for independent study coursework as defined by board
25 rule.

26 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification
27 of documentation and payment of a fee not to exceed \$200, as
28 set by board rule, plus the actual cost to the department for
29 the purchase of the examination from the Association of
30 Marital and Family Therapy Regulatory Board, or similar
31 national organization, the department shall issue a license as

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1 a marriage and family therapist to an applicant who the board
2 certifies:

3 (a) Has made application therefor and paid the
4 appropriate fee.

5 (b)1. Has a minimum of a master's degree with major
6 emphasis in marriage and family therapy, or a closely related
7 field, and has completed all of the following requirements:

8 a. Twenty-seven semester hours or 41 quarter hours of
9 graduate coursework, which must include a minimum of 2
10 semester hours or 3 quarter hours of graduate-level course
11 credits in each of the following nine areas: dynamics of
12 marriage and family systems; marriage therapy and counseling
13 theory and techniques; family therapy and counseling theory
14 and techniques; individual human development theories
15 throughout the life cycle; personality theory;
16 psychopathology; human sexuality theory and counseling
17 techniques; general counseling theory and techniques; and
18 psychosocial theory. Content may be combined, provided no more
19 than two of the nine content areas are included in any one
20 graduate-level course and the applicant can document that the
21 equivalent of 2 semester hours of coursework was devoted to
22 each content area. Courses in research, evaluation, appraisal,
23 assessment, or testing theories and procedures; thesis or
24 dissertation work; or practicums, internships, or fieldwork
25 may not be applied toward this requirement.

26 b. A minimum of one graduate-level course of 2
27 semester hours or 3 quarter hours in legal, ethical, and
28 professional standards issues in the practice of marriage and
29 family therapy or a course determined by the board to be
30 equivalent.

31 c. A minimum of one graduate-level course of 2

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1 semester hours or 3 quarter hours in diagnosis, appraisal,
2 assessment, and testing for individual or interpersonal
3 disorder or dysfunction; and a minimum of one 2-semester-hour
4 or 3-quarter-hour graduate-level course in behavioral research
5 which focuses on the interpretation and application of
6 research data as it applies to clinical practice. Credit for
7 thesis or dissertation work, practicums, internships, or
8 fieldwork may not be applied toward this requirement.

9 d. A minimum of one supervised clinical practicum,
10 internship, or field experience in a marriage and family
11 counseling setting, during which the student provided 180
12 direct client contact hours of marriage and family therapy
13 services under the supervision of an individual who met the
14 requirements for supervision under paragraph (c). This
15 requirement may be met by a supervised practice experience
16 which took place outside the academic arena, but which is
17 certified as equivalent to a graduate-level practicum or
18 internship program which required a minimum of 180 direct
19 client contact hours of marriage and family therapy services
20 currently offered within an academic program of a college or
21 university accredited by an accrediting agency approved by the
22 United States Department of Education, or an institution which
23 is publicly recognized as a member in good standing with the
24 Association of Universities and Colleges of Canada or a
25 training institution accredited by the Commission on
26 Accreditation for Marriage and Family Therapy Education
27 recognized by the United States Department of Education.
28 Certification shall be required from an official of such
29 college, university, or training institution.

30 2. If the course title which appears on the
31 applicant's transcript does not clearly identify the content

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1 of the coursework, the applicant shall be required to provide
2 additional documentation, including, but not limited to, a
3 syllabus or catalog description published for the course.
4

5 The required master's degree must have been received in an
6 institution of higher education which at the time the
7 applicant graduated was: fully accredited by a regional
8 accrediting body recognized by the Commission on Recognition
9 of Postsecondary Accreditation; publicly recognized as a
10 member in good standing with the Association of Universities
11 and Colleges of Canada; or an institution of higher education
12 located outside the United States and Canada, which at the
13 time the applicant was enrolled and at the time the applicant
14 graduated maintained a standard of training substantially
15 equivalent to the standards of training of those institutions
16 in the United States which are accredited by a regional
17 accrediting body recognized by the Commission on Recognition
18 of Postsecondary Accreditation. Such foreign education and
19 training must have been received in an institution or program
20 of higher education officially recognized by the government of
21 the country in which it is located as an institution or
22 program to train students to practice as professional marriage
23 and family therapists or psychotherapists. The burden of
24 establishing that the requirements of this provision have been
25 met shall be upon the applicant, and the board shall require
26 documentation, such as, but not limited to, an evaluation by a
27 foreign equivalency determination service, as evidence that
28 the applicant's graduate degree program and education were
29 equivalent to an accredited program in this country. An
30 applicant with a master's degree from a program which did not
31 emphasize marriage and family therapy may complete the

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1 coursework requirement in a training institution fully
2 accredited by the Commission on Accreditation for Marriage and
3 Family Therapy Education recognized by the United States
4 Department of Education.

5 (c) Has had not less than 2 years of clinical
6 experience during which 50 percent of the applicant's clients
7 were receiving marriage and family therapy services, which
8 must be at the post-master's level under the supervision of a
9 licensed marriage and family therapist with at least 5 years
10 of experience, or the equivalent, who is a qualified
11 supervisor as determined by the board. An individual who
12 intends to practice in Florida to satisfy the clinical
13 experience requirements must register pursuant to s. 491.0045
14 prior to commencing practice. If a graduate has a master's
15 degree with a major emphasis in marriage and family therapy or
16 a closely related field that did not include all the
17 coursework required under sub-subparagraphs (b)1.a.-c., credit
18 for the post-master's level clinical experience shall not
19 commence until the applicant has completed a minimum of 10 of
20 the courses required under sub-subparagraphs (b)1.a.-c., as
21 determined by the board, and at least 6 semester hours or 9
22 quarter hours of the course credits must have been completed
23 in the area of marriage and family systems, theories, or
24 techniques. Within the 3 years of required experience, the
25 applicant shall provide direct individual, group, or family
26 therapy and counseling, to include the following categories of
27 cases: unmarried dyads, married couples, separating and
28 divorcing couples, and family groups including children. A
29 doctoral internship may be applied toward the clinical
30 experience requirement. The clinical experience requirement
31 may be met by work performed on or off the premises of the

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1 supervising marriage and family therapist or the equivalent,
2 provided the off-premises work is not the independent private
3 practice rendering of marriage and family therapy services
4 that does not have a licensed mental health professional, as
5 determined by the board, on the premises at the same time the
6 intern is providing services.

7 (d) Has passed a theory and practice examination
8 provided by the department for this purpose.

9 (e) Has demonstrated, in a manner designated by rule
10 of the board, knowledge of the laws and rules governing the
11 practice of clinical social work, marriage and family therapy,
12 and mental health counseling.

13 (f) For the purposes of dual licensure, the department
14 shall license as a marriage and family therapist any person
15 who meets the requirements of s. 491.0057. Fees for dual
16 licensure shall not exceed those stated in this subsection.

17 (4) MENTAL HEALTH COUNSELING.--Upon verification of
18 documentation and payment of a fee not to exceed \$200, as set
19 by board rule, plus the actual per applicant cost to the
20 department for purchase of the examination from the
21 Professional Examination Service for the National Academy of
22 Certified Clinical Mental Health Counselors or a similar
23 national organization, the department shall issue a license as
24 a mental health counselor to an applicant who the board
25 certifies:

26 (a) Has made application therefor and paid the
27 appropriate fee.

28 (b)1. Has received a minimum of an earned master's
29 degree with a major related to the practice of mental health
30 counseling, and has completed all of the following
31 requirements:

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1 a. Twenty-one semester hours or 32 quarter hours of
2 graduate coursework, which must include a minimum of 2
3 semester hours or 3 quarter hours of graduate-level coursework
4 in each of the following seven content areas: counseling
5 theories and practice; human development theories; personality
6 theory; psychopathology or abnormal psychology; human
7 sexuality theories; group theories and practice; and
8 individual evaluation and assessment. Content may be
9 combined, provided no more than two of the seven content areas
10 are included in any one graduate-level course and the
11 applicant can document that the equivalent of 2 semester hours
12 of content was devoted to each content area. Courses in
13 research, thesis or dissertation work, practicums,
14 internships, or fieldwork may not be applied toward this
15 requirement.

