

By the Committee on Health, Aging and Long-Term Care; and  
Senator Silver

317-2213A-99

1                                   A bill to be entitled  
2           An act relating to regulation of health care  
3           practitioners; amending s. 232.435, F.S.;  
4           correcting a reference; amending s. 381.026,  
5           F.S.; providing a definition; amending s.  
6           381.0261, F.S.; providing that the Department  
7           of Health or a regulatory board, rather than  
8           the Agency for Health Care Administration, may  
9           impose an administrative fine against any  
10          health care provider who fails to make  
11          available to patients a summary of their rights  
12          as required by law; amending s. 455.501, F.S.;  
13          redefining the terms "health care practitioner"  
14          and "licensee"; amending s. 455.507, F.S.;  
15          revising provisions relating to good standing  
16          of members of the Armed Forces with  
17          administrative boards to provide applicability  
18          to the department when there is no board;  
19          providing gender neutral language; amending s.  
20          455.521, F.S.; providing powers and duties of  
21          the department for the professions, rather than  
22          boards, under its jurisdiction; amending s.  
23          455.557, F.S.; redefining the term "health care  
24          practitioner" for purposes of standardized  
25          credentializing; amending s. 455.564, F.S.;  
26          prescribing the expiration date of an  
27          incomplete license application; revising the  
28          form and style of licenses; providing authority  
29          to the department when there is no board to  
30          adopt rules; revising and providing  
31          requirements relating to obtaining continuing

1 education credit in risk management; correcting  
2 a reference; amending s. 455.565, F.S.;  
3 providing exceptions to certain application  
4 requirements; revising information required for  
5 licensure of designated health care  
6 professionals; revising requirements for  
7 submitting fingerprints to the department for  
8 renewal of licensure; amending s. 455.5651,  
9 F.S.; prohibiting inclusion of certain  
10 information in practitioner profiles; amending  
11 s. 455.567, F.S.; defining sexual misconduct  
12 and prohibiting it in the practice of a health  
13 care profession; providing penalties; amending  
14 s. 455.574, F.S.; revising provisions relating  
15 to review of an examination after failure to  
16 pass it; amending s. 455.587, F.S.; providing  
17 authority to the department when there is no  
18 board to determine by rule the amount of  
19 license fees for the profession regulated;  
20 providing for a fee for issuance of a wall  
21 certificate to certain licensees or for a  
22 duplicate wall certificate; amending s.  
23 455.604, F.S.; requiring instruction on human  
24 immunodeficiency virus and acquired immune  
25 deficiency syndrome as a condition of licensure  
26 and relicensure to practice dietetics and  
27 nutrition or nutrition counseling; amending s.  
28 455.607, F.S.; correcting a reference; amending  
29 s. 455.624, F.S.; revising and providing  
30 grounds for discipline; providing penalties;  
31 providing for assessment of certain costs;

1 amending s. 455.664, F.S.; requiring additional  
2 health care practitioners to include a certain  
3 statement in advertisements for free or  
4 discounted services; correcting terminology;  
5 amending s. 455.667, F.S.; authorizing the  
6 department to obtain patient records, billing  
7 records, insurance information, provider  
8 contracts, and all attachments thereto under  
9 certain circumstances for purposes of  
10 disciplinary proceedings; revising requirements  
11 for the release of patient records; amending s.  
12 455.687, F.S.; providing for the suspension or  
13 restriction of the license of any health care  
14 practitioner who tests positive for drugs under  
15 certain circumstances; amending s. 455.694,  
16 F.S.; providing financial responsibility  
17 requirements for midwives; creating s. 455.712,  
18 F.S.; providing requirements for active status  
19 licensure of certain business establishments;  
20 amending s. 457.102, F.S.; defining the term  
21 "prescriptive rights" with respect to  
22 acupuncture; amending s. 458.307, F.S.;  
23 correcting terminology and a reference;  
24 removing an obsolete date; amending s. 458.309,  
25 F.S.; providing rulemaking authority of Board  
26 of Medicine; amending s. 458.311, F.S.;  
27 revising provisions relating to licensure as a  
28 physician by examination; eliminating an  
29 obsolete provision relating to licensure of  
30 medical students from Nicaragua and another  
31 provision relating to taking the examination

1 without applying for a license; amending s.  
2 458.3115, F.S.; updating terminology; amending  
3 s. 458.313, F.S.; revising provisions relating  
4 to licensure by endorsement; repealing  
5 provisions relating to reactivation of certain  
6 licenses issued by endorsement; amending s.  
7 458.315, F.S.; providing additional  
8 requirements for recipients of a temporary  
9 certificate for practice in areas of critical  
10 need; amending s. 458.3165, F.S.; prescribing  
11 authorized employment for holders of public  
12 psychiatry certificates; correcting a  
13 reference; amending s. 458.317, F.S.; providing  
14 for conversion of an active license to a  
15 limited license for a specified purpose;  
16 amending s. 458.319, F.S.; revising  
17 requirements for submitting fingerprints to the  
18 department for renewal of licensure as a  
19 physician; amending s. 458.331, F.S.; deleting  
20 certain rulemaking authority; providing grounds  
21 for discipline; providing penalties; amending  
22 s. 458.347, F.S.; revising provisions relating  
23 to temporary licensure as a physician  
24 assistant; amending s. 459.005, F.S.; providing  
25 rulemaking authority of the Board of  
26 Osteopathic Medicine; amending s. 459.0075,  
27 F.S.; providing for conversion of an active  
28 license to a limited license for a specified  
29 purpose; amending s. 459.008, F.S.; revising  
30 requirements for submitting fingerprints to the  
31 department for renewal of licensure as an

1 osteopathic physician; amending s. 459.015,  
2 F.S.; deleting certain rulemaking authority;  
3 revising and providing grounds for discipline;  
4 providing penalties; amending s. 460.402, F.S.;  
5 providing an exemption from regulation under  
6 ch. 460, F.S., relating to chiropractic, for  
7 certain students; amending s. 460.403, F.S.;  
8 defining the term "community-based internship"  
9 for purposes of ch. 460, F.S.; redefining the  
10 terms "direct supervision" and "registered  
11 chiropractic assistant"; amending s. 460.406,  
12 F.S.; revising requirements for licensure as a  
13 chiropractic physician by examination to remove  
14 a provision relating to a training program;  
15 amending s. 460.407, F.S.; revising  
16 requirements for submitting fingerprints to the  
17 department for renewal of licensure as a  
18 chiropractic physician; amending s. 460.413,  
19 F.S.; increasing the administrative fine;  
20 conforming cross-references; amending s.  
21 460.4165, F.S.; revising requirements for  
22 certification of chiropractic physician's  
23 assistants; providing for supervision of  
24 registered chiropractic physician's assistants;  
25 providing for biennial renewal; providing fees;  
26 providing applicability to current  
27 certificateholders; amending s. 460.4166, F.S.;  
28 authorizing registered chiropractic assistants  
29 to be under the direct supervision of a  
30 certified chiropractic physician's assistant;  
31 amending s. 461.003, F.S.; defining the term

1 "certified podiatric X-ray assistant" and the  
2 term "direct supervision" with respect thereto;  
3 redefining the term "practice of podiatric  
4 medicine"; amending s. 461.006, F.S.; revising  
5 the residency requirement to practice podiatric  
6 medicine; amending s. 461.007, F.S.; revising  
7 requirements for renewal of license to practice  
8 podiatric medicine; revising requirements for  
9 submitting fingerprints to the department for  
10 renewal of licensure; amending s. 461.013,  
11 F.S.; revising and providing grounds for  
12 discipline; providing penalties; creating s.  
13 461.0135, F.S.; providing requirements for  
14 operation of X-ray machines by certified  
15 podiatric X-ray assistants; amending s.  
16 464.008, F.S.; providing for remediation upon  
17 failure to pass the examination to practice  
18 nursing a specified number of times; amending  
19 s. 464.022, F.S.; providing an exemption from  
20 regulation relating to remedial courses;  
21 amending s. 465.003, F.S.; defining the term  
22 "data communication device"; amending s.  
23 465.016, F.S.; authorizing the redispensing of  
24 unused or returned unit-dose medication by  
25 correctional facilities under certain  
26 conditions; providing a ground for which a  
27 pharmacist may be subject to discipline by the  
28 Board of Pharmacy; increasing the  
29 administrative fine; amending ss. 465.014,  
30 465.015, 465.0196, 468.812, 499.003, F.S.;  
31 correcting cross-references, to conform;

1 creating the Task Force for the Study of  
2 Collaborative Drug Therapy Management;  
3 providing for staff support from the  
4 department; providing for participation by  
5 specified associations and entities; providing  
6 responsibilities; requiring a report to the  
7 Legislature; amending s. 466.021, F.S.;  
8 revising requirements relating to dental work  
9 orders required of unlicensed persons; amending  
10 s. 468.1155, F.S.; revising requirements for  
11 provisional licensure to practice  
12 speech-language pathology or audiology;  
13 amending s. 468.1215, F.S.; revising  
14 requirements for certification as a  
15 speech-language pathologist or audiologist  
16 assistant; amending s. 468.307, F.S.;  
17 authorizing the issuance of subcategory  
18 certificates in the field of radiologic  
19 technology; amending s. 468.506, F.S.;  
20 correcting references; amending s. 468.701,  
21 F.S.; revising and removing definitions;  
22 amending s. 468.703, F.S.; replacing the  
23 Council of Athletic Training with a Board of  
24 Athletic Training; providing for appointment of  
25 board members and their successors; providing  
26 for staggering of terms; providing for  
27 applicability of other provisions of law  
28 relating to activities of regulatory boards;  
29 providing for the board's headquarters;  
30 amending ss. 468.705, 468.707, 468.709,  
31 468.711, 468.719, 468.721, F.S., relating to

1 rulemaking authority, licensure by examination,  
2 fees, continuing education, disciplinary  
3 actions, and certain regulatory transition;  
4 transferring to the board certain duties of the  
5 department relating to regulation of athletic  
6 trainers; amending s. 20.43, F.S.; placing the  
7 board under the Division of Medical Quality  
8 Assurance of the department; providing for  
9 termination of the council and the terms of  
10 council members; authorizing consideration of  
11 former council members for appointment to the  
12 board; amending s. 468.805, F.S.; revising  
13 grandfathering provisions for the practice of  
14 orthotics, prosthetics, or pedorthics; amending  
15 s. 468.806, F.S.; providing for approval of  
16 continuing education providers; amending s.  
17 478.42, F.S.; redefining the term "electrolysis  
18 or electrology"; amending s. 483.807, F.S.;  
19 revising provisions relating to fees for  
20 approval as a laboratory training program;  
21 amending s. 483.809, F.S.; revising  
22 requirements relating to examination of  
23 clinical laboratory personnel for licensure and  
24 to registration of clinical laboratory  
25 trainees; amending s. 483.812, F.S.; revising  
26 qualification requirements for licensure of  
27 public health laboratory scientists; amending  
28 s. 483.813, F.S.; eliminating a provision  
29 authorizing conditional licensure of clinical  
30 laboratory personnel for a specified period;  
31 amending s. 483.821, F.S.; authorizing



1 continuing education or retraining for  
2 candidates who fail an examination a specified  
3 number of times; amending s. 483.824, F.S.;  
4 revising qualifications of clinical laboratory  
5 directors; amending s. 483.825, F.S.; revising  
6 and providing grounds for discipline; providing  
7 penalties; amending s. 483.901, F.S.;  
8 correcting a reference; eliminating a provision  
9 authorizing temporary licensure as a medical  
10 physicist; correcting the name of a trust fund;  
11 amending s. 484.007, F.S.; revising  
12 requirements for opticians who supervise  
13 apprentices; amending s. 484.0512, F.S.;  
14 requiring sellers of hearing aids to refund  
15 within a specified period all moneys required  
16 to be refunded under trial-period provisions;  
17 amending s. 484.053, F.S.; increasing the  
18 penalty applicable to prohibited acts relating  
19 to the dispensing of hearing aids; amending s.  
20 484.056, F.S.; providing that violation of  
21 trial-period requirements is a ground for  
22 disciplinary action; providing penalties;  
23 amending ss. 486.041, 486.081, 486.103, and  
24 486.107, F.S.; eliminating provisions  
25 authorizing issuance of a temporary permit to  
26 work as a physical therapist or physical  
27 therapist assistant; amending s. 490.005, F.S.;  
28 revising educational requirements for licensure  
29 as a psychologist by examination; changing a  
30 date, to defer certain educational  
31 requirements; amending s. 490.006, F.S.;