16 b. A minimum of one 2-semester-hour or 3-quarter-hour
17 graduate-level course in research or in career or vocational
18 counseling. Credit for thesis or dissertation work,
19 practicums, internships, or fieldwork may not be applied
20 toward this requirement.

21 c. A minimum of 2 semester hours or 3 quarter hours of
22 graduate-level coursework in legal, ethical, and professional
23 standards issues in the practice of mental health counseling,
24 which includes goals and objectives of professional counseling
25 organizations, codes of ethics, legal considerations,
26 standards of preparation, certifications and licensing, and
27 the role identity of counselors. Courses in research, thesis
28 or dissertation work, practicums, internships, or fieldwork
29 may not be applied toward this requirement.

30 d. A minimum of one supervised practicum, internship,
31 or field experience in a counseling setting. This requirement

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1 may be met by a supervised practice experience which takes
2 place outside the academic arena, but which is certified as
3 equivalent to a graduate-level practicum in a clinical mental
4 health counseling setting currently offered within an academic
5 program of a college or university accredited by an
6 accrediting agency approved by the United States Department of
7 Education. Such certification shall be required from an
8 official of such college or university.

9 2. If the course title which appears on the
10 applicant's transcript does not clearly identify the content
11 of the coursework, the applicant shall be required to provide
12 additional documentation, including, but not limited to, a
13 syllabus or catalog description published for the course.

14
15 Except as provided in sub-subparagraph 1.d., education and
16 training in mental health counseling must have been received
17 in an institution of higher education which at the time the
18 applicant graduated was: fully accredited by a regional
19 accrediting body recognized by the Commission on Recognition
20 of Postsecondary Accreditation; publicly recognized as a
21 member in good standing with the Association of Universities
22 and Colleges of Canada; or an institution of higher education
23 located outside the United States and Canada, which at the
24 time the applicant was enrolled and at the time the applicant
25 graduated maintained a standard of training substantially
26 equivalent to the standards of training of those institutions
27 in the United States which are accredited by a regional
28 accrediting body recognized by the Commission on Recognition
29 of Postsecondary Accreditation. Such foreign education and
30 training must have been received in an institution or program
31 of higher education officially recognized by the government of

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1 the country in which it is located as an institution or
2 program to train students to practice as mental health
3 counselors. The burden of establishing that the requirements
4 of this provision have been met shall be upon the applicant,
5 and the board shall require documentation, such as, but not
6 limited to, an evaluation by a foreign equivalency
7 determination service, as evidence that the applicant's
8 graduate degree program and education were equivalent to an
9 accredited program in this country.

10 (c) Has had not less than 2 years of clinical
11 experience in mental health counseling, which must be at the
12 post-master's level under the supervision of a licensed mental
13 health counselor or the equivalent who is a qualified
14 supervisor as determined by the board. An individual who
15 intends to practice in Florida to satisfy the clinical
16 experience requirements must register pursuant to s. 491.0045
17 prior to commencing practice. If a graduate has a master's
18 degree with a major related to the practice of mental health
19 counseling which did not include all the coursework required
20 under sub-subparagraphs (b)1.a.-c., credit for the
21 post-master's level clinical experience shall not commence
22 until the applicant has completed a minimum of seven of the
23 courses required under sub-subparagraphs (b)1.a.-c., as
24 determined by the board, one of which must be a course in
25 psychopathology or abnormal psychology. A doctoral internship
26 may be applied toward the clinical experience requirement. The
27 clinical experience requirement may be met by work performed
28 on or off the premises of the supervising mental health
29 counselor or the equivalent, provided the off-premises work is
30 not the independent private practice rendering of services
31 that does not have a licensed mental health professional, as

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1 determined by the board, on the premises at the same time the
2 intern is providing services.

3 (d) Has passed a theory and practice examination
4 provided by the department for this purpose.

5 (e) Has demonstrated, in a manner designated by rule
6 of the board, knowledge of the laws and rules governing the
7 practice of clinical social work, marriage and family therapy,
8 and mental health counseling.

9 (5) INTERNSHIP.--An individual who is registered as an
10 intern and has satisfied all of the educational requirements
11 for the profession for which the applicant seeks licensure
12 shall be certified as having met the educational requirements
13 for licensure under this section.

14 (6) RULES.--The board may adopt rules necessary to
15 implement any education or experience requirement of this
16 section for licensure as a clinical social worker, marriage
17 and family therapist, or mental health counselor.

18 Section 160. Effective January 1, 2001, paragraph (b)
19 of subsection (4) of section 491.005, Florida Statutes, as
20 amended by section 13 of chapter 97-198 and section 205 of
21 chapter 97-264, Laws of Florida, and as amended by this act,
22 is amended, and subsection (6) of that section, as created by
23 this act, is reenacted, to read:

24 491.005 Licensure by examination.--

25 (4) MENTAL HEALTH COUNSELING.--Upon verification of
26 documentation and payment of a fee not to exceed \$200, as set
27 by board rule, plus the actual per applicant cost to the
28 department for purchase of the examination from the
29 Professional Examination Service for the National Academy of
30 Certified Clinical Mental Health Counselors or a similar
31 national organization, the department shall issue a license as

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1 a mental health counselor to an applicant who the board
2 certifies:

3 (b)1. Has a minimum of an earned master's degree from
4 a mental health counseling program accredited by the Council
5 for the Accreditation of Counseling and Related Educational
6 Programs that consists of at least 60 semester hours or 80
7 quarter hours of clinical and didactic instruction, including
8 a course in human sexuality and a course in substance abuse.
9 If the master's degree is earned from a program related to the
10 practice of mental health counseling that is not accredited by
11 the Council for the Accreditation of Counseling and Related
12 Educational Programs, then the coursework and practicum,
13 internship, or fieldwork must consist of at least 60 semester
14 hours or 80 quarter hours and meet the following requirements:

15 a. Thirty-three ~~Thirty-six~~ semester hours or 44 ~~48~~
16 quarter hours of graduate coursework, which must include a
17 minimum of 3 semester hours or 4 quarter hours of
18 graduate-level coursework in each of the following 11 ~~12~~
19 content areas: counseling theories and practice; human growth
20 and development; diagnosis and treatment of psychopathology;
21 human sexuality; group theories and practice; individual
22 evaluation and assessment; career and lifestyle assessment;
23 research and program evaluation; social and cultural
24 foundations; ~~foundations of mental health counseling~~;
25 counseling in community settings; and substance abuse. Courses
26 in research, thesis or dissertation work, practicums,
27 internships, or fieldwork may not be applied toward this
28 requirement.

29 b. A minimum of 3 semester hours or 4 quarter hours of
30 graduate-level coursework in legal, ethical, and professional
31 standards issues in the practice of mental health counseling,

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1 which includes goals, objectives, and practices of
2 professional counseling organizations, codes of ethics, legal
3 considerations, standards of preparation, certifications and
4 licensing, and the role identity and professional obligations
5 of mental health counselors. Courses in research, thesis or
6 dissertation work, practicums, internships, or fieldwork may
7 not be applied toward this requirement.

8 c. The equivalent, as determined by the board, of at
9 least 1,000 hours of university-sponsored supervised clinical
10 practicum, internship, or field experience as required in the
11 accrediting standards of the Council for Accreditation of
12 Counseling and Related Educational Programs for mental health
13 counseling programs. ~~If the academic practicum, internship, or~~
14 ~~field experience was less than 1,000 hours, experience gained~~
15 ~~outside the academic arena in clinical mental health settings~~
16 ~~under the supervision of a qualified supervisor as determined~~
17 ~~by the board may be applied.~~ This experience may not be used
18 to satisfy the post-master's clinical experience requirement.

19 2. If the course title which appears on the
20 applicant's transcript does not clearly identify the content
21 of the coursework, the applicant shall be required to provide
22 additional documentation, including, but not limited to, a
23 syllabus or catalog description published for the course.

24
25 Education and training in mental health counseling must have
26 been received in an institution of higher education which at
27 the time the applicant graduated was: fully accredited by a
28 regional accrediting body recognized by the Commission on
29 Recognition of Postsecondary Accreditation; publicly
30 recognized as a member in good standing with the Association
31 of Universities and Colleges of Canada; or an institution of

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1 higher education located outside the United States and Canada,
2 which at the time the applicant was enrolled and at the time
3 the applicant graduated maintained a standard of training
4 substantially equivalent to the standards of training of those
5 institutions in the United States which are accredited by a
6 regional accrediting body recognized by the Commission on
7 Recognition of Postsecondary Accreditation. Such foreign
8 education and training must have been received in an
9 institution or program of higher education officially
10 recognized by the government of the country in which it is
11 located as an institution or program to train students to
12 practice as mental health counselors. The burden of
13 establishing that the requirements of this provision have been
14 met shall be upon the applicant, and the board shall require
15 documentation, such as, but not limited to, an evaluation by a
16 foreign equivalency determination service, as evidence that
17 the applicant's graduate degree program and education were
18 equivalent to an accredited program in this country.

19 (6) RULES.--The board may adopt rules necessary to
20 implement any education or experience requirement of this
21 section for licensure as a clinical social worker, marriage
22 and family therapist, or mental health counselor.

23 Section 161. Paragraph (b) of subsection (1) of
24 section 491.006, Florida Statutes, is amended to read:

25 491.006 Licensure or certification by endorsement.--

26 (1) The department shall license or grant a
27 certificate to a person in a profession regulated by this
28 chapter who, upon applying to the department and remitting the
29 appropriate fee, demonstrates to the board that he or she:

30 (b)1. Holds an active valid license to practice and
31 has actively practiced the profession for which licensure is

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1 applied in another state for 3 of the last 5 years immediately
2 preceding licensure.

3 2. Meets the education requirements of this chapter
4 for the profession for which licensure is applied.

5 3. Has passed a substantially equivalent licensing
6 examination in another state or has passed the licensure
7 examination in this state in the profession for which the
8 applicant seeks licensure.

9 4. Holds a license in good standing, is not under
10 investigation for an act which would constitute a violation of
11 this chapter, and has not been found to have committed any act
12 which would constitute a violation of this chapter.

13 Section 162. Section 491.0085, Florida Statutes, is
14 amended to read:

15 491.0085 Continuing education and laws and rules
16 courses; approval of providers, programs, and courses; proof
17 of completion.--

18 (1) Continuing education providers, programs, and
19 courses and laws and rules courses and their providers and
20 programs shall be approved by the department or the board.

21 (2) The department or the board has the authority to
22 set a fee not to exceed \$200 for each applicant who applies
23 for or renews provider status. Such fees shall be deposited
24 into the Medical Quality Assurance ~~Health Care~~ Trust Fund.

25 (3) Proof of completion of the required number of
26 hours of continuing education and completion of the laws and
27 rules course shall be submitted to the department or the board
28 in the manner and time specified by rule and on forms provided
29 by the department or the board.

30 (4) The department or the board shall adopt rules and
31 guidelines to administer and enforce the provisions of this

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1 section.

2 Section 163. Paragraph (d) of subsection (4) of
3 section 491.014, Florida Statutes, 1998 Supplement, is amended
4 to read:

5 491.014 Exemptions.--

6 (4) No person shall be required to be licensed,
7 provisionally licensed, registered, or certified under this
8 chapter who:

9 (d) Is not a resident of this state but offers
10 services in this state, provided:

11 1. Such services are performed for no more than ~~5 days~~
12 ~~in any month and no more than~~ 15 days in any calendar year;
13 and

14 2. Such nonresident is licensed or certified to
15 practice the services provided by a state or territory of the
16 United States or by a foreign country or province.

17 Section 164. Paragraph (a) of subsection (1) and
18 subsection (5) of section 499.012, Florida Statutes, 1998
19 Supplement, are amended to read:

20 499.012 Wholesale distribution; definitions; permits;
21 general requirements.--

22 (1) As used in this section, the term:

23 (a) "Wholesale distribution" means distribution of
24 prescription drugs to persons other than a consumer or
25 patient, but does not include:

26 1. Any of the following activities, which is not a
27 violation of s. 499.005(21) if such activity is conducted in
28 accordance with s. 499.014:

29 a. The purchase or other acquisition by a hospital or
30 other health care entity that is a member of a group
31 purchasing organization of a prescription drug for its own use

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1 from the group purchasing organization or from other hospitals
2 or health care entities that are members of that organization.

3 b. The sale, purchase, or trade of a prescription drug
4 or an offer to sell, purchase, or trade a prescription drug by
5 a charitable organization described in s. 501(c)(3) of the
6 Internal Revenue Code of 1986, as amended and revised, to a
7 nonprofit affiliate of the organization to the extent
8 otherwise permitted by law.

9 c. The sale, purchase, or trade of a prescription drug
10 or an offer to sell, purchase, or trade a prescription drug
11 among hospitals or other health care entities that are under
12 common control. For purposes of this section, "common control"
13 means the power to direct or cause the direction of the
14 management and policies of a person or an organization,
15 whether by ownership of stock, by voting rights, by contract,
16 or otherwise.

17 d. The sale, purchase, trade, or other transfer of a
18 prescription drug from or for any federal, state, or local
19 government agency or any entity eligible to purchase
20 prescription drugs at public health services prices pursuant
21 to s. 602 of Pub. L. No. 102-585 to a contract provider or its
22 subcontractor for eligible patients of the agency or entity
23 under the following conditions:

24 (I) The agency or entity must obtain written
25 authorization for the sale, purchase, trade, or other transfer
26 of a prescription drug under this sub-subparagraph from the
27 Secretary of Health or his or her designee.

28 (II) The contract provider or subcontractor must be
29 authorized by law to administer or dispense prescription
30 drugs.

31 (III) In the case of a subcontractor, the agency or

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1 entity must be a party to and execute the subcontract.

2 (IV) A contract provider or subcontractor must
3 maintain separate and apart from other prescription drug
4 inventory any prescription drugs of the agency or entity in
5 its possession.

6 (V) The contract provider and subcontractor must
7 maintain and produce immediately for inspection all records of
8 movement or transfer of all the prescription drugs belonging
9 to the agency or entity, including, but not limited to, the
10 records of receipt and disposition of prescription drugs.
11 Each contractor and subcontractor dispensing or administering
12 these drugs must maintain and produce records documenting the
13 dispensing or administration. Records that are required to be
14 maintained include, but are not limited to, a perpetual
15 inventory itemizing drugs received and drugs dispensed by
16 prescription number or administered by patient identifier,
17 which must be submitted to the agency or entity quarterly.

18 (VI) The contract provider or subcontractor may
19 administer or dispense the prescription drugs only to the
20 eligible patients of the agency or entity or must return the
21 prescription drugs for or to the agency or entity. The
22 contract provider or subcontractor must require proof from
23 each person seeking to fill a prescription or obtain treatment
24 that the person is an eligible patient of the agency or entity
25 and must, at a minimum, maintain a copy of this proof as part
26 of the records of the contractor or subcontractor required
27 under sub-sub-subparagraph (V).

28 (VII) The prescription drugs transferred pursuant to
29 this sub-subparagraph may not be billed to Medicaid.