1 providing additional requirements for licensure  
2 as a psychologist by endorsement; amending s.  
3 490.0085, F.S.; correcting the name of a trust  
4 fund; amending s. 490.0148, F.S.; authorizing  
5 release of a patient's psychological record to  
6 certain persons pursuant to workers'  
7 compensation provisions; amending s. 491.0045,  
8 F.S.; revising requirements for registration as  
9 a clinical social worker intern, marriage and  
10 family therapist intern, or mental health  
11 counselor intern; amending s. 491.0046, F.S.;  
12 revising requirements for provisional licensure  
13 of clinical social workers, marriage and family  
14 therapists, and mental health counselors;  
15 amending s. 491.005, F.S.; revising  
16 requirements for licensure of clinical social  
17 workers, marriage and family therapists, and  
18 mental health counselors; providing for  
19 certification of education of interns;  
20 providing rulemaking authority to implement  
21 education and experience requirements for  
22 licensure as a clinical social worker, marriage  
23 and family therapist, or mental health  
24 counselor; revising future licensure  
25 requirements for mental health counselors and  
26 providing rulemaking authority for  
27 implementation thereof; amending s. 491.006,  
28 F.S.; revising requirements for licensure or  
29 certification by endorsement; amending s.  
30 491.0085, F.S.; requiring laws and rules  
31 courses and providing for approval thereof,

1 including providers and programs; correcting  
2 the name of a trust fund; amending s. 491.014,  
3 F.S.; revising an exemption from regulation  
4 relating to certain temporally limited  
5 services; amending s. 499.012, F.S.; redefining  
6 the term "wholesale distribution," relating to  
7 the distribution of prescription drugs, to  
8 provide for the exclusion of certain  
9 activities; amending ss. 626.883, 641.316,  
10 F.S.; requiring payments to a health care  
11 provider by a fiscal intermediary to include an  
12 explanation of services provided; creating a  
13 Task Force on Telehealth; providing its duties;  
14 requiring a report; amending s. 468.352, F.S.;  
15 redefining the term "board"; amending s.  
16 468.353, F.S.; conforming provisions; providing  
17 for the adoption of rules; amending s. 468.354,  
18 F.S.; creating the Board of Respiratory Care;  
19 providing for membership, powers, and duties;  
20 amending s. 468.355, F.S.; providing for  
21 periodic rather than annual review of certain  
22 examinations and standards; amending s.  
23 458.357, F.S.; conforming provisions; deleting  
24 obsolete provisions; amending s. 468.364, F.S.;  
25 deleting an examination fee; amending s.  
26 468.365, F.S.; conforming provisions; amending  
27 s. 400.462, F.S.; defining the term "home  
28 health aide" and redefining the term "nurse  
29 registry" amending s. 400.506, F.S.;  
30 authorizing nurse registries to refer home  
31 health aids for contract; conforming

1 provisions; deleting a dual-registration  
2 requirement; amending s. 464.016, F.S.;  
3 providing that the use of the title "nurse"  
4 without being licensed or certified is a crime;  
5 amending s. 458.3115, F.S.; revising  
6 requirements with respect to eligibility of  
7 certain foreign-licensed physicians to take and  
8 pass standardized examinations; amending s.  
9 458.3124, F.S.; changing the date by which  
10 application for a restricted license must be  
11 submitted; amending s. 301, ch. 98-166, Laws of  
12 Florida; prescribing fees for foreign-licensed  
13 physicians taking a certain examination;  
14 amending s. 455.601, F.S.; providing that  
15 certain licensees and employees of health care  
16 facilities who contract blood-borne infections  
17 have a rebuttable presumption that the illness  
18 was contracted in the course of employment  
19 under certain circumstances; creating part XV  
20 of chapter 468, F.S.; providing definitions;  
21 requiring that the Department of Health  
22 maintain a state registry of certified nursing  
23 assistants; authorizing the department to  
24 contract for examination services; providing  
25 requirements for obtaining certification as a  
26 certified nursing assistant; requiring that the  
27 department adopt rules governing initial  
28 certification; specifying grounds for which the  
29 department may deny, suspend, or revoke a  
30 person's certification; authorizing the  
31 department to exempt an applicant or

1 certificateholder from disqualification of  
2 certification; providing requirements for  
3 records and meetings held for disciplinary  
4 actions; exempting an employer from liability  
5 for terminating a certified nursing assistant  
6 under certain circumstances; providing  
7 penalties; providing for background screening;  
8 providing rulemaking authority; requiring  
9 persons who employ certified nursing assistants  
10 to make certain reports to the Department of  
11 Health; requiring that the department update  
12 the certified nursing assistant registry;  
13 providing for future repeal of such provisions;  
14 amending s. 400.211, F.S.; deleting obsolete  
15 provisions with respect to the regulation of  
16 certified nursing assistants; amending s.  
17 490.003, F.S.; revising the definition of  
18 psychologist; amending s. 455.691, F.S.;  
19 providing a civil cause of action for treble  
20 damages, attorney's fees, and costs for  
21 disclosure of confidential information;  
22 amending s. 465.017, F.S.; prescribing  
23 additional persons entitled to inspect records  
24 of pharmacies; providing effective dates.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Paragraph (b) of subsection (3) of section  
29 232.435, Florida Statutes, is amended to read:

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

1 (3)

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

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

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

11 (2) DEFINITIONS.--As used in this section and s.  
12 381.0261, the term:

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

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

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

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

23 Section 3. Subsection (4) of section 381.0261, Florida  
24 Statutes, 1998 Supplement, is amended to read:

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

27 (4)(a) An administrative fine may be imposed by the  
28 Agency for Health Care Administration when any ~~health care~~  
29 ~~provider or~~ health care facility fails to make available to  
30 patients a summary of their rights, pursuant to s. 381.026 and  
31 this section. Initial nonwillful violations shall be subject

1 to corrective action and shall not be subject to an  
2 administrative fine. The Agency for Health Care Administration  
3 may levy a fine against a health care facility of up to \$5,000  
4 for nonwillful violations, and up to \$25,000 for intentional  
5 and willful violations. Each intentional and willful violation  
6 constitutes a separate violation and is subject to a separate  
7 fine.

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

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

22 455.501 Definitions.--As used in this part, the term:

23 (4) "Health care practitioner" means any person  
24 licensed under s. 400.211; chapter 457; chapter 458; chapter  
25 459; chapter 460; chapter 461; chapter 462; chapter 463;  
26 chapter 464; chapter 465; chapter 466; chapter 467; part I,  
27 part II, part III, part V, or part X, part XIII, or part XIV  
28 of chapter 468; chapter 478; chapter 480; part III or part IV  
29 of chapter 483; chapter 484; chapter 486; chapter 490; or  
30 chapter 491.

31

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

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

6           455.507 Members of Armed Forces in good standing with  
7 administrative boards or department.--

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

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

29           Section 6. Section 455.521, Florida Statutes, 1998  
30 Supplement, is amended to read:

31



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

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

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

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

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

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

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

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

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

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

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

21 Section 7. Paragraph (k) of subsection (2) of section  
22 455.557, Florida Statutes, 1998 Supplement, is amended to  
23 read:

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

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

27 (k) "Health care practitioner" means any person  
28 licensed, or, for credentialing purposes only, any person  
29 applying for licensure, under chapter 458, chapter 459,  
30 chapter 460, or chapter 461 or any person licensed under a  
31 chapter subsequently made subject to this section by the

1 department with the approval of the applicable board, except a  
2 person registered or applying for registration pursuant to s.  
3 458.345 or s. 459.021.

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

7 455.564 Department; general licensing provisions.--

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

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

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

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

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

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

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

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

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

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

5 Section 9. Subsections (1) and (4) of section 455.565,  
6 Florida Statutes, 1998 Supplement, are amended to read:

7 455.565 Designated health care professionals;  
8 information required for licensure.--

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

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

27 2. The name of each hospital at which the applicant  
28 has privileges.

29 3. The address at which the applicant will primarily  
30 conduct his or her practice.

31

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

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

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

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

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



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

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

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

29 (b) An applicant for renewed licensure who received an  
30 initial license in this state after January 1, 1992, must  
31 submit a set of fingerprints for the initial renewal of his or

1 her license after January 1, 2000, to the agency regulating  
2 that profession in accordance with procedures established  
3 under s. 458.319, s. 459.008, s. 460.407, or s. 461.007.

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

23 Section 10. Present subsections (5), (6), and (7) of  
24 section 455.5651, Florida Statutes, 1998 Supplement, are  
25 renumbered as subsections (6), (7), and (8), respectively, and  
26 a new subsection (5) is added to that section, to read:

27 455.5651 Practitioner profile; creation.--

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

31

1           Section 11. 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.

31

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 12. 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

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

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

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

1 implement this part. Interest earned shall be allocated to the  
2 various funds in accordance with the allocation of investment  
3 earnings during the period of the advance.

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

10 Section 14. Subsections (1) and (6) of section  
11 455.604, Florida Statutes, 1998 Supplement, are amended to  
12 read:

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

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

1 testing, reporting, the offering of HIV testing to pregnant  
2 women, and partner notification issues pursuant to ss. 381.004  
3 and 384.25.

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

12 Section 15. Subsection (1) of section 455.607, Florida  
13 Statutes, is amended to read:

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

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

29 Section 16. Paragraphs (t), (u), (v), (w), and (x) are  
30 added to subsection (1) of section 455.624, Florida Statutes,  
31 subsection (2) of that section is amended, present subsection

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

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

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

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

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

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

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

31



1 of this paragraph must be reported in writing to the board, or  
2 department if there is no board, on or before October 1, 1999.

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

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

20 (a) Refusal to certify, or to certify with  
21 restrictions, an application for a license.

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

23 (c) Restriction of practice.

24 (d) Imposition of an administrative fine not to exceed  
25 ~~\$5,000~~ \$10,000 for each count or separate offense.

26 (e) Issuance of a reprimand.

27 (f) Placement of the licensee on probation for a  
28 period of time and subject to such conditions as the board, or  
29 the department when there is no board, may specify. Those  
30 conditions may include, but are not limited to, requiring the  
31 licensee to undergo treatment, attend continuing education

1 courses, submit to be reexamined, work under the supervision  
2 of another licensee, or satisfy any terms which are reasonably  
3 tailored to the violations found.

4 (g) Corrective action.

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

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

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

26 (4)(3) In addition to any other discipline imposed  
27 pursuant to this section or discipline imposed for a violation  
28 of any practice act, the board, or the department when there  
29 is no board, may assess costs related to the investigation and  
30 prosecution of the case ~~excluding costs associated with an~~  
31 ~~attorney's time~~. In any case where the board or the department

1 imposes a fine or assessment and the fine or assessment is not  
2 paid within a reasonable time, such reasonable time to be  
3 prescribed in the rules of the board, or the department when  
4 there is no board, or in the order assessing such fines or  
5 costs, the department or the Department of Legal Affairs may  
6 contract for the collection of, or bring a civil action to  
7 recover, the fine or assessment.

8 Section 17. Subsection (3) is added to section  
9 455.651, Florida Statutes, 1998 Supplement, to read:

10 455.651 Disclosure of confidential information.--

11 (3) Any person injured as a result of a violation of  
12 this section shall have a civil cause of action for treble  
13 damages, reasonable attorney's fees, and costs.

14 Section 18. Section 455.664, Florida Statutes, is  
15 amended to read:

16 455.664 Advertisement by a health care practitioner  
17 ~~provider~~ of free or discounted services; required  
18 statement.--In any advertisement for a free, discounted fee,  
19 or reduced fee service, examination, or treatment by a health  
20 care practitioner ~~provider~~ licensed under chapter 458, chapter  
21 459, chapter 460, chapter 461, chapter 462, chapter 463,  
22 chapter 464, chapter 465, chapter 466, chapter 467, chapter  
23 478, chapter 483, chapter 484, ~~or~~ chapter 486, chapter 490, or  
24 chapter 491, the following statement shall appear in capital  
25 letters clearly distinguishable from the rest of the text:  
26 THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A  
27 RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR  
28 PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT THAT  
29 IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING  
30 TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED  
31 FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required

1 statement shall not be necessary as an accompaniment to an  
2 advertisement of a licensed health care practitioner ~~provider~~  
3 defined by this section if the advertisement appears in a  
4 classified directory the primary purpose of which is to  
5 provide products and services at free, reduced, or discounted  
6 prices to consumers and in which the statement prominently  
7 appears in at least one place.