30 (VIII) In addition to the departmental inspection
31 authority set forth in s. 499.051, the establishment of the

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1 contract provider and subcontractor and all records pertaining
2 to prescription drugs subject to this sub-subparagraph shall
3 be subject to inspection by the agency or entity. All records
4 relating to prescription drugs of a manufacturer under this
5 sub-subparagraph shall be subject to audit by the manufacturer
6 of those drugs, without identifying individual patient
7 information.

8 2. Any of the following activities, which is not a
9 violation of s. 499.005(21) if such activity is conducted in
10 accordance with rules established by the department:

11 a. The sale, purchase, or trade of a prescription drug
12 among federal, state, or local government health care entities
13 that are under common control and are authorized to purchase
14 such prescription drug.

15 b. The sale, purchase, or trade of a prescription drug
16 or an offer to sell, purchase, or trade a prescription drug
17 for emergency medical reasons. ~~For purposes of this~~
18 ~~sub-subparagraph subparagraph~~, the term "emergency medical
19 reasons" includes transfers of prescription drugs by a retail
20 pharmacy to another retail pharmacy to alleviate a temporary
21 shortage.

22 c. The ~~transfer purchase or acquisition~~ of a
23 prescription drug acquired by a medical director on behalf of
24 a licensed an emergency medical services provider to that
25 ~~medical director for use by emergency medical services~~
26 provider and its transport vehicles for use in accordance with
27 the provider's license under providers acting within the scope
28 ~~of their professional practice pursuant to chapter 401.~~

29 d. The revocation of a sale or the return of a
30 prescription drug to the person's prescription drug wholesale
31 supplier.

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1 e. The donation of a prescription drug by a health
2 care entity to a charitable organization that has been granted
3 an exemption under s. 501(c)(3) of the Internal Revenue Code
4 of 1986, as amended, and that is authorized to possess
5 prescription drugs.

6 f. The transfer of a prescription drug by a person
7 authorized to purchase or receive prescription drugs to a
8 person licensed or permitted to handle reverse distributions
9 or destruction under the laws of the jurisdiction in which the
10 person handling the reverse distribution or destruction
11 receives the drug.

12 ~~3. The dispensing of a prescription drug pursuant to a~~
13 ~~prescription.~~

14 ~~3.4. The distribution of prescription drug samples by~~
15 ~~manufacturers' representatives or distributors'~~
16 ~~representatives conducted in accordance with s. 499.028.~~ ~~or~~

17 ~~4.5. The sale, purchase, or trade of blood and blood~~
18 ~~components intended for transfusion. As used in this~~
19 ~~subparagraph section, the term "blood" means whole blood~~
20 ~~collected from a single donor and processed either for~~
21 ~~transfusion or further manufacturing, and the term "blood~~
22 ~~components" means that part of the blood separated by physical~~
23 ~~or mechanical means.~~

24 ~~5. The lawful dispensing of a prescription drug in~~
25 ~~accordance with chapter 465.~~

26 (5) The department may adopt rules governing the
27 recordkeeping, storage, and handling with respect to each of
28 the distributions of prescription drugs specified in
29 subparagraphs ~~(1)(a)1.-4.(1)(a)1., 2., 4., and 5.~~

30 Section 165. Subsection (6) is added to section
31 626.883, Florida Statutes, to read:

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1 626.883 Administrator as intermediary; collections
2 held in fiduciary capacity; establishment of account;
3 disbursement; payments on behalf of insurer.--

4 (6) All payments to a health care provider by a fiscal
5 intermediary for noncapitated providers must include an
6 explanation of services being reimbursed which includes, at a
7 minimum, the patient's name, the date of service, the
8 procedure code, the amount of reimbursement, and the
9 identification of the plan on whose behalf the payment is
10 being made. For capitated providers, the statement of services
11 must include the number of patients covered by the contract,
12 the rate per patient, the total amount of the payment, and the
13 identification of the plan on whose behalf the payment is
14 being made.

15 Section 166. Paragraph (a) of subsection (2) of
16 section 641.316, Florida Statutes, 1998 Supplement, is amended
17 to read:

18 641.316 Fiscal intermediary services.--

19 (2)(a) The term "fiduciary" or "fiscal intermediary
20 services" means reimbursements received or collected on behalf
21 of health care professionals for services rendered, patient
22 and provider accounting, financial reporting and auditing,
23 receipts and collections management, compensation and
24 reimbursement disbursement services, or other related
25 fiduciary services pursuant to health care professional
26 contracts with health maintenance organizations. All payments
27 to a health care provider by a fiscal intermediary for
28 noncapitated providers must include an explanation of services
29 being reimbursed which includes, at a minimum, the patient's
30 name, the date of service, the procedure code, the amount of
31 reimbursement, and the identification of the plan on whose

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1 behalf the payment is being made. For capitated providers, the
2 statement of services must include the number of patients
3 covered by the contract, the rate per patient, the total
4 amount of the payment, and the identification of the plan on
5 whose behalf the payment is being made.

6 Section 167. Task Force on Telehealth.--

7 (1) Because telecommunications technology has made it
8 possible to provide a wide range of health care services
9 across state lines between healthcare practitioners and
10 patients, it is the intent of the Legislature to protect the
11 health and safety of all patients in this state receiving
12 services by means of such technology and to ensure the
13 accountability of the healthcare profession with respect to
14 unsafe and incompetent practitioners using such technology to
15 provide health care services to patients in this state.

16 (2) The Secretary of Health shall appoint a task force
17 consisting of representatives from the affected medical and
18 allied health professions and other affected health care
19 industries.

20 (3) The task force shall address the following:

21 (a) Identification of various electronic
22 communications or telecommunications technologies currently
23 used within the state and by other states to provide
24 healthcare information.

25 (b) Identification of laws, regulations, and
26 reimbursement practices that serve as barriers to
27 implementation of electronic communications related to health
28 care.

29 (c) Recommendation of the appropriate level of
30 regulation of health care professionals necessary to protect
31 the health and safety of patients in this state, including

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1 analysis of existing provisions governing in-state
 2 professionals such as licensing, financial responsibility, and
 3 medical malpractice insurance requirements.

4 (d) Potential preemption of state regulation by the
 5 Commerce Clause of the United States Constitution.

6 (e) The effect of telehealth on access to health care
 7 in rural and underserved areas.

8 (f) Potential antitrust concerns.

9 (g) The effect of regulations by other states or
 10 jurisdictions on health care professionals in this state who
 11 provide consultative services through telehealth to entities
 12 and patients outside the state.

13 (h) Research on other public and private data and
 14 initiatives related to telehealth.

15 (i) Any other issue affecting the health, safety, and
 16 welfare of patients through telehealth identified by the task
 17 force.

18 (4) The task force shall submit a report of its
 19 findings and recommendations by January 1, 2000, to the
 20 Governor, the President of the Senate, and the Speaker of the
 21 House of Representatives.

22 Section 168. Subsection (1) of section 468.352,
 23 Florida Statutes, is amended to read:

24 468.352 Definitions.--As used in this part, unless the
 25 context otherwise requires, the term:

26 (1) "Board" means the Board of Respiratory Care
 27 Medicine.

28 Section 169. Section 468.353, Florida Statutes, is
 29 amended to read:

30 468.353 Board of Respiratory Care ~~Medicine~~; powers and
 31 duties.--

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1 (1) The board, ~~with the assistance of the Advisory~~
2 ~~Council on Respiratory Care~~, is authorized to establish
3 minimum standards for the delivery of respiratory care
4 services and to adopt those rules necessary to administer this
5 part.

6 (2) The board may administer oaths, summon witnesses,
7 and take testimony in all matters relating to its duties under
8 this part.

9 (3) The board may adopt rules to administer this part,
10 including rules governing the investigation, inspection, and
11 review of schools and colleges that offer courses in
12 respiratory care in order to ascertain their compliance with
13 standards established by the board or appropriate accrediting
14 agencies ~~delegate such powers and duties to the council as it~~
15 ~~may deem proper.~~

16 Section 170. Section 468.354, Florida Statutes, is
17 amended to read:

18 468.354 Board of ~~Advisory Council on~~ Respiratory Care;
19 organization; function.--

20 (1) There is created within the department, the Board
21 of ~~Advisory Council on~~ Respiratory Care, composed of seven
22 members appointed by the Governor and confirmed by the Senate
23 ~~under the supervision of the board.~~

24 (2) The board ~~council shall consist of five members~~
25 ~~appointed by the board~~ and shall include:

26 (a) A registered respiratory therapist.

27 (b) A certified respiratory therapist ~~care~~
28 ~~practitioner.~~

29 (c) A respiratory care professional from each of the
30 following areas:

31 1. Respiratory care education.

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- 1 2. Respiratory care management and supervision.
2 3. Homecare/subacute ~~Cardiopulmonary diagnostics~~.
3 (d) Two consumer members, who are residents of this
4 state and have never been licensed as health care
5 practitioners.

6
7 ~~Each member of the council shall be a~~ respiratory care
8 professional on the board must have ~~who has~~ been actively
9 engaged in the delivery of respiratory care services in this
10 state for at least 4 consecutive years prior to appointment.

11 (3)(a) Except as provided in paragraph (b), the term
12 of office for each board ~~council~~ member shall be 4 years. No
13 member shall serve for more than two consecutive terms. Any
14 time there is a vacancy to be filled ~~on the council~~, all
15 professional organizations dealing with respiratory therapy
16 incorporated within the state as not for profit which register
17 their interest ~~with the board~~ shall recommend at least twice
18 as many persons to fill the vacancy ~~to the council~~ as the
19 number of vacancies to be filled, and the Governor ~~board~~ may
20 appoint from the submitted list, in his ~~its~~ discretion, any of
21 those persons so recommended. The Governor ~~board~~ shall,
22 insofar as possible, appoint persons from different
23 geographical areas.

24 (b) ~~In order~~ To achieve staggering of terms, within
25 120 days after July 1, 1999, ~~October 1, 1984~~, the Governor
26 ~~board~~ shall appoint the board members ~~of the council~~ as
27 follows:

- 28 1. Two members ~~One member~~ shall be appointed for terms
29 ~~a term~~ of 2 years.
30 2. Two members shall be appointed for terms of 3
31 years.

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1 3. ~~Three~~ Two members shall be appointed for terms of 4
2 years.

3 (c) All provisions of part II of chapter 455, relating
4 to boards apply to this part.

5 (4)(a) The board ~~council~~ shall annually elect from
6 among its members a chair and vice chair.

7 (b) The board ~~council~~ shall meet at least twice a year
8 and shall hold ~~such~~ additional meetings as are deemed
9 necessary ~~by the board~~. Four ~~Three~~ members of the council
10 constitute a quorum.

11 (c) Unless otherwise provided by law, a board ~~council~~
12 member shall be compensated \$50 for each day he or she attends
13 an official board meeting ~~of the council~~ and for each day he
14 or she participates in any other board business ~~involving the~~
15 ~~council~~. A board ~~council~~ member shall also be entitled to
16 reimbursement for expenses pursuant to s. 112.061. Travel out
17 of the state shall require the prior approval of the secretary
18 of the department.

19 (5)~~(a)~~ The board may ~~council shall~~ recommend to the
20 department a code of ethics for those persons licensed
21 pursuant to this part.

22 ~~(b) The council shall make recommendations to the~~
23 ~~department for the approval of continuing education courses.~~

24 Section 171. Section 468.355, Florida Statutes, is
25 amended to read:

26 468.355 Eligibility for licensure; temporary
27 licensure.--

28 (1) To be eligible for licensure by the board as a
29 respiratory care practitioner, an applicant must:

30 (a) Be at least 18 years old.

31 (b) Possess a high school diploma or a graduate

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1 equivalency diploma.

2 (c) Meet at least one of the following criteria:

3 1. The applicant has successfully completed a training
4 program for respiratory therapy technicians or respiratory
5 therapists approved by the Commission on Accreditation of
6 Allied Health Education Programs, or the equivalent thereof,
7 as accepted by the board.

8 2. The applicant is currently a "Certified Respiratory
9 Therapy Technician" certified by the National Board for
10 Respiratory Care, or the equivalent thereof, as accepted by
11 the board.

12 3. The applicant is currently a "Registered
13 Respiratory Therapist" registered by the National Board for
14 Respiratory Care, or the equivalent thereof, as accepted by
15 the board.

16 ~~4. The applicant is currently employed in this state
17 as a respiratory care practitioner or respiratory therapist on
18 October 1, 1984.~~

19

20 The criteria set forth in subparagraphs 2. and 3.

21 notwithstanding, the board shall periodically ~~annually~~ review
22 the examinations and standards of the National Board for
23 Respiratory Care and may reject those examinations and
24 standards if they are deemed inappropriate.

25 (2) To be eligible for licensure by the board as a
26 respiratory therapist, an applicant must:

27 (a) Be at least 18 years old.

28 (b) Possess a high school diploma or a graduate
29 equivalency diploma.

30 (c) Meet at least one of the following criteria:

31 1. The applicant has successfully completed a training

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1 program for respiratory therapists approved by the Commission
2 on Accreditation of Allied Health Education Programs, or the
3 equivalent thereof, as accepted by the board.

4 2. The applicant is currently a "Registered
5 Respiratory Therapist" registered by the National Board for
6 Respiratory Care, or the equivalent thereof, as accepted by
7 the board.

8
9 The criteria set forth in subparagraphs 1. and 2.
10 notwithstanding, the board shall periodically ~~annually~~ review
11 the examinations and standards of the National Board for
12 Respiratory Care and may reject those examinations and
13 standards if they are deemed inappropriate.

14 (3) With respect to the delivery of respiratory care
15 services, the board shall establish procedures for temporary
16 licensure of eligible individuals entering the state and
17 temporary licensure of those persons who have graduated from a
18 program approved by the board. Such temporary licensure shall
19 be for a period not to exceed 1 year.

20 Section 172. Section 468.357, Florida Statutes, is
21 amended to read:

22 468.357 Licensure by examination.--

23 (1) A person who desires to be licensed as a
24 respiratory care practitioner may submit an application ~~to the~~
25 ~~department~~ to take the examination, in accordance with board
26 rule to be administered by the department.

27 (a) ~~The department shall examine~~ Each applicant may
28 take the examination who is determined by the board to have:

29 1. Completed the application form and remitted the
30 applicable fee set by the board;

31 2. Submitted required documentation as required in s.

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1 468.355; and

2 3. Remitted an examination fee set by the examination
3 provider board.

4 (b) ~~The department shall conduct~~ Examinations for
5 licensure of respiratory care practitioners must be conducted
6 no less than two times a year in such geographical locations
7 or by such methods as are deemed advantageous to the majority
8 of the applicants.

9 (c) The examination given for respiratory care
10 practitioners shall be the same as that given by the National
11 Board for Respiratory Care for entry-level certification of
12 respiratory therapy technicians. However, an equivalent
13 examination may be accepted by the board in lieu of that
14 examination.

15 (2) Each applicant who passes the examination shall be
16 entitled to licensure as a respiratory care practitioner, and
17 the department shall issue a license pursuant to this part to
18 any applicant who successfully completes the examination in
19 accordance with this section. However, the department shall
20 not issue a license to any applicant who is under
21 investigation in another jurisdiction for an offense which
22 would constitute a violation of this part. Upon completion of
23 such an investigation, if the applicant is found guilty of
24 such an offense, the applicable provisions of s. 468.365 will
25 apply.