8 Section 19. Subsections (7) and (16) of section  
9 455.667, Florida Statutes, 1998 Supplement, are amended to  
10 read:

11 455.667 Ownership and control of patient records;  
12 report or copies of records to be furnished.--

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

29 2. The department may obtain patient records and  
30 insurance information pursuant to a subpoena without written  
31 authorization from the patient if the department and the

1 probable cause panel of the appropriate board, if any, find  
2 reasonable cause to believe that a health care practitioner  
3 has provided inadequate medical care based on termination of  
4 insurance and also find that appropriate, reasonable attempts  
5 were made to obtain a patient release.

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

31

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

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

31

1           Section 20. Subsection (3) is added to section  
2 455.687, Florida Statutes, to read:

3           455.687 Certain health care practitioners; immediate  
4 suspension of license.--

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

16           Section 21. Section 455.694, Florida Statutes, 1998  
17 Supplement, is amended to read:

18           455.694 Financial responsibility requirements for  
19 ~~Boards regulating~~ certain health care practitioners.--

20           (1) As a prerequisite for licensure or license  
21 renewal, the Board of Acupuncture, the Board of Chiropractic  
22 Medicine, the Board of Podiatric Medicine, and the Board of  
23 Dentistry shall, by rule, require that all health care  
24 practitioners licensed under the respective board, and the  
25 Board of Nursing shall, by rule, require that advanced  
26 registered nurse practitioners certified under s. 464.012, and  
27 the department shall, by rule, require that midwives maintain  
28 medical malpractice insurance or provide proof of financial  
29 responsibility in an amount and in a manner determined by the  
30 board or department to be sufficient to cover claims arising  
31

1 out of the rendering of or failure to render professional care  
2 and services in this state.

3 (2) The board or department may grant exemptions upon  
4 application by practitioners meeting any of the following  
5 criteria:

6 (a) Any person licensed under chapter 457, chapter  
7 460, chapter 461, s. 464.012, ~~or~~ chapter 466, or chapter 467  
8 who practices exclusively as an officer, employee, or agent of  
9 the Federal Government or of the state or its agencies or its  
10 subdivisions. For the purposes of this subsection, an agent  
11 of the state, its agencies, or its subdivisions is a person  
12 who is eligible for coverage under any self-insurance or  
13 insurance program authorized by the provisions of s.  
14 768.28(15) or who is a volunteer under s. 110.501(1).

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

28 (c) Any person holding a limited license pursuant to  
29 s. 455.561, and practicing under the scope of such limited  
30 license.

31



1 (d) Any person licensed or certified under chapter  
2 457, chapter 460, chapter 461, s. 464.012, ~~or~~ chapter 466, or  
3 chapter 467 who practices only in conjunction with his or her  
4 teaching duties at an accredited school or in its main  
5 teaching hospitals. Such person may engage in the practice of  
6 medicine to the extent that such practice is incidental to and  
7 a necessary part of duties in connection with the teaching  
8 position in the school.

9 (e) Any person holding an active license or  
10 certification under chapter 457, chapter 460, chapter 461, s.  
11 464.012, ~~or~~ chapter 466, or chapter 467 who is not practicing  
12 in this state. If such person initiates or resumes practice  
13 in this state, he or she must notify the department of such  
14 activity.

15 (f) Any person who can demonstrate to the board or  
16 department that he or she has no malpractice exposure in the  
17 state.

18 (3) Notwithstanding the provisions of this section,  
19 the financial responsibility requirements of ss. 458.320 and  
20 459.0085 shall continue to apply to practitioners licensed  
21 under those chapters.

22 Section 22. Section 455.712, Florida Statutes, is  
23 created to read:

24 455.712 Business establishments; requirements for  
25 active status licenses.--

26 (1) A business establishment regulated by the Division  
27 of Medical Quality Assurance pursuant to this part may provide  
28 regulated services only if the business establishment has an  
29 active status license. A business establishment that provides  
30 regulated services without an active status license is in  
31 violation of this section and s. 455.624, and the board, or

1 the department if there is no board, may impose discipline on  
2 the business establishment.

3 (2) A business establishment must apply with a  
4 complete application, as defined by rule of the board, or the  
5 department if there is no board, to renew an active status  
6 license before the license expires. If a business  
7 establishment fails to renew before the license expires, the  
8 license becomes delinquent, except as otherwise provided in  
9 statute, in the license cycle following expiration.

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

20 (4) The status or a change in status of a business  
21 establishment license does not alter in any way the right of  
22 the board, or of the department if there is no board, to  
23 impose discipline or to enforce discipline previously imposed  
24 on a business establishment for acts or omissions committed by  
25 the business establishment while holding a license, whether  
26 active or null.

27 (5) This section applies to any business establishment  
28 registered, permitted, or licensed by the department to do  
29 business. Business establishments include, but are not limited  
30 to, dental laboratories, electrology facilities, massage  
31 establishments, pharmacies, and health care services pools.

1           Section 23. Subsection (7) is added to section  
2 457.102, Florida Statutes, 1998 Supplement, to read:

3           457.102 Definitions.--As used in this chapter:

4           (7) "Prescriptive rights" means the prescription,  
5 administration, and use of needles and devices, restricted  
6 devices, and prescription devices that are used in the  
7 practice of acupuncture and oriental medicine.

8           Section 24. Subsections (2) and (4) of section  
9 458.307, Florida Statutes, 1998 Supplement, are amended to  
10 read:

11           458.307 Board of Medicine.--

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

27           (4) The board, in conjunction with the department,  
28 shall establish a disciplinary training program for board  
29 members. The program shall provide for initial and periodic  
30 training in the grounds for disciplinary action, the actions  
31 which may be taken by the board and the department, changes in

1 relevant statutes and rules, and any relevant judicial and  
2 administrative decisions. ~~After January 1, 1989,~~No member of  
3 the board shall participate on probable cause panels or in  
4 disciplinary decisions of the board unless he or she has  
5 completed the disciplinary training program.

6 Section 25. Subsection (3) is added to section  
7 458.309, Florida Statutes, 1998 Supplement, to read:

8 458.309 Authority to make rules.--

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

20 Section 26. Section 458.311, Florida Statutes, 1998  
21 Supplement, is amended to read:

22 458.311 Licensure by examination; requirements;  
23 fees.--

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

29 (a) Has completed the application form and remitted a  
30 nonrefundable application fee not to exceed \$500 ~~and an~~  
31 ~~examination fee not to exceed \$300 plus the actual per~~

1 ~~applicant cost to the department for purchase of the~~  
2 ~~examination from the Federation of State Medical Boards of the~~  
3 ~~United States or a similar national organization, which is~~  
4 ~~refundable if the applicant is found to be ineligible to take~~  
5 ~~the examination.~~

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

7 (c) Is of good moral character.

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

11 (e) For any applicant who has graduated from medical  
12 school after October 1, 1992, has completed the equivalent of  
13 2 academic years of preprofessional, postsecondary education,  
14 as determined by rule of the board, which shall include, at a  
15 minimum, courses in such fields as anatomy, biology, and  
16 chemistry prior to entering medical school.

17 (f) Meets one of the following medical education and  
18 postgraduate training requirements:

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

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

31

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

3           2.a. Is a graduate of an allopathic ~~a~~ foreign medical  
4 school registered with the World Health Organization and  
5 certified pursuant to s. 458.314 as having met the standards  
6 required to accredit medical schools in the United States or  
7 reasonably comparable standards;

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

15           c. Has completed an approved residency of at least 1  
16 year.

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

19           b. Has had his or her medical credentials evaluated by  
20 the Educational Commission for Foreign Medical Graduates,  
21 holds an active, valid certificate issued by that commission,  
22 and has passed the examination utilized by that commission;  
23 and

24           c. Has completed an approved residency of at least 1  
25 year; however, after October 1, 1992, the applicant shall have  
26 completed an approved residency or fellowship of at least 2  
27 years in one specialty area. However, to be acceptable, the  
28 fellowship experience and training must be counted toward  
29 regular or subspecialty certification by a board recognized  
30 and certified by the American Board of Medical Specialties.  
31

1 (g) Has submitted to the department a set of  
2 fingerprints on a form and under procedures specified by the  
3 department, along with a payment in an amount equal to the  
4 costs incurred by the Department of Health for the criminal  
5 background check of the applicant.

6 (h) Has obtained a passing score, as established by  
7 rule of the board, on the licensure examination of the United  
8 States Medical Licensing Examination (USMLE); or a combination  
9 of the United States Medical Licensing Examination (USMLE),  
10 the examination of the Federation of State Medical Boards of  
11 the United States, Inc. (FLEX), or the examination of the  
12 National Board of Medical Examiners up to the year 2000; or  
13 for the purpose of examination of any applicant who was  
14 licensed on the basis of a state board examination and who is  
15 currently licensed in at least one other jurisdiction of the  
16 United States or Canada, and who has practiced pursuant to  
17 such licensure for a period of at least 10 years, use of the  
18 Special Purpose Examination of the Federation of State Medical  
19 Boards of the United States (SPEX) upon receipt of a passing  
20 score as established by rule of the board.

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

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

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

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

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

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

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

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

31



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

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

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

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

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

30  
31

1           (b) Certification to the department of an application  
2 for licensure, certification, or registration with  
3 restrictions on the scope of practice of the licensee; or

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

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

25           1. ~~Is a graduate of a World Health Organization~~  
26 ~~recognized foreign medical institution located in a country in~~  
27 ~~the Western Hemisphere.~~

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

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

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

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

23  
24 ~~However, applicants eligible for licensure under s. 455.581 or~~  
25 ~~subsection (9), 1988 Supplement to the Florida Statutes 1987,~~  
26 ~~as amended by s. 18, chapter 89-162, Laws of Florida, and ss.~~  
27 ~~5 and 42, chapter 89-374, Laws of Florida, and renumbered as~~  
28 ~~subsection (8) by s. 5, chapter 89-374, Laws of Florida, shall~~  
29 ~~not be eligible to apply under this subsection.~~

30           ~~(b) The holder of a restricted license issued pursuant~~  
31 ~~to this subsection may practice medicine for the first year~~

1 ~~only under the direct supervision, as defined by board rule,~~  
2 ~~of a board-approved physician.~~

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

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

19 ~~(e) Rules necessary to implement and carry out the~~  
20 ~~provisions of this subsection shall be promulgated by the~~  
21 ~~board.~~

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

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

30  
31

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

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

7           ~~(d) Remits a nonrefundable administration fee, not to~~  
8 ~~exceed \$50, and an examination fee, not to exceed \$300, plus~~  
9 ~~the actual cost per person to the department for the purchase~~  
10 ~~of the examination from the Federation of State Medical Boards~~  
11 ~~of the United States or a similar national organization. The~~  
12 ~~examination fee is refundable if the person is found to be~~  
13 ~~ineligible to take the examination.~~

14           Section 27. Section 458.3115, Florida Statutes, 1998  
15 Supplement, is amended to read:

16           458.3115 Restricted license; certain foreign-licensed  
17 physicians; ~~United States Medical Licensing Examination~~  
18 ~~(USMLE) or agency-developed~~ examination; restrictions on  
19 practice; full licensure.--

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

1 department-developed ~~agency-developed~~ examination must be made  
2 available no later than December 31, 1998, to a physician who  
3 qualifies for licensure. A person who is eligible to take and  
4 elects to take the department-developed ~~agency and~~  
5 ~~board-developed~~ examination, who has previously passed part 1  
6 or part 2 of the previously administered FLEX shall not be  
7 required to retake or pass the equivalent parts of the  
8 department-developed ~~agency-developed~~ examination, and may sit  
9 for the department-developed ~~agency and board-developed~~  
10 examination five times within 5 years.

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

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

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

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

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

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

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

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

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

29          (e) The department ~~Agency for Health Care~~  
30 ~~Administration~~ and the board shall be responsible for working  
31 with one or more organizations to offer a medical refresher

1 course designed to prepare applicants to take either licensure  
2 examination described in this section. The organizations may  
3 develop the medical refresher course, purchase such a course,  
4 or contract for such a course from a private organization that  
5 specializes in developing such courses.

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

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

17 1. Periodic and random department ~~agency~~ audits of the  
18 licensee's patient records and review of those records by the  
19 board or the department ~~agency~~.