26 ~~(3) Any person who was employed in this state on or~~
27 ~~before September 30, 1983, as a respiratory therapy technician~~
28 ~~or respiratory therapist, and who has performed services in~~
29 ~~such professional capacity for 4 years or more by October 1,~~
30 ~~1987, under the supervision of a licensed physician or in a~~
31 ~~hospital or licensed health care facility, shall be issued a~~

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1 ~~license without examination, if such person provides~~
2 ~~acceptable documentation of performance of such services to~~
3 ~~the board. Such documentation shall include certification by~~
4 ~~a physician licensed pursuant to chapter 458 or chapter 459~~
5 ~~who has direct knowledge of the practice of, or who has~~
6 ~~supervised, the person. If such person is not determined to~~
7 ~~have performed critical care respiratory services for at least~~
8 ~~4 years, the board may limit the license of such person to the~~
9 ~~performance of noncritical care respiratory services.~~

10 Section 173. Section 468.364, Florida Statutes, 1998
11 Supplement, is amended to read:

12 468.364 Fees; establishment; disposition.--

13 (1) The board shall establish by rule fees for the
14 following purposes:

15 (a) Application, a fee not to exceed \$50.

16 ~~(b) Examination, a fee not to exceed \$125 plus the~~
17 ~~actual per applicant cost to the department for purchase of~~
18 ~~the examination from the National Board for Respiratory Care~~
19 ~~or a similar national organization.~~

20 (b)~~(c)~~ Initial licensure, a fee not to exceed \$200.

21 (c)~~(d)~~ Renewal of licensure, a fee not to exceed \$200
22 biennially.

23 (d)~~(e)~~ Renewal of inactive licensure, a fee not to
24 exceed \$50.

25 (e)~~(f)~~ Reactivation, a fee not to exceed \$50.

26 (2) The fees established pursuant to subsection (1)
27 shall be based upon the actual costs incurred by the
28 department in carrying out its responsibilities under this
29 part.

30 (3) All moneys collected by the department under this
31 part shall be deposited as required by s. 455.587.

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1 Section 174. Paragraph (f) of subsection (1) of
2 section 468.365, Florida Statutes, 1998 Supplement, is amended
3 to read:

4 468.365 Disciplinary grounds and actions.--

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

7 (f) Unprofessional conduct, which includes, but is not
8 limited to, any departure from, or failure to conform to,
9 acceptable standards related to the delivery of respiratory
10 care services, as set forth by the board ~~and the Advisory~~
11 ~~Council on Respiratory Care~~ in rules adopted pursuant to this
12 part.

13 Section 175. Paragraph (a) of subsection (2) of
14 section 464.016, Florida Statutes, is amended to read:

15 464.016 Violations and penalties.--

16 (2) Each of the following acts constitutes a
17 misdemeanor of the first degree, punishable as provided in s.
18 775.082 or s. 775.083:

19 (a) Using the name or title "Nurse," "Registered
20 Nurse," "Licensed Practical Nurse," "Advanced Registered Nurse
21 Practitioner," or any other name or title which implies that a
22 person was licensed or certified as same, unless such person
23 is duly licensed or certified.

24 Section 176. Paragraphs (b) and (c) of subsection (1)
25 of section 458.3115, Florida Statutes, 1998 Supplement, are
26 amended to read:

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

31 (1)

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1 (b) A person who is eligible to take and elects to
2 take the USMLE who has previously passed part 1 or part 2 of
3 the previously administered FLEX shall not be required to
4 retake or pass the equivalent parts of the USMLE up to the
5 year 2002 ~~2000~~.

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

- 8 1. Has taken, upon approval by the board, and
9 completed, in November 1990 or November 1992, one of the
10 special preparatory medical update courses authorized by the
11 board and the University of Miami Medical School and
12 subsequently passed the final course examination; upon
13 approval by the board to take the course completed in 1990 or
14 in 1992, has a certificate of successful completion of that
15 course from the University of Miami or the Stanley H. Kaplan
16 course; or can document to the department that he or she was
17 one of the persons who took and successfully completed the
18 Stanley H. Kaplan course that was approved by the Board of
19 Medicine and supervised by the University of Miami. At a
20 minimum, the documentation must include class attendance
21 records and the test score on the final course examination;
- 22 2. Applies to the agency and submits an application
23 fee that is nonrefundable and equivalent to the fee required
24 for full licensure;
- 25 3. Documents no less than 2 years of the active
26 practice of medicine in any ~~another~~ jurisdiction;
- 27 4. Submits an examination fee that is nonrefundable
28 and equivalent to the fee required for full licensure plus the
29 actual per-applicant cost to the agency to provide either
30 examination described in this section;
- 31 5. Has not committed any act or offense in this or any

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1 other jurisdiction that would constitute a substantial basis
2 for disciplining a physician under this chapter or part II of
3 chapter 455; and

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

9 Section 177. Subsection (2) of section 458.3124,
10 Florida Statutes, 1998 Supplement, is amended to read:

11 458.3124 Restricted license; certain experienced
12 foreign-trained physicians.--

13 (2) A person applying for licensure under this section
14 must submit to the Department of Health on or before December
15 31, 2000 ~~1998~~:

16 (a) A completed application and documentation required
17 by the Board of Medicine to prove compliance with subsection
18 (1); and

19 (b) A nonrefundable application fee not to exceed \$500
20 and a nonrefundable examination fee not to exceed \$300 plus
21 the actual cost to purchase and administer the examination.

22 Section 178. Effective upon this act becoming a law,
23 section 301 of chapter 98-166, Laws of Florida, is amended to
24 read:

25 Section 301. The sum of \$1.2 million from the
26 unallocated balance in the Medical Quality Assurance Trust
27 Fund is appropriated to the Department of Health to allow the
28 department to develop the examination required for foreign
29 licensed physicians in section 458.3115(1)(a), Florida
30 Statutes, through a contract with the University of South
31 Florida. The department shall charge examinees a fee not to

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1 exceed 25 percent of the cost of the actual costs of the first
2 examination administered pursuant to section 458.3115, Florida
3 Statutes, 1998 Supplement, and a fee not to exceed 75 percent
4 of the actual costs for any subsequent examination
5 administered pursuant to that section.

6 Section 179. The Agency for Health Care
7 Administration, in conjunction with the Medicare Fraud
8 Division of the Office of the Attorney General, shall conduct
9 a detailed study and analysis of clinical laboratory services
10 for kidney dialysis patients in the State of Florida. The
11 study shall include, but not be limited to, an analysis of the
12 past and present utilization rates of clinical laboratory
13 services for dialysis patients, financial arrangements among
14 kidney dialysis centers, their medical directors, and any
15 business relationships and affiliations with clinical
16 laboratories, any self referral to clinical laboratories, the
17 quality and responsiveness of clinical laboratory services for
18 dialysis patients in Florida, and the average annual revenue
19 for dialysis patients for clinical laboratory services for the
20 past ten years. The agency shall report back to the President
21 of the Senate, Speaker of the House of Representatives, and
22 chairs of the appropriate substantive committees of the
23 Legislature on its findings no later than February 1, 2000.

24 Section 180. Subsection (3) is added to section
25 455.651, Florida Statutes, 1998 Supplement, to read:

26 455.651 Disclosure of confidential information.--

27 (1) No officer, employee, or person under contract
28 with the department, or any board therein, or any subject of
29 an investigation shall convey knowledge or information to any
30 person who is not lawfully entitled to such knowledge or
31 information about any public meeting or public record, which

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1 at the time such knowledge or information is conveyed is
2 exempt from the provisions of s. 119.01, s. 119.07(1), or s.
3 286.011.

4 (2) Any person who willfully violates any provision of
5 this section is guilty of a misdemeanor of the first degree,
6 punishable as provided in s. 775.082 or s. 775.083, and may be
7 subject to discipline pursuant to s. 455.624, and, if
8 applicable, shall be removed from office, employment, or the
9 contractual relationship.