20 2. Periodic appearances of the licensee before the  
21 board or the department ~~agency~~.

22 3. Submission of written reports to the board or the  
23 department ~~agency~~.

24 (b) A restricted licensee under this section shall  
25 practice under the supervision of a full licensee approved by  
26 the board with the first year of the licensure period being  
27 under direct supervision as defined by board rule and the  
28 second year being under indirect supervision as defined by  
29 board rule.

30 (c) The board may adopt rules necessary to implement  
31 this subsection.



1           (3)(a) A restricted license issued by the department  
2 ~~agency~~ under this section is valid for 2 years unless sooner  
3 revoked or suspended, and a restricted licensee is subject to  
4 the requirements of this chapter, part II of chapter 455, and  
5 any other provision of law not in conflict with this section.  
6 Upon expiration of such restricted license, a restricted  
7 licensee shall become a full licensee if the restricted  
8 licensee:

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

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

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

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

25           Section 28. Subsections (1), (2), and (8) of section  
26 458.313, Florida Statutes, are amended to read:

27           458.313 Licensure by endorsement; requirements;  
28 fees.--

29           (1) The department shall issue a license by  
30 endorsement to any applicant who, upon applying to the  
31 department on forms furnished by the department and remitting

1 a fee set by the board not to exceed \$500 ~~set by the board~~,  
2 the board certifies:

3 (a) Has met the qualifications for licensure in s.  
4 458.311(1)(b)-(g) or in s. 458.311(1)(b)-(e) and (g) and (3);

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

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

31

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

9           ~~(b) The board may require an applicant for licensure~~  
10 ~~by endorsement to take and pass the appropriate licensure~~  
11 ~~examination prior to certifying the applicant as eligible for~~  
12 ~~licensure.~~

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

23           Section 29. Subsection (1) of section 458.315, Florida  
24 Statutes, is amended to read:

25           458.315 Temporary certificate for practice in areas of  
26 critical need.--Any physician who is licensed to practice in  
27 any other state, whose license is currently valid, and who  
28 pays an application fee of \$300 may be issued a temporary  
29 certificate to practice in communities of Florida where there  
30 is a critical need for physicians. A certificate may be  
31 issued to a physician who will be employed by a county health

1 department, correctional facility, community health center  
2 funded by s. 329, s. 330, or s. 340 of the United States  
3 Public Health Services Act, or other entity that provides  
4 health care to indigents and that is approved by the State  
5 Health Officer. The Board of Medicine may issue this  
6 temporary certificate with the following restrictions:

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

13 (a) A recipient of a temporary certificate for  
14 practice in areas of critical need may use the license to work  
15 for any approved employer in any area of critical need  
16 approved by the board.

17 (b) The recipient of a temporary certificate for  
18 practice in areas of critical need shall, within 30 days after  
19 accepting employment, notify the board of all approved  
20 institutions in which the licensee practices and of all  
21 approved institutions where practice privileges have been  
22 denied.

23 Section 30. Section 458.3165, Florida Statutes, is  
24 amended to read:

25 458.3165 Public psychiatry certificate.--The board  
26 shall issue a public psychiatry certificate to an individual  
27 who remits an application fee not to exceed \$300, as set by  
28 the board, who is a board-certified psychiatrist, who is  
29 licensed to practice medicine without restriction in another  
30 state, and who meets the requirements in s. 458.311(1)(a)-(g)  
31 and (5). A recipient of a public psychiatry certificate may

1 use the certificate to work at any public mental health  
2 facility or program funded in part or entirely by state funds.

3 (1) Such certificate shall:

4 (a) Authorize the holder to practice only in a public  
5 mental health facility or program funded in part or entirely  
6 by state funds.

7 (b) Be issued and renewable biennially if the  
8 secretary of the Department of Health ~~and Rehabilitative~~  
9 ~~Services~~ and the chair of the department of psychiatry at one  
10 of the public medical schools or the chair of the department  
11 of psychiatry at the accredited medical school at the  
12 University of Miami recommend in writing that the certificate  
13 be issued or renewed.

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

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

19 (2) The board may take disciplinary action against a  
20 certificateholder for noncompliance with any part of this  
21 section or for any reason for which a regular licensee may be  
22 subject to discipline.

23 Section 31. Subsection (4) is added to section  
24 458.317, Florida Statutes, 1998 Supplement, to read:

25 458.317 Limited licenses.--

26 (4) Any person holding an active license to practice  
27 medicine in the state may convert that license to a limited  
28 license for the purpose of providing volunteer, uncompensated  
29 care for low-income Floridians. The applicant must submit a  
30 statement from the employing agency or institution stating  
31 that he or she will not receive compensation for any service

1 involving the practice of medicine. The application and all  
2 licensure fees, including neurological injury compensation  
3 assessments, shall be waived.

4 Section 32. Subsection (1) of section 458.319, Florida  
5 Statutes, 1998 Supplement, is amended to read:

6 458.319 Renewal of license.--

7 (1) The department shall renew a license upon receipt  
8 of the renewal application, evidence that the applicant has  
9 actively practiced medicine or has been on the active teaching  
10 faculty of an accredited medical school for at least 2 years  
11 of the immediately preceding 4 years, and a fee not to exceed  
12 \$500; provided, however, that if the licensee is either a  
13 resident physician, assistant resident physician, fellow,  
14 house physician, or intern in an approved postgraduate  
15 training program, as defined by the board by rule, the fee  
16 shall not exceed \$100 per annum. If the licensee has not  
17 actively practiced medicine for at least 2 years of the  
18 immediately preceding 4 years, the board shall require that  
19 the licensee successfully complete a board-approved clinical  
20 competency examination prior to renewal of the license.

21 "Actively practiced medicine" means that practice of medicine  
22 by physicians, including those employed by any governmental  
23 entity in community or public health, as defined by this  
24 chapter, including physicians practicing administrative  
25 medicine. An applicant for a renewed license must also submit  
26 the information required under s. 455.565 to the department on  
27 a form and under procedures specified by the department, along  
28 with payment in an amount equal to the costs incurred by the  
29 Department of Health for the statewide criminal background  
30 check of the applicant. An ~~The~~ applicant for a renewed license  
31 who received an initial license in this state after January 1,

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

1 ~~licensure~~ and is renewing his or her license ~~for the first~~  
2 ~~time~~, then the applicant need only submit the information and  
3 fee required for a statewide criminal history check.

4 Section 33. Paragraph (mm) is added to subsection (1)  
5 of section 458.331, Florida Statutes, 1998 Supplement, and  
6 subsection (2) of that section is amended to read:

7 458.331 Grounds for disciplinary action; action by the  
8 board and department.--

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

12 (mm) Failing to comply with the requirements of ss.  
13 381.026 and 381.0261 to provide patients with information  
14 about their patient rights and how to file a patient  
15 complaint.

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

21 (a) Refusal to certify, or certification with  
22 restrictions, to the department an application for licensure,  
23 certification, or registration.

24 (b) Revocation or suspension of a license.

25 (c) Restriction of practice.

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

28 (e) Issuance of a reprimand.

29 (f) Placement of the physician on probation for a  
30 period of time and subject to such conditions as the board may  
31 specify, including, but not limited to, requiring the



1 physician to submit to treatment, to attend continuing  
2 education courses, to submit to reexamination, or to work  
3 under the supervision of another physician.  
4 (g) Issuance of a letter of concern.  
5 (h) Corrective action.  
6 (i) Refund of fees billed to and collected from the  
7 patient.  
8 (j) Imposition of an administrative fine in accordance  
9 with s. 381.0261 for violations regarding patient rights.

10

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

19 Section 34. Subsection (7) of section 458.347, Florida  
20 Statutes, 1998 Supplement, is amended to read:

21 458.347 Physician assistants.--

22 (7) PHYSICIAN ASSISTANT LICENSURE.--

23 (a) Any person desiring to be licensed as a physician  
24 assistant must apply to the department. The department shall  
25 issue a license to any person certified by the council as  
26 having met the following requirements:

27 1. Is at least 18 years of age.

28 2. Has satisfactorily passed a proficiency examination  
29 by an acceptable score established by the National Commission  
30 on Certification of Physician Assistants. If an applicant  
31 does not hold a current certificate issued by the National

1 Commission on Certification of Physician Assistants and has  
2 not actively practiced as a physician assistant within the  
3 immediately preceding 4 years, the applicant must retake and  
4 successfully complete the entry-level examination of the  
5 National Commission on Certification of Physician Assistants  
6 to be eligible for licensure.

7 3. Has completed the application form and remitted an  
8 application fee not to exceed \$300 as set by the boards. An  
9 application for licensure made by a physician assistant must  
10 include:

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

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

14 c. A sworn statement of any previous revocation or  
15 denial of licensure or certification in any state.

16 d. Two letters of recommendation.

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

20 a. Has completed the application form and remitted a  
21 nonrefundable application fee not to exceed \$500 and an  
22 examination fee not to exceed \$300, plus the actual cost to  
23 the department to provide the examination. The examination  
24 fee is refundable if the applicant is found to be ineligible  
25 to take the examination. The department shall not require the  
26 applicant to pass a separate practical component of the  
27 examination. For examinations given after July 1, 1998,  
28 competencies measured through practical examinations shall be  
29 incorporated into the written examination through a  
30 multiple-choice format. The department shall translate the  
31 examination into the native language of any applicant who

1 requests and agrees to pay all costs of such translation,  
2 provided that the translation request is filed with the board  
3 office no later than 9 months before the scheduled examination  
4 and the applicant remits translation fees as specified by the  
5 department no later than 6 months before the scheduled  
6 examination, and provided that the applicant demonstrates to  
7 the department the ability to communicate orally in basic  
8 English. If the applicant is unable to pay translation costs,  
9 the applicant may take the next available examination in  
10 English if the applicant submits a request in writing by the  
11 application deadline and if the applicant is otherwise  
12 eligible under this section. To demonstrate the ability to  
13 communicate orally in basic English, a passing score or grade  
14 is required, as determined by the department or organization  
15 that developed it, on one of the following English  
16 examinations:

- 17 (I) The test for spoken English (TSE) by the  
18 Educational Testing Service (ETS);  
19 (II) The test of English as a foreign language  
20 (TOEFL), by ETS;  
21 (III) A high school or college level English course;  
22 (IV) The English examination for citizenship,  
23 Immigration and Naturalization Service.

24  
25 A notarized copy of an Educational Commission for Foreign  
26 Medical Graduates (ECFMG) certificate may also be used to  
27 demonstrate the ability to communicate in basic English.

28 b. Is an unlicensed physician who graduated from a  
29 foreign medical school listed with the World Health  
30 Organization who has not previously taken and failed the  
31 examination of the National Commission on Certification of

1 Physician Assistants and who has been certified by the Board  
2 of Medicine as having met the requirements for licensure as a  
3 medical doctor by examination as set forth in s. 458.311(1),  
4 (3), (4), and (5), with the exception that the applicant is  
5 not required to have completed an approved residency of at  
6 least 1 year and the applicant is not required to have passed  
7 the licensing examination specified under s. 458.311 or hold a  
8 valid, active certificate issued by the Educational Commission  
9 for Foreign Medical Graduates.

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

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

16 2. The department may grant temporary licensure to an  
17 applicant who meets the requirements of subparagraph 1.  
18 Between meetings of the council, the department may grant  
19 temporary licensure to practice based on the completion of all  
20 temporary licensure requirements. All such administratively  
21 issued licenses shall be reviewed and acted on at the next  
22 regular meeting of the council. A temporary license expires  
23 30 days after ~~upon~~ receipt and notice of scores to the  
24 licenseholder from the first available examination specified  
25 in subparagraph 1. following licensure by the department. An  
26 applicant who fails the proficiency examination is no longer  
27 temporarily licensed, but may apply for a one-time extension  
28 of temporary licensure after reapplying for the next available  
29 examination. Extended licensure shall expire upon failure of  
30 the licenseholder to sit for the next available examination or  
31

1 upon receipt and notice of scores to the licenseholder from  
2 such examination.

3           3. Notwithstanding any other provision of law, the  
4 examination specified pursuant to subparagraph 1. shall be  
5 administered by the department only five times. Applicants  
6 certified by the board for examination shall receive at least  
7 6 months' notice of eligibility prior to the administration of  
8 the initial examination. Subsequent examinations shall be  
9 administered at 1-year intervals following the reporting of  
10 the scores of the first and subsequent examinations. For the  
11 purposes of this paragraph, the department may develop,  
12 contract for the development of, purchase, or approve an  
13 examination, ~~including a practical component,~~ that adequately  
14 measures an applicant's ability to practice with reasonable  
15 skill and safety. The minimum passing score on the  
16 examination shall be established by the department, with the  
17 advice of the board. Those applicants failing to pass that  
18 examination or any subsequent examination shall receive notice  
19 of the administration of the next examination with the notice  
20 of scores following such examination. Any applicant who  
21 passes the examination and meets the requirements of this  
22 section shall be licensed as a physician assistant with all  
23 rights defined thereby.

24           (c) The license must be renewed biennially. Each  
25 renewal must include:

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

28           2. A sworn statement of no felony convictions in the  
29 previous 2 years.

30           (d) Each licensed physician assistant shall biennially  
31 complete 100 hours of continuing medical education or shall

1 hold a current certificate issued by the National Commission  
2 on Certification of Physician Assistants.

3 (e) Upon employment as a physician assistant, a  
4 licensed physician assistant must notify the department in  
5 writing within 30 days after such employment or after any  
6 subsequent changes in the supervising physician. The  
7 notification must include the full name, Florida medical  
8 license number, specialty, and address of the supervising  
9 physician.

10 (f) Notwithstanding subparagraph (a)2., the department  
11 may grant to a recent graduate of an approved program, as  
12 specified in subsection (6), who expects to take the first  
13 examination administered by the National Commission on  
14 Certification of Physician Assistants available for  
15 registration after the applicant's graduation, a temporary  
16 license. The temporary license shall to expire 30 days after  
17 upon receipt of scores of the proficiency examination  
18 administered by the National Commission on Certification of  
19 Physician Assistants. Between meetings of the council, the  
20 department may grant a temporary license to practice based on  
21 the completion of all temporary licensure requirements. All  
22 such administratively issued licenses shall be reviewed and  
23 acted on at the next regular meeting of the council. The  
24 recent graduate may be licensed prior to employment, but must  
25 comply with paragraph (e). An applicant who has passed the  
26 proficiency examination may be granted permanent licensure. An  
27 applicant failing the proficiency examination is no longer  
28 temporarily licensed, but may reapply for a 1-year extension  
29 of temporary licensure. An applicant may not be granted more  
30 than two temporary licenses and may not be licensed as a  
31 physician assistant until he or she passes the examination

1 administered by the National Commission on Certification of  
2 Physician Assistants. As prescribed by board rule, the council  
3 may require an applicant who does not pass the licensing  
4 examination after five or more attempts to complete additional  
5 remedial education or training. The council shall prescribe  
6 the additional requirements in a manner that permits the  
7 applicant to complete the requirements and be reexamined  
8 within 2 years after the date the applicant petitions the  
9 council to retake the examination a sixth or subsequent time.

10 (g) The Board of Medicine may impose any of the  
11 penalties specified in ss. 455.624 and 458.331(2) upon a  
12 physician assistant if the physician assistant or the  
13 supervising physician has been found guilty of or is being  
14 investigated for any act that constitutes a violation of this  
15 chapter or part II of chapter 455.

16 Section 35. Section 459.005, Florida Statutes, 1998  
17 Supplement, is amended to read:

18 459.005 Rulemaking authority.--

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

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

31

1 be paid by the person seeking to register and operate the  
2 office setting in which office surgery is performed.

3 Section 36. Subsection (7) is added to section  
4 459.0075, Florida Statutes, to read:

5 459.0075 Limited licenses.--

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

16 Section 37. Subsection (1) of section 459.008, Florida  
17 Statutes, 1998 Supplement, is amended to read:

18 459.008 Renewal of licenses and certificates.--

19 (1) The department shall renew a license or  
20 certificate upon receipt of the renewal application and fee.  
21 An applicant for a renewed license must also submit the  
22 information required under s. 455.565 to the department on a  
23 form and under procedures specified by the department, along  
24 with payment in an amount equal to the costs incurred by the  
25 Department of Health for the statewide criminal background  
26 check of the applicant. An ~~The~~ applicant for a renewed license  
27 who received an initial license in this state after January 1,  
28 1992, must submit a set of fingerprints to the Department of  
29 Health on a form and under procedures specified by the  
30 department, along with payment in an amount equal to the costs  
31 incurred by the department for a national criminal background



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

1           Section 38. Paragraph (oo) is added to subsection (1)  
2 of section 459.015, Florida Statutes, 1998 Supplement, and  
3 subsection (2) of that section is amended, to read:

4           459.015 Grounds for disciplinary action by the  
5 board.--

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

9           (oo) 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, or certify with restrictions,  
17 to the department an application for certification, licensure,  
18 renewal, or reactivation.

19           (b) Revocation or suspension of a license or  
20 certificate.

21           (c) Restriction of practice.

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

24           (e) Issuance of a reprimand.

25           (f) Issuance of a letter of concern.

26           (g) Placement of the osteopathic physician on  
27 probation for a period of time and subject to such conditions  
28 as the board may specify, including, but not limited to,  
29 requiring the osteopathic physician to submit to treatment,  
30 attend continuing education courses, submit to reexamination,  
31

1 or work under the supervision of another osteopathic  
2 physician.

3 (h) Corrective action.

4 (i) Refund of fees billed to and collected from the  
5 patient.

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

8  
9 In determining what action is appropriate, the board must  
10 first consider what sanctions are necessary to protect the  
11 public or to compensate the patient. Only after those  
12 sanctions have been imposed may the disciplining authority  
13 consider and include in the order requirements designed to  
14 rehabilitate the physician. All costs associated with  
15 compliance with orders issued under this subsection are the  
16 obligation of the physician.

17 Section 39. Subsection (6) is added to section  
18 460.402, Florida Statutes, to read:

19 460.402 Exceptions.--The provisions of this chapter  
20 shall not apply to:

21 (6) A chiropractic student enrolled in a chiropractic  
22 college accredited by the Council on Chiropractic Education  
23 and participating in a community-based internship under the  
24 direct supervision of a doctor of chiropractic medicine who is  
25 credentialed as an adjunct faculty member of a chiropractic  
26 college in which the student is enrolled.

27 Section 40. Present subsections (4) through (10) of  
28 section 460.403, Florida Statutes, 1998 Supplement, are  
29 renumbered as subsections (5) through (11), respectively, a  
30 new subsection (4) is added to that section, and present  
31 subsections (6) and (9) are amended, to read:

1           460.403 Definitions.--As used in this chapter, the  
2 term:

3           (4) "Community-based internship" means a program in  
4 which a student enrolled in the last year of a chiropractic  
5 college accredited by the Council on Chiropractic Education is  
6 approved to obtain required pregraduation clinical experience  
7 in a chiropractic clinic or practice under the direct  
8 supervision of a doctor of chiropractic medicine approved as  
9 an adjunct faculty member of the chiropractic college in which  
10 the student is enrolled, according to the teaching protocols  
11 for the clinical practice requirements of the college.

12           ~~(7)(6)~~ "Direct supervision" means responsible  
13 supervision and control, with the licensed chiropractic  
14 physician assuming legal liability for the services rendered  
15 by a registered chiropractic assistant or a chiropractic  
16 student enrolled in a community-based intern program. Except  
17 in cases of emergency, direct supervision shall require the  
18 physical presence of the licensed chiropractic physician for  
19 consultation and direction of the actions of the registered  
20 chiropractic assistant or a chiropractic student enrolled in a  
21 community-based intern program. The board shall further  
22 establish rules as to what constitutes responsible direct  
23 supervision of a registered chiropractic assistant.

24           ~~(10)(9)~~ "Registered chiropractic assistant" means a  
25 person who is registered by the board to perform chiropractic  
26 services under the direct supervision of a chiropractic  
27 physician or certified chiropractic physician's assistant.

28           Section 41. Subsection (1) of section 460.406, Florida  
29 Statutes, 1998 Supplement, is amended to read:

30           460.406 Licensure by examination.--  
31

1           (1) Any person desiring to be licensed as a  
2 chiropractic physician shall apply to the department to take  
3 the licensure examination. There shall be an application fee  
4 set by the board not to exceed \$100 which shall be  
5 nonrefundable. There shall also be an examination fee not to  
6 exceed \$500 plus the actual per applicant cost to the  
7 department for purchase of portions of the examination from  
8 the National Board of Chiropractic Examiners or a similar  
9 national organization, which may be refundable if the  
10 applicant is found ineligible to take the examination. The  
11 department shall examine each applicant who the board  
12 certifies has:

13           (a) Completed the application form and remitted the  
14 appropriate fee.

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

17           (c) Submitted proof satisfactory to the department  
18 that he or she is a graduate of a chiropractic college which  
19 is accredited by or has status with the Council on  
20 Chiropractic Education or its predecessor agency. However, any  
21 applicant who is a graduate of a chiropractic college that was  
22 initially accredited by the Council on Chiropractic Education  
23 in 1995, who graduated from such college within the 4 years  
24 immediately preceding such accreditation, and who is otherwise  
25 qualified shall be eligible to take the examination. No  
26 application for a license to practice chiropractic medicine  
27 shall be denied solely because the applicant is a graduate of  
28 a chiropractic college that subscribes to one philosophy of  
29 chiropractic medicine as distinguished from another.

30           (d)1. For an applicant who has matriculated in a  
31 chiropractic college prior to July 2, 1990, completed at least

1 2 years of residence college work, consisting of a minimum of  
2 one-half the work acceptable for a bachelor's degree granted  
3 on the basis of a 4-year period of study, in a college or  
4 university accredited by an accrediting agency recognized and  
5 approved by the United States Department of Education.  
6 However, prior to being certified by the board to sit for the  
7 examination, each applicant who has matriculated in a  
8 chiropractic college after July 1, 1990, shall have been  
9 granted a bachelor's degree, based upon 4 academic years of  
10 study, by a college or university accredited by a regional  
11 accrediting agency which is a member of the Commission on  
12 Recognition of Postsecondary Accreditation.

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

29 ~~(e) Completed not less than a 3-month training program~~  
30 ~~in this state of not less than 300 hours with a chiropractic~~  
31 ~~physician licensed in this state. The chiropractic physician~~

1 ~~candidate may perform all services offered by the licensed~~  
2 ~~chiropractic physician, but must be under the supervision of~~  
3 ~~the licensed chiropractic physician until the results of the~~  
4 ~~first licensure examination for which the candidate has~~  
5 ~~qualified have been received, at which time the candidate's~~  
6 ~~training program shall be terminated. However, an applicant~~  
7 ~~who has practiced chiropractic medicine in any other state,~~  
8 ~~territory, or jurisdiction of the United States or any foreign~~  
9 ~~national jurisdiction for at least 5 years as a licensed~~  
10 ~~chiropractic physician need not be required to complete the~~  
11 ~~3-month training program as a requirement for licensure.~~

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

17       (f)~~(g)~~ Submitted to the department a set of  
18 fingerprints on a form and under procedures specified by the  
19 department, along with payment in an amount equal to the costs  
20 incurred by the Department of Health for the criminal  
21 background check of the applicant.

22       Section 42. Subsection (1) of section 460.407, Florida  
23 Statutes, 1998 Supplement, is amended to read:

24       460.407 Renewal of license.--

25       (1) The department shall renew a license upon receipt  
26 of the renewal application and the fee set by the board not to  
27 exceed \$500. An applicant for a renewed license must also  
28 submit the information required under s. 455.565 to the  
29 department on a form and under procedures specified by the  
30 department, along with payment in an amount equal to the costs  
31 incurred by the Department of Health for the statewide

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



1 practice in this state after January 1, 1992, and has  
2 submitted fingerprints to the department for a national  
3 criminal history check ~~upon initial licensure~~ and is renewing  
4 his or her license ~~for the first time~~, then the applicant need  
5 only submit the information and fee required for a statewide  
6 criminal history check.

7 Section 43. Paragraphs (p) and (dd) of subsection (1)  
8 and paragraph (b) of subsection (2) of section 460.413,  
9 Florida Statutes, 1998 Supplement, are amended to read:

10 460.413 Grounds for disciplinary action; action by the  
11 board.--

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

15 (p) Prescribing, dispensing, or administering any  
16 medicinal drug except as authorized by s. 460.403(9)(c)2.~~s.~~  
17 ~~460.403(8)(c)2.~~, performing any surgery, or practicing  
18 obstetrics.

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

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

24 (d) Imposition of an administrative fine not to exceed  
25 \$10,000~~\$2,000~~ for each count or separate offense.

26  
27 In determining what action is appropriate, the board must  
28 first consider what sanctions are necessary to protect the  
29 public or to compensate the patient. Only after those  
30 sanctions have been imposed may the disciplining authority  
31 consider and include in the order requirements designed to

1 rehabilitate the chiropractic physician. All costs associated  
2 with compliance with orders issued under this subsection are  
3 the obligation of the chiropractic physician.

4 Section 44. Section 460.4165, Florida Statutes, is  
5 amended to read:

6 460.4165 Certified chiropractic physician's  
7 assistants.--

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

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

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

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

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

3 (d) On calls outside of the said office of the  
4 chiropractic physician to whom she or he is assigned, on the  
5 direct order of the chiropractic physician to whom she or he  
6 is assigned.

7 (3) THIRD-PARTY PAYORS.--This chapter does not prevent  
8 third-party payors from reimbursing employers of chiropractic  
9 physicians' assistants for covered services rendered by  
10 certified chiropractic physicians' assistants.

11 (4)(3) PERFORMANCE BY TRAINEES.--Notwithstanding any  
12 other provision of law, a trainee may perform chiropractic  
13 services when such services are rendered within the scope of  
14 an approved program.

15 (5)(4) PROGRAM APPROVAL.--The department shall issue  
16 certificates of approval for programs for the education and  
17 training of certified chiropractic physician's assistants  
18 which meet board standards. Any basic program curriculum  
19 certified by the board shall cover a period of 24 months. The  
20 curriculum must consist of at least 200 didactic classroom  
21 hours during those 24 months.

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

27 (b) The board shall create groups of specialty  
28 classifications of training for certified chiropractic  
29 physician's assistants. These classifications shall reflect  
30 the training and experience of the certified chiropractic  
31 physician's assistant. The certified chiropractic physician's

1 assistant may receive training in one or more such  
2 classifications, which shall be shown on the certificate  
3 issued.

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

12 (6)(5) APPLICATION APPROVAL.--Any person desiring to  
13 be licensed as a certified chiropractic physician's assistant  
14 must apply to the department. The department shall issue a  
15 certificate to any person certified by the board as having met  
16 the following requirements:

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

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

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

29 1. A certificate of completion of a chiropractic  
30 physician's assistant training program specified in subsection  
31 (5).

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

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

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

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

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

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

22  
23 ~~The board shall certify an application by a licensed~~  
24 ~~chiropractic physician to supervise a certified chiropractic~~  
25 ~~physician's assistant when the proposed assistant is a~~  
26 ~~graduate of an approved program or its equivalent and is fully~~  
27 ~~qualified by reason of experience and education to perform~~  
28 ~~chiropractic services under the responsible supervision of a~~  
29 ~~licensed chiropractic physician and when the board is~~  
30 ~~satisfied that the public will be adequately protected by the~~  
31 ~~arrangement proposed in the application.~~

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

9           (7)~~(6)~~ PENALTY.--Any person who has not been certified  
10 by the board and approved by the department and who represents  
11 herself or himself as a certified chiropractic physician's  
12 assistant or who uses any other term in indicating or implying  
13 that she or he is a certified chiropractic physician's  
14 assistant is guilty of a felony of the third degree,  
15 punishable as provided in s. 775.082 or s. 775.084 or by a  
16 fine not exceeding \$5,000.

17           (8)~~(7)~~ REVOCATION OF APPROVAL.--The certificate of  
18 approval to supervise a certified chiropractic physician's  
19 assistant held by any chiropractic physician or group of  
20 chiropractic physicians may be revoked when the board  
21 determines that the intent of this section is not being  
22 carried out.

23           (9)~~(8)~~ FEES.--

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

28           (b) Upon approval of an application for certification  
29 of a certified chiropractic physician's assistant in a  
30 specialty area, the applicant shall be charged an initial  
31 certification fee for the first biennium not to exceed \$250;

1 and a biennial renewal fee not to exceed \$250 shall accompany  
2 each application for renewal of the certified chiropractic  
3 physician's assistant certificate.

4 (10)~~(9)~~ EXISTING PROGRAMS.--Nothing in this section  
5 shall be construed to eliminate or supersede existing laws  
6 relating to other paramedical professions or services. It is  
7 the intent of this section to supplement all such existing  
8 programs relating to the certification and the practice of  
9 paramedical professions as may be authorized by law.

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

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

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

24 (a) Each renewal must include:

25 1. A renewal fee as set by board pursuant to this  
26 section.

27 2. A sworn statement of no felony convictions in the  
28 previous 2 years in any jurisdiction.

29 (b) Each certified chiropractic physician's assistant  
30 shall biennially complete 24 hours of continuing education  
31 courses sponsored by chiropractic colleges accredited by the

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

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

16       Section 45. Persons holding certificates as certified  
17 chiropractic physicians' assistants on the effective date of  
18 this act need not reapply for certification, but must comply  
19 with biennial renewal requirements as provided in section  
20 460.4165(6), Florida Statutes. The requirement for completion  
21 of the continuing education requirements for biennial renewal  
22 of the certificate shall not take effect until the beginning  
23 of the next biennial renewal period following the effective  
24 date of this act.

25       Section 46. Section 460.4166, Florida Statutes, is  
26 amended to read:

27       460.4166 Registered chiropractic assistants.--

28       (1) DEFINITION.--As used in this section, "registered  
29 chiropractic assistant" means a professional, multiskilled  
30 person dedicated to assisting in all aspects of chiropractic  
31 medical practice under the direct supervision and



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

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

14 (a) Perform clinical procedures, which include:

- 15 1. Preparing patients for the chiropractic physician's  
16 care.  
17 2. Taking vital signs.  
18 3. Observing and reporting patients' signs or  
19 symptoms.

20 (b) Administer basic first aid.

21 (c) Assist with patient examinations or treatments  
22 other than manipulations or adjustments.

23 (d) Operate office equipment.

24 (e) Collect routine laboratory specimens as directed  
25 by the chiropractic physician or certified chiropractic  
26 physician's assistant.

27 (f) Administer nutritional supplements as directed by  
28 the chiropractic physician or certified chiropractic  
29 physician's assistant.

30 (g) Perform office procedures required by the  
31 chiropractic physician or certified chiropractic physician's

1 assistant under direct supervision of the chiropractic  
2 physician or certified chiropractic physician's assistant.

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

6 Section 47. Section 461.003, Florida Statutes, 1998  
7 Supplement, is amended to read:

8 461.003 Definitions.--As used in this chapter:

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

10 (1)(2) "Board" means the Board of Podiatric Medicine  
11 as created in this chapter.

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

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

23 ~~(3) "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~~

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

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

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

16 Section 48. Paragraph (d) of subsection (1) of section  
17 461.006, Florida Statutes, 1998 Supplement, is amended to  
18 read:

19 461.006 Licensure by examination.--

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

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

27 1. One year of residency in a residency program  
28 approved by the board, and if it has been 4 or more years  
29 since the completion of that residency, active licensed  
30 practice of podiatric medicine in another jurisdiction for at  
31 least 2 of the immediately preceding 4 years, or successful

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

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

16           Section 49. Subsection (1) of section 461.007, Florida  
17 Statutes, 1998 Supplement, is amended to read:

18           461.007 Renewal of license.--

19           (1) The department shall renew a license upon receipt  
20 of the renewal application and a fee not to exceed \$350 set by  
21 the board, and evidence that the applicant has actively  
22 practiced podiatric medicine or has been on the active  
23 teaching faculty of an accredited school of podiatric medicine  
24 for at least 2 years of the immediately preceding 4 years. If  
25 the licensee has not actively practiced podiatric medicine for  
26 at least 2 years of the immediately preceding 4 years, the  
27 board shall require that the licensee successfully complete a  
28 board-approved course prior to renewal of the license. For  
29 purposes of this subsection, "actively practiced podiatric  
30 medicine" means the licensed practice of podiatric medicine as  
31 defined in s. 461.003(5) by podiatric physicians, including

1 podiatric physicians employed by any governmental entity, on  
2 the active teaching faculty of an accredited school of  
3 podiatric medicine, or practicing administrative podiatric  
4 medicine. An applicant for a renewed license must also submit  
5 the information required under s. 455.565 to the department on  
6 a form and under procedures specified by the department, along  
7 with payment in an amount equal to the costs incurred by the  
8 Department of Health for the statewide criminal background  
9 check of the applicant. An ~~The~~ applicant for a renewed license  
10 who received an initial license in this state after January 1,  
11 1992, must submit a set of fingerprints to the Department of  
12 Health on a form and under procedures specified by the  
13 department, along with payment in an amount equal to the costs  
14 incurred by the department for a national criminal background  
15 check of the applicant for the initial renewal of his or her  
16 license after January 1, 2000. If the applicant fails to  
17 submit either the information required under s. 455.565 or a  
18 set of fingerprints to the department as required by this  
19 section, the department shall issue a notice of noncompliance,  
20 and the applicant will be given 30 additional days to comply.  
21 If the applicant fails to comply within 30 days after the  
22 notice of noncompliance is issued, the department or board, as  
23 appropriate, may issue a citation to the applicant and may  
24 fine the applicant up to \$50 for each day that the applicant  
25 is not in compliance with the requirements of s. 455.565. The  
26 citation must clearly state that the applicant may choose, in  
27 lieu of accepting the citation, to follow the procedure under  
28 s. 455.621. If the applicant disputes the matter in the  
29 citation, the procedures set forth in s. 455.621 must be  
30 followed. However, if the applicant does not dispute the  
31 matter in the citation with the department within 30 days

1 after the citation is served, the citation becomes a final  
2 order and constitutes discipline. Service of a citation may be  
3 made by personal service or certified mail, restricted  
4 delivery, to the subject at the applicant's last known  
5 address. The department may not delay renewing a license due  
6 to the processing of a statewide criminal history check or a  
7 national criminal background check. If an applicant has  
8 received an initial license to practice in this state after  
9 January 1, 1992, and has submitted fingerprints to the  
10 department for a national criminal history check ~~upon initial~~  
11 ~~licensure~~ and is renewing his or her license ~~for the first~~  
12 ~~time~~, then the applicant need only submit the information and  
13 fee required for a statewide criminal history check.

14 Section 50. Paragraph (bb) is added to subsection (1)  
15 of section 461.013, Florida Statutes, 1998 Supplement, and  
16 subsection (2) of that section is amended, to read:

17 461.013 Grounds for disciplinary action; action by the  
18 board; investigations by department.--

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

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

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

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

31 (b) Revocation or suspension of a license.

- 1 (c) Restriction of practice.
- 2 (d) Imposition of an administrative fine not to exceed  
3 ~~\$10,000~~~~\$1,000~~ for each count or separate offense.
- 4 (e) Issuance of a reprimand.
- 5 (f) Placing the podiatric physician on probation for a  
6 period of time and subject to such conditions as the board may  
7 specify, including requiring the podiatric physician to submit  
8 to treatment, to attend continuing education courses, to  
9 submit to reexamination, and to work under the supervision of  
10 another podiatric physician.
- 11 (g) Imposition of an administrative fine in accordance  
12 with s. 381.0261 for violations regarding patient rights.
- 13 Section 51. Section 461.0135, Florida Statutes, is  
14 created to read:
- 15 461.0135 Operation of X-ray machines by podiatric  
16 X-ray assistants.--A licensed podiatric physician may utilize  
17 an X-ray machine, expose X-ray films, and interpret or read  
18 such films. The provision of part IV of chapter 468 to the  
19 contrary notwithstanding, a licensed podiatric physician may  
20 authorize or direct a certified podiatric X-ray assistant to  
21 operate such equipment and expose such films under the  
22 licensed podiatric physician's direction and supervision,  
23 pursuant to rules adopted by the board in accordance with s.  
24 461.004, which ensures that such certified podiatric X-ray  
25 assistant is competent to operate such equipment in a safe and  
26 efficient manner by reason of training, experience, and  
27 passage of a board-approved course which includes an  
28 examination. The board shall issue a certificate to an  
29 individual who successfully completes the board-approved  
30 course and passes the examination to be administered by the  
31 training authority upon completion of such course.

1           Section 52. Subsection (3) is added to section  
2 464.008, Florida Statutes, to read:

3           464.008 Licensure by examination.--

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

15           Section 53. Subsection (13) is added to section  
16 464.022, Florida Statutes, to read:

17           464.022 Exceptions.--No provision of this chapter  
18 shall be construed to prohibit:

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

21           Section 54. Subsections (4) through (14) of section  
22 465.003, Florida Statutes, are renumbered as subsections (5)  
23 through (15), respectively, and a new subsection (4) is added  
24 to that section, to read:

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

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

31



1           Section 55. Paragraph (1) of subsection (1) and  
2 paragraph (c) of subsection (2) of section 465.016, Florida  
3 Statutes, are amended, and paragraph (q) is added to  
4 subsection (1) of that section, to read:

5           465.016 Disciplinary actions.--

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

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

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

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

25           (c) Imposition of an administrative fine not to exceed  
26 \$5,000~~\$1,000~~ for each count or separate offense.

27           Section 56. Section 465.014, Florida Statutes, is  
28 amended to read:

29           465.014 Pharmacy technician.--No person other than a  
30 licensed pharmacist or pharmacy intern may engage in the  
31 practice of the profession of pharmacy, except that a licensed

1 pharmacist may delegate to nonlicensed pharmacy technicians  
2 those duties, tasks, and functions which do not fall within  
3 the purview of s. 465.003(13)~~(12)~~. All such delegated acts  
4 shall be performed under the direct supervision of a licensed  
5 pharmacist who shall be responsible for all such acts  
6 performed by persons under his or her supervision. A pharmacy  
7 technician, under the supervision of a pharmacist, may  
8 initiate or receive communications with a practitioner or his  
9 or her agent, on behalf of a patient, regarding refill  
10 authorization requests. No licensed pharmacist shall  
11 supervise more than one pharmacy technician unless otherwise  
12 permitted by the guidelines adopted by the board. The board  
13 shall establish guidelines to be followed by licensees or  
14 permittees in determining the circumstances under which a  
15 licensed pharmacist may supervise more than one but not more  
16 than three pharmacy technicians.

17 Section 57. Paragraph (c) of subsection (2) of section  
18 465.015, Florida Statutes, is amended to read:

19 465.015 Violations and penalties.--

20 (2) It is unlawful for any person:

21 (c) To sell or dispense drugs as defined in s.  
22 465.003(8)~~(7)~~without first being furnished with a  
23 prescription.

24 Section 58. Section 465.0196, Florida Statutes, is  
25 amended to read:

26 465.0196 Special pharmacy permits.--Any person  
27 desiring a permit to operate a pharmacy which does not fall  
28 within the definitions set forth in s. 465.003(11)~~(10)~~(a)1.,  
29 2., and 3. shall apply to the department for a special  
30 pharmacy permit. If the board certifies that the application  
31 complies with the applicable laws and rules of the board

1 governing the practice of the profession of pharmacy, the  
2 department shall issue the permit. No permit shall be issued  
3 unless a licensed pharmacist is designated to undertake the  
4 professional supervision of the compounding and dispensing of  
5 all drugs dispensed by the pharmacy. The licensed pharmacist  
6 shall be responsible for maintaining all drug records and for  
7 providing for the security of the area in the facility in  
8 which the compounding, storing, and dispensing of medicinal  
9 drugs occurs. The permittee shall notify the department  
10 within 10 days of any change of the licensed pharmacist  
11 responsible for such duties.

12 Section 59. Subsection (3) of section 468.812, Florida  
13 Statutes, is amended to read:

14 468.812 Exemptions from licensure.--

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

30 Section 60. Subsection (19) of section 499.003,  
31 Florida Statutes, is amended to read:

1           499.003 Definitions of terms used in ss.  
2 499.001-499.081.--As used in ss. 499.001-499.081, the term:  
3           (19) "Legend drug," "prescription drug," or "medicinal  
4 drug" means any drug, including, but not limited to, finished  
5 dosage forms, or active ingredients subject to, defined by, or  
6 described by s. 503(b) of the Federal Food, Drug, and Cosmetic  
7 Act or s. 465.003~~(8)(7)~~, s. 499.007(12), or s. 499.0122(1)(b)  
8 or (c).

9           Section 61. (1) There is created within the  
10 Department of Health a Task Force for the Study of  
11 Collaborative Drug Therapy Management. The department shall  
12 provide staff support for the task force. The task force shall  
13 consist of not more than 10 members nominated by the  
14 associations and entities named in this section and appointed  
15 by the Secretary of Health. Members of the task force shall  
16 not receive compensation, per diem, or reimbursement for  
17 travel expenses for service on the task force. Participation  
18 in the task force is optional and at the discretion of each  
19 identified group or entity. The task force shall include:

20           (a) One representative from each of the following  
21 associations:

- 22           1. Florida Society of Health-System Pharmacists.
- 23           2. Florida Pharmacy Association.
- 24           3. Florida Medical Association.
- 25           4. Florida Osteopathic Medical Association.
- 26           5. Florida Retail Federation.

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

- 29           1. Department of Health.

30  
31

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

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

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

10           5. Agency for Health Care Administration.

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

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

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

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

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

30           Section 62. Section 466.021, Florida Statutes, is  
31 amended to read:

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

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

15 Section 63. Paragraph (b) of subsection (2), paragraph  
16 (b) of subsection (3), and subsection (4) of section 468.1155,  
17 Florida Statutes, are amended to read:

18 468.1155 Provisional license; requirements.--

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

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

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

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

10         2. Six semester hours in audiology.

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

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

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



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

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

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

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

20           Section 64. Section 468.1215, Florida Statutes, is  
21 amended to read:

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

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

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

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

1           (b) Earned a bachelor's degree from a college or  
2 university accredited by a regional association of colleges  
3 and schools recognized by the Department of Education which  
4 includes at least 24 semester hours of coursework as approved  
5 by the board at an institution accredited by an accrediting  
6 agency recognized by the Commission on Recognition of  
7 Postsecondary Accreditation.

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

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

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

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

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

25           Section 65. Subsection (1) of section 468.307, Florida  
26 Statutes, 1998 Supplement, is amended to read:

27           468.307 Certificate; issuance; possession; display.--

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

1 this part limiting the certificateholder to a specific  
2 procedure or specific type of equipment.

3 Section 66. Section 468.506, Florida Statutes, 1998  
4 Supplement, is amended to read:

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

1 decision shall be final. The board shall fix council members'  
2 compensation and pay their expenses in the same manner as  
3 provided in s. 455.534.

4 Section 67. Section 468.701, Florida Statutes, 1998  
5 Supplement, is amended to read:

6 468.701 Definitions.--As used in this part, the term:

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

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

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

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

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

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

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

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

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

30  
31

1           ~~(9)(10)~~ "Supervision" means the easy availability of  
2 the supervisor to the athletic trainer, which includes the  
3 ability to communicate by telecommunications.

4           Section 68. Section 468.703, Florida Statutes, 1998  
5 Supplement, is amended to read:

6           468.703 Board Council of Athletic Training.--

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

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

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

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

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

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

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

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

3           (6) The board shall maintain its official headquarters  
4 in Tallahassee.

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

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

12           ~~(b) Monitoring the practice of athletic training in~~  
13 ~~other jurisdictions.~~

14           ~~(c) Educating the public about the role of athletic~~  
15 ~~trainers.~~

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

18           ~~(e) Addressing concerns and problems of athletic~~  
19 ~~trainers in order to promote improved safety in the practice~~  
20 ~~of athletic training.~~

21           ~~(4) Members of the council shall be entitled to~~  
22 ~~compensation and reimbursement for expenses in the same manner~~  
23 ~~as board members are compensated and reimbursed under s.~~  
24 ~~455.534.~~

25           Section 69. Section 468.705, Florida Statutes, 1998  
26 Supplement, is amended to read:

27           468.705 Rulemaking authority.--The board ~~department~~ is  
28 authorized to adopt rules pursuant to ss. 120.536(1) and  
29 120.54 to implement provisions of this part conferring duties  
30 upon it. Such rules shall include, but not be limited to, the  
31 allowable scope of practice regarding the use of equipment,

1 procedures, and medication, ~~and~~ requirements for a written  
2 protocol between the athletic trainer and a supervising  
3 physician, licensure requirements, licensure examination,  
4 continuing education requirements, fees, records, and reports  
5 to be filed by licensees, protocols, and any other  
6 requirements necessary to regulate the practice of athletic  
7 training.

8 Section 70. Section 468.707, Florida Statutes, 1998  
9 Supplement, is amended to read:

10 468.707 Licensure by examination; requirements.--

11 (1) Any person desiring to be licensed as an athletic  
12 trainer shall apply to the department on a form approved by  
13 the department.

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

15 1. Has completed the application form and remitted the  
16 required fees.

17 2. Is at least 21 years of age.

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

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

1           5. Has current certification in standard first aid and  
2 cardiovascular pulmonary resuscitation from the American Red  
3 Cross or an equivalent certification as determined by the  
4 board ~~department~~.

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

11           7. Has passed an examination administered or approved  
12 by the board ~~department~~.

13           (b) The department shall also license each applicant  
14 who:

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

17           2. Is at least 21 years of age.

18           3. Has current certification in standard first aid and  
19 cardiovascular pulmonary resuscitation from the American Red  
20 Cross or an equivalent certification as determined by the  
21 board ~~department~~.

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

24           b. Is currently certified by the National Athletic  
25 Trainers' Association or a comparable national athletic  
26 standards organization.

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

31



1           Section 71. Section 468.709, Florida Statutes, is  
2 amended to read:

3           468.709 Fees.--

4           (1) The board ~~department~~ shall, by rule, establish  
5 fees for the following purposes:

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

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

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

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

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

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

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

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

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

20           Section 72. Subsections (2) and (3) of section  
21 468.711, Florida Statutes, 1998 Supplement, are amended to  
22 read:

23           468.711 Renewal of license; continuing education.--

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

31

1           (3) Pursuant to the requirements of s. 455.607  
2 ~~455.604~~, each licensee shall complete a continuing education  
3 course on human immunodeficiency virus and acquired immune  
4 deficiency syndrome as part of biennial relicensure.

5           Section 73. Subsection (2) of section 468.719, Florida  
6 Statutes, 1998 Supplement, is amended to read:

7           468.719 Disciplinary actions.--

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

12           Section 74. Section 468.721, Florida Statutes, is  
13 amended to read:

14           468.721 Saving clause.--

15           ~~(1) An athletic trainer registration which is valid on~~  
16 ~~October 1, 1995, shall become for all purposes an athletic~~  
17 ~~trainer license as required by this part, subject to any~~  
18 ~~disciplinary or administrative action pending on October 1,~~  
19 ~~1995, and shall be subject to all the same terms and~~  
20 ~~conditions as athletic trainer licenses issued after October~~  
21 ~~1, 1995. The department shall retain jurisdiction to impose~~  
22 ~~discipline for any violation of this part which occurred prior~~  
23 ~~to October 1, 1995, but is discovered after October 1, 1995,~~  
24 ~~under the terms of this part prior to October 1, 1995.~~

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

28           ~~(3) Rules adopted by the department relating to the~~  
29 regulation ~~registration~~ of athletic trainers under this part  
30 prior to July 1, 1999, shall remain in effect until the board  
31 ~~department~~ adopts rules relating to the regulation ~~licensure~~

1 of athletic trainers under this part which supersede such  
2 earlier rules.

3 Section 75. Paragraph (g) of subsection (3) of section  
4 20.43, Florida Statutes, 1998 Supplement, is amended to read:

5 20.43 Department of Health.--There is created a  
6 Department of Health.

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

9 (g) Division of Medical Quality Assurance, which is  
10 responsible for the following boards and professions  
11 established within the division:

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

13 2. Health care services pools, as provided under s.  
14 402.48.

15 3. The Board of Acupuncture, created under chapter  
16 457.

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

18 5. The Board of Osteopathic Medicine, created under  
19 chapter 459.

20 6. The Board of Chiropractic Medicine, created under  
21 chapter 460.

22 7. The Board of Podiatric Medicine, created under  
23 chapter 461.

24 8. Naturopathy, as provided under chapter 462.

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

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

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

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

29 13. Midwifery, as provided under chapter 467.

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

- 1           15. The Board of Nursing Home Administrators, created  
2 under part II of chapter 468.
- 3           16. The Board of Occupational Therapy, created under  
4 part III of chapter 468.
- 5           17. Respiratory therapy, as provided under part V of  
6 chapter 468.
- 7           18. Dietetics and nutrition practice, as provided  
8 under part X of chapter 468.
- 9           19. The Board of Athletic Training ~~trainers~~, created  
10 ~~as provided~~ under part XIII of chapter 468.
- 11           20. The Board of Orthotists and Prosthetists, created  
12 under part XIV of chapter 468.
- 13           21. Electrolysis, as provided under chapter 478.
- 14           22. The Board of Massage Therapy, created under  
15 chapter 480.
- 16           23. The Board of Clinical Laboratory Personnel,  
17 created under part III of chapter 483.
- 18           24. Medical physicists, as provided under part IV of  
19 chapter 483.
- 20           25. The Board of Opticianry, created under part I of  
21 chapter 484.
- 22           26. The Board of Hearing Aid Specialists, created  
23 under part II of chapter 484.
- 24           27. The Board of Physical Therapy Practice, created  
25 under chapter 486.
- 26           28. The Board of Psychology, created under chapter  
27 490.
- 28           29. School psychologists, as provided under chapter  
29 490.
- 30
- 31

1           30. The Board of Clinical Social Work, Marriage and  
2 Family Therapy, and Mental Health Counseling, created under  
3 chapter 491.

4  
5 The department may contract with the Agency for Health Care  
6 Administration who shall provide consumer complaint,  
7 investigative, and prosecutorial services required by the  
8 Division of Medical Quality Assurance, councils, or boards, as  
9 appropriate.

10           Section 76. The Council of Athletic Training and the  
11 terms of all council members are terminated on July 1, 1999.  
12 However, such termination in no way precludes the Governor  
13 from considering any former council member for appointment to  
14 the Board of Athletic Training created by this act.

15           Section 77. Section 468.805, Florida Statutes, is  
16 amended to read:

17           468.805 ~~Grandfathering licensure without examination;~~  
18 ~~provisional licensure.--~~

19           (1) A person who has practiced orthotics, prosthetics,  
20 or pedorthics in this state for the required period since July  
21 1, 1990, who, before March 1, 1998, applies to the department  
22 for a license to practice orthotics, prosthetics, or  
23 pedorthics, may be licensed as a prosthetist, orthotist,  
24 prosthetist-orthotist, orthotic fitter, orthotic fitter  
25 assistant, or pedorthist, as determined from the person's  
26 experience, certification,and educational preparation,  
27 without meeting the educational requirements set forth in s.  
28 468.803, upon receipt of the application fee and licensing fee  
29 and after the board has completed an investigation into the  
30 applicant's background and experience. The board shall require  
31 an application fee not to exceed \$500, which shall be

1 nonrefundable. The board shall complete its investigation  
2 within 6 months after receipt of the completed application.  
3 The period of experience required for licensure under this  
4 section ~~subsection~~ is 5 years for a prosthetist; 2 years for  
5 an orthotic fitter, an orthotic fitter assistant, or a  
6 pedorthist; and 5 years for an orthotist whose scope of  
7 practice is defined under s. 468.80(7).

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

13 (b) An applicant for provisional licensure shall  
14 submit proof that he or she has been actively practicing as a  
15 nationally certified orthotist, prosthetist, or  
16 prosthetist-orthotist, an application fee, and a provisional  
17 license fee.

18 (c) A provisional licensee is required to practice  
19 under supervision of a fully licensed orthotist, prosthetist,  
20 or prosthetist-orthotist for up to 3 years in order to meet  
21 the 5-year experience requirement of subsection (1) to be  
22 licensed as an orthotist, prosthetist, or  
23 prosthetist-orthotist.

24 (d) After appropriate investigation, the board shall  
25 license as an orthotist, prosthetist, or prosthetist-orthotist  
26 the provisional licensee who has successfully completed the  
27 period of experience required and otherwise meets the  
28 requirements of subsection (1).

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

1           (3) An applicant who has received certification as an  
2 orthotist, a prosthetist, a prosthetist-orthotist, or a  
3 pedorthist from a national certifying body which requires the  
4 successful completion of an examination, may be licensed under  
5 this section without taking an additional examination. An  
6 applicant who has not received certification from a national  
7 certifying body which requires the successful completion of an  
8 examination shall be required to take an examination as  
9 determined by the board. This examination shall be designed to  
10 determine if the applicant has the minimum qualifications  
11 needed to be licensed under this section. The board may charge  
12 an examination fee and the actual per applicant cost to the  
13 department for purchase or development of the examination.

14           (4) An applicant who successfully completed prior to  
15 March 1, 1998, at least one-half of the examination required  
16 for national certification and successfully completed the  
17 remaining portion of the examination and became certified  
18 prior to July 1, 1998, shall be considered as nationally  
19 certified by March 1, 1998, for purposes of this section.

20           ~~(5)(4)~~ This section is repealed July 1, 2002.

21           Section 78. Subsection (3) of section 468.806, Florida  
22 Statutes, is amended to read:

23           468.806 Biennial renewal of license.--

24           (3) The board may by rule prescribe continuing  
25 education requirements and approve course criteria, not to  
26 exceed 30 hours biennially, as a condition for license  
27 renewal. The board shall establish a procedure for approving  
28 continuing education courses and providers and may set a fee  
29 for continuing education course and provider approval.

30           Section 79. Subsection (5) of section 478.42, Florida  
31 Statutes, is amended to read:

1           478.42 Definitions.--As used in this chapter, the  
2 term:

3           (5) "Electrolysis or electrology" means the permanent  
4 removal of hair by destroying ~~introducing, into and beneath~~  
5 ~~the skin, ionizing (galvanic current) or nonionizing radiation~~  
6 ~~(thermolysis or high-frequency current) to destroy~~ the  
7 hair-producing cells of the skin and vascular system, using  
8 equipment and needle-type epilation devices approved by the  
9 board which have been cleared by and that are registered with  
10 the United States Food and Drug Administration and that are  
11 used pursuant to protocols approved by the ~~council and the~~  
12 board.

13           Section 80. Subsection (9) of section 483.807, Florida  
14 Statutes, 1998 Supplement, is amended to read:

15           483.807 Fees; establishment; disposition.--

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

19           Section 81. Subsections (2) and (3) of section  
20 483.809, Florida Statutes, are amended to read:

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

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

30           (3) REGISTRATION OF TRAINEES.--The department shall  
31 provide for ~~annual~~ registration of clinical laboratory



1 trainees who are enrolled in a training program ~~employed by~~  
2 ~~laboratories~~ approved pursuant to s. 483.811, which  
3 registration may not be renewed except upon special  
4 authorization of the board.

5 Section 82. Section 483.812, Florida Statutes, is  
6 amended to read:

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

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

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

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

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

1 Registry of Clinical Chemistry Certification to qualify for a  
2 technologist license in public health chemistry. Such a  
3 technologist may work in a public health chemistry laboratory.

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

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

17 Section 83. Section 483.813, Florida Statutes, is  
18 amended to read:

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

31

1           Section 84. Subsection (3) is added to section  
2 483.821, Florida Statutes, to read:

3           483.821 Periodic demonstration of competency;  
4 continuing education or reexamination.--

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

8           Section 85. Section 483.824, Florida Statutes, is  
9 amended to read:

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

16          (1) Be a physician licensed under chapter 458 or  
17 chapter 459;

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

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

24          Section 86. Section 483.825, Florida Statutes, is  
25 amended to read:

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

30          (1) Attempting to obtain, obtaining, or renewing a  
31 license or registration under this part by bribery, by

1 fraudulent misrepresentation, or through an error of the  
2 department or the board.

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

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

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

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

24 (6) Having been adjudged mentally or physically  
25 incompetent.

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

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

30 (9) Knowingly advertising false services or  
31 credentials.

1           (10) Having a license revoked, suspended, or otherwise  
2 acted against, including the denial of licensure, by the  
3 licensing authority of another jurisdiction. The licensing  
4 authority's acceptance of a relinquishment of a license,  
5 stipulation, consent order, or other settlement, offered in  
6 response to or in anticipation of the filing of administrative  
7 charges against the licensee, shall be construed as action  
8 against the licensee.

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

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

1 reasonable intervals be afforded an opportunity to demonstrate  
2 that he or she can resume competent practice with reasonable  
3 skill and safety to patients.

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

9 (14) Violating a previous order of the board entered  
10 in a disciplinary proceeding.

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

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

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

1 prevent a clinical laboratory professional from receiving a  
2 fee for professional consultation services.

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

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

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

17 (21) Improperly interfering with an investigation or  
18 any disciplinary proceeding.

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

25 Section 87. Paragraph (g) of subsection (4) and  
26 subsections (6) and (8) of section 483.901, Florida Statutes,  
27 1998 Supplement, are amended to read:

28 483.901 Medical physicists; definitions; licensure.--

29 (4) COUNCIL.--The Advisory Council of Medical  
30 Physicists is created in the Department of Health to advise  
31

1 the department in regulating the practice of medical physics  
2 in this state.

3 (g) If a vacancy on the council occurs, the secretary  
4 ~~director~~ shall appoint a member to serve for a 4-year term.

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

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

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

29 (c) The department may issue a license to an eligible  
30 applicant if the applicant meets all license requirements. At  
31 any time before the department issues a license, the applicant



1 may request in writing that the application be withdrawn. To  
2 reapply, the applicant must submit a new application and an  
3 additional nonrefundable application fee and must meet all  
4 current licensure requirements.

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

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

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

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

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

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

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

1 e. Is board certified in the medical physics specialty  
2 in which the applicant applies to practice by the American  
3 Board of Radiology for diagnostic radiological physics,  
4 therapeutic radiological physics, or medical nuclear  
5 radiological physics; by the American Board of Medical Physics  
6 or the Canadian Board of Medical Physics for diagnostic  
7 radiological physics, therapeutic radiological physics, or  
8 medical nuclear radiological physics; or by the American Board  
9 of Health Physics or an equivalent certifying body approved by  
10 the agency.

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

21 (f) A licensee shall:

22 1. Display the license in a place accessible to the  
23 public; and

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

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

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

31

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

3           3. Being convicted or found guilty of, or entering a  
4 plea of nolo contendere to, regardless of adjudication, a  
5 crime in any jurisdiction which relates to the practice of, or  
6 the ability to practice, the profession of medical physics.

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

11           5. Making misleading, deceptive, or fraudulent  
12 representations in or related to the practice of medical  
13 physics.

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

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

18           8. Failing to perform any statutory or legal  
19 obligation placed upon a licensee.

20           9. Aiding, assisting, procuring, employing, or  
21 advising any unlicensed person to practice medical physics  
22 contrary to this section or any rule adopted thereunder.

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

28           11. Practicing or offering to practice beyond the  
29 scope permitted by law or accepting and performing  
30 professional responsibilities the licensee knows, or has  
31 reason to know, the licensee is not competent to perform.

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

3           13. Judicially determined mental incompetency.

4           14. Being unable to practice medical physics with  
5 reasonable skill and safety because of a mental or physical  
6 condition or illness or the use of alcohol, controlled  
7 substances, or any other substance which impairs one's ability  
8 to practice.

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

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

23           c. With respect to any proceeding under this  
24 subparagraph, the record of proceedings or the orders entered  
25 by the department may not be used against a licensee in any  
26 other proceeding.

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

- 1           1. Deny the application for licensure.  
2           2. Revoke or suspend the license.  
3           3. Impose an administrative fine for each count or  
4 separate offense.  
5           4. Place the licensee on probation for a specified  
6 time and subject the licensee to such conditions as the  
7 department determines necessary, including requiring  
8 treatment, continuing education courses, or working under the  
9 monitoring or supervision of another licensee.  
10          5. Restrict a licensee's practice.  
11          6. Issue a reprimand to the licensee.  
12           (i) The department may not issue or reinstate a  
13 license to a person it has deemed unqualified until it is  
14 satisfied that such person has complied with the terms and  
15 conditions of the final order and that the licensee can safely  
16 practice medical physics.  
17           ~~(j) The department may issue a temporary license to an~~  
18 ~~applicant pending completion of the application process for~~  
19 ~~board certification.~~  
20           (j)(k) Upon receipt of a complete application and the  
21 fee set forth by rule, the department may issue a  
22 physicist-in-training certificate to a person qualified to  
23 practice medical physics under direct supervision. The  
24 department may establish by rule requirements for initial  
25 certification and renewal of a physicist-in-training  
26 certificate.  
27           (8) DISPOSITION OF FEES.--The department shall deposit  
28 all funds received into the Medical Quality Assurance Health  
29 ~~Care~~ Trust Fund