10 (3) Any person injured as a result of a violation of
11 this section shall have a civil cause of action for treble
12 damages, reasonable attorney fees, and costs.

13
14 (Redesignate subsequent sections.)

15
16

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page 5, line 14, after the semicolon,

20

21 insert:

22 providing for clinical trials to be conducted
23 on the use of the drug Secretin by a nonprofit
24 provider; requiring a report; providing an
25 appropriation; amending s. 232.435, F.S.;
26 correcting a reference; amending s. 381.026,
27 F.S.; providing a definition; amending s.
28 381.0261, F.S.; providing that the Department
29 of Health or a regulatory board, rather than
30 the Agency for Health Care Administration, may
31 impose an administrative fine against any

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1 health care provider who fails to make
2 available to patients a summary of their rights
3 as required by law; amending s. 455.501, F.S.;
4 redefining the terms "health care practitioner"
5 and "licensee"; amending s. 455.507, F.S.;
6 revising provisions relating to good standing
7 of members of the Armed Forces with
8 administrative boards to provide applicability
9 to the department when there is no board;
10 providing gender neutral language; amending s.
11 455.521, F.S.; providing powers and duties of
12 the department for the professions, rather than
13 boards, under its jurisdiction; amending s.
14 455.557, F.S.; redefining the term "health care
15 practitioner" for purposes of standardized
16 credentializing; amending s. 455.564, F.S.;
17 prescribing the expiration date of an
18 incomplete license application; revising the
19 form and style of licenses; providing authority
20 to the department when there is no board to
21 adopt rules; revising and providing
22 requirements relating to obtaining continuing
23 education credit in risk management; correcting
24 a reference; amending s. 455.565, F.S.;
25 providing exceptions to certain application
26 requirements; revising information required for
27 licensure of designated health care
28 professionals; revising requirements for
29 submitting fingerprints to the department for
30 renewal of licensure; amending s. 455.5651,
31 F.S.; prohibiting inclusion of certain

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1 information in practitioner profiles; amending
2 s. 455.567, F.S.; defining sexual misconduct
3 and prohibiting it in the practice of a health
4 care profession; providing penalties; amending
5 s. 455.574, F.S.; revising provisions relating
6 to review of an examination after failure to
7 pass it; amending s. 455.587, F.S.; providing
8 authority to the department when there is no
9 board to determine by rule the amount of
10 license fees for the profession regulated;
11 providing for a fee for issuance of a wall
12 certificate to certain licensees or for a
13 duplicate wall certificate; amending s.
14 455.604, F.S.; requiring instruction on human
15 immunodeficiency virus and acquired immune
16 deficiency syndrome as a condition of licensure
17 and relicensure to practice dietetics and
18 nutrition or nutrition counseling; amending s.
19 455.607, F.S.; correcting a reference; amending
20 s. 455.624, F.S.; revising and providing
21 grounds for discipline; providing penalties;
22 providing for assessment of certain costs;
23 amending s. 455.664, F.S.; requiring additional
24 health care practitioners to include a certain
25 statement in advertisements for free or
26 discounted services; correcting terminology;
27 amending s. 455.667, F.S.; authorizing the
28 department to obtain patient records, billing
29 records, insurance information, provider
30 contracts, and all attachments thereto under
31 certain circumstances for purposes of

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1 disciplinary proceedings; providing for charges
2 for making reports or records available for
3 digital scanning; amending s. 455.687, F.S.;
4 providing for the suspension or restriction of
5 the license of any health care practitioner who
6 tests positive for drugs under certain
7 circumstances; amending s. 455.694, F.S.;
8 providing financial responsibility requirements
9 for midwives; creating s. 455.712, F.S.;
10 providing requirements for active status
11 licensure of certain business establishments;
12 amending s. 457.102, F.S.; defining the term
13 "prescriptive rights" with respect to
14 acupuncture; amending s. 458.307, F.S.;
15 correcting terminology and a reference;
16 removing an obsolete date; amending s. 458.309,
17 F.S.; providing for registration and inspection
18 of certain offices performing levels 2 and 3
19 surgery; amending s. 458.311, F.S.; revising
20 provisions relating to licensure as a physician
21 by examination; eliminating an obsolete
22 provision relating to licensure of medical
23 students from Nicaragua and another provision
24 relating to taking the examination without
25 applying for a license; amending s. 458.3115,
26 F.S.; updating terminology; amending s.
27 458.313, F.S.; revising provisions relating to
28 licensure by endorsement; repealing provisions
29 relating to reactivation of certain licenses
30 issued by endorsement; amending s. 458.315,
31 F.S.; providing additional requirements for

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1 recipients of a temporary certificate for
2 practice in areas of critical need; amending s.
3 458.3165, F.S.; prescribing authorized
4 employment for holders of public psychiatry
5 certificates; correcting a reference; amending
6 s. 458.317, F.S.; providing for conversion of
7 an active license to a limited license for a
8 specified purpose; amending s. 458.319, F.S.;
9 revising requirements for submitting
10 fingerprints to the department for renewal of
11 licensure as a physician; amending s. 458.331,
12 F.S.; providing grounds for discipline;
13 providing penalties; amending s. 458.347, F.S.;
14 revising provisions relating to temporary
15 licensure as a physician assistant; amending s.
16 459.005, F.S.; providing for registration and
17 inspection of certain offices performing levels
18 2 and 3 surgery; amending s. 459.0075, F.S.;
19 providing for conversion of an active license
20 to a limited license for a specified purpose;
21 amending s. 459.008, F.S.; revising
22 requirements for submitting fingerprints to the
23 department for renewal of licensure as an
24 osteopathic physician; amending s. 459.015,
25 F.S.; revising and providing grounds for
26 discipline; providing penalties; amending s.
27 460.402, F.S.; providing an exemption from
28 regulation under ch. 460, F.S., relating to
29 chiropractic, for certain students; amending s.
30 460.403, F.S.; defining the term
31 "community-based internship" for purposes of

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1 ch. 460, F.S.; redefining the terms "direct
2 supervision" and "registered chiropractic
3 assistant"; amending s. 460.406, F.S.; revising
4 requirements for licensure as a chiropractic
5 physician by examination to remove a provision
6 relating to a training program; amending s.
7 460.407, F.S.; revising requirements for
8 submitting fingerprints to the department for
9 renewal of licensure as a chiropractic
10 physician; amending s. 460.413, F.S.;
11 increasing the administrative fine; conforming
12 cross-references; amending s. 460.4165, F.S.;
13 revising requirements for certification of
14 chiropractic physician's assistants; providing
15 for supervision of registered chiropractic
16 physician's assistants; providing for biennial
17 renewal; providing fees; providing
18 applicability to current certificateholders;
19 amending s. 460.4166, F.S.; authorizing
20 registered chiropractic assistants to be under
21 the direct supervision of a certified
22 chiropractic physician's assistant; amending s.
23 461.003, F.S.; defining the term "certified
24 podiatric X-ray assistant" and the term "direct
25 supervision" with respect thereto; redefining
26 the term "practice of podiatric medicine";
27 amending s. 461.006, F.S.; revising the
28 residency requirement to practice podiatric
29 medicine; amending s. 461.007, F.S.; revising
30 requirements for renewal of license to practice
31 podiatric medicine; revising requirements for

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1 submitting fingerprints to the department for
2 renewal of licensure; amending s. 461.013,
3 F.S.; revising and providing grounds for
4 discipline; providing penalties; creating s.
5 461.0135, F.S.; providing requirements for
6 operation of X-ray machines by certified
7 podiatric X-ray assistants; amending s.
8 464.008, F.S.; providing for remediation upon
9 failure to pass the examination to practice
10 nursing a specified number of times; amending
11 s. 464.022, F.S.; providing an exemption from
12 regulation relating to remedial courses;
13 amending s. 465.003, F.S.; defining the term
14 "data communication device"; revising the
15 definition of the term "practice of the
16 profession of pharmacy"; amending s. 465.016,
17 F.S.; authorizing the redispensing of unused or
18 returned unit-dose medication by correctional
19 facilities under certain conditions; providing
20 a ground for which a pharmacist may be subject
21 to discipline by the Board of Pharmacy;
22 increasing the administrative fine; amending
23 ss. 465.014, 465.015, 465.0196, 468.812,
24 499.003, F.S.; correcting cross-references, to
25 conform; creating the Task Force for the Study
26 of Collaborative Drug Therapy Management;
27 providing for staff support from the
28 department; providing for participation by
29 specified associations and entities; providing
30 responsibilities; requiring a report to the
31 Legislature; amending s. 466.021, F.S.;

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1 revising requirements relating to dental work
2 orders required of unlicensed persons; amending
3 s. 468.1155, F.S.; revising requirements for
4 provisional licensure to practice
5 speech-language pathology or audiology;
6 amending s. 468.1215, F.S.; revising
7 requirements for certification as a
8 speech-language pathologist or audiologist
9 assistant; amending s. 468.307, F.S.;
10 authorizing the issuance of subcategory
11 certificates in the field of radiologic
12 technology; amending s. 468.506, F.S.;
13 correcting references; amending s. 468.701,
14 F.S.; revising and removing definitions;
15 amending s. 468.703, F.S.; replacing the
16 Council of Athletic Training with a Board of
17 Athletic Training; providing for appointment of
18 board members and their successors; providing
19 for staggering of terms; providing for
20 applicability of other provisions of law
21 relating to activities of regulatory boards;
22 providing for the board's headquarters;
23 amending ss. 468.705, 468.707, 468.709,
24 468.711, 468.719, 468.721, F.S., relating to
25 rulemaking authority, licensure by examination,
26 fees, continuing education, disciplinary
27 actions, and certain regulatory transition;
28 transferring to the board certain duties of the
29 department relating to regulation of athletic
30 trainers; amending s. 20.43, F.S.; placing the
31 board under the Division of Medical Quality

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1 Assurance of the department; providing for
2 termination of the council and the terms of
3 council members; authorizing consideration of
4 former council members for appointment to the
5 board; amending s. 468.805, F.S.; revising
6 grandfathering provisions for the practice of
7 orthotics, prosthetics, or pedorthics; amending
8 s. 468.806, F.S.; providing for approval of
9 continuing education providers; amending s.
10 478.42, F.S.; redefining the term "electrolysis
11 or electrology"; amending s. 483.041, F.S.,
12 redefining the terms "clinical laboratory" and
13 "licensed practitioner" and defining the term
14 "clinical laboratory examination"; amending s.
15 483.803, F.S.; redefining the terms "clinical
16 laboratory examination" and "licensed
17 practitioner of the healing arts"; revising a
18 reference; amending s. 483.807, F.S.; revising
19 provisions relating to fees for approval as a
20 laboratory training program; amending s.
21 483.809, F.S.; revising requirements relating
22 to examination of clinical laboratory personnel
23 for licensure and to registration of clinical
24 laboratory trainees; amending s. 483.812, F.S.;
25 revising qualification requirements for
26 licensure of public health laboratory
27 scientists; amending s. 483.813, F.S.;
28 eliminating a provision authorizing conditional
29 licensure of clinical laboratory personnel for
30 a specified period; amending s. 483.821, F.S.;
31 authorizing continuing education or retraining

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1 for candidates who fail an examination a
2 specified number of times; amending s. 483.824,
3 F.S.; revising qualifications of clinical
4 laboratory directors; amending s. 483.825,
5 F.S.; revising and providing grounds for
6 discipline; providing penalties; amending s.
7 483.901, F.S.; correcting a reference;
8 eliminating a provision authorizing temporary
9 licensure as a medical physicist; correcting
10 the name of a trust fund; amending s. 484.007,
11 F.S.; revising requirements for opticians who
12 supervise apprentices; amending s. 484.0512,
13 F.S.; requiring sellers of hearing aids to
14 refund within a specified period all moneys
15 required to be refunded under trial-period
16 provisions; amending s. 484.053, F.S.;
17 increasing the penalty applicable to prohibited
18 acts relating to the dispensing of hearing
19 aids; amending s. 484.056, F.S.; providing that
20 violation of trial-period requirements is a
21 ground for disciplinary action; providing
22 penalties; amending ss. 486.041, 486.081,
23 486.103, and 486.107, F.S.; eliminating
24 provisions authorizing issuance of a temporary
25 permit to work as a physical therapist or
26 physical therapist assistant; amending s.
27 490.005, F.S.; revising educational
28 requirements for licensure as a psychologist by
29 examination; changing a date, to defer certain
30 educational requirements; amending s. 490.006,
31 F.S.; providing additional requirements for

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1 licensure as a psychologist by endorsement;
2 amending s. 490.0085, F.S.; correcting the name
3 of a trust fund; amending s. 491.0045, F.S.;
4 revising requirements for registration as a
5 clinical social worker intern, marriage and
6 family therapist intern, or mental health
7 counselor intern; amending s. 491.0046, F.S.;
8 revising requirements for provisional licensure
9 of clinical social workers, marriage and family
10 therapists, and mental health counselors;
11 amending s. 491.005, F.S.; revising
12 requirements for licensure of clinical social
13 workers, marriage and family therapists, and
14 mental health counselors; providing for
15 certification of education of interns;
16 providing rulemaking authority to implement
17 education and experience requirements for
18 licensure as a clinical social worker, marriage
19 and family therapist, or mental health
20 counselor; revising future licensure
21 requirements for mental health counselors and
22 providing rulemaking authority for
23 implementation thereof; amending s. 491.006,
24 F.S.; revising requirements for licensure or
25 certification by endorsement; amending s.
26 491.0085, F.S.; requiring laws and rules
27 courses and providing for approval thereof,
28 including providers and programs; correcting
29 the name of a trust fund; amending s. 491.014,
30 F.S.; revising an exemption from regulation
31 relating to certain temporally limited

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1 services; amending s. 499.012, F.S.; redefining
2 the term "wholesale distribution," relating to
3 the distribution of prescription drugs, to
4 provide for the exclusion of certain
5 activities; amending ss. 626.883, 641.316,
6 F.S.; requiring payments to a health care
7 provider by a fiscal intermediary to include an
8 explanation of services provided; creating a
9 Task Force on Telehealth; providing its duties;
10 requiring a report; amending s. 468.352, F.S.;
11 redefining the term "board"; amending s.
12 468.353, F.S.; conforming provision; providing
13 for the adoption of rules; amending s. 468.354,
14 F.S.; creating the Board of Respiratory Care;
15 providing for membership, powers, and duties;
16 amending s. 468.355, F.S.; providing for
17 periodic rather than annual review of certain
18 examinations and standards; amending s.
19 458.357, F.S.; conforming provisions; deleting
20 obsolete provisions; amending s. 468.364, F.S.;
21 deleting an examination fee; amending s.
22 468.365, F.S.; conforming provisions; amending
23 s. 464.016, F.S., providing that the use of the
24 title "nurse" without being licensed or
25 certified is a crime; amending s. 458.3115,
26 F.S.; revising requirements with respect to
27 eligibility of certain foreign-licensed
28 physicians to take and pass standardized
29 examinations; amending s. 458.3124, F.S.;
30 changing the date by which application for a
31 restricted license must be submitted; amending

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s. 301, ch. 98-166, Laws of Florida;
prescribing fees for foreign-licensed
physicians taking a certain examination;
providing for a detailed study and analysis of
clinical laboratory services for kidney
dialysis patients; amending s. 455.651, F.S.;
providing for treble damages, reasonable
attorney fees, and costs for improper
disclosure of confidential information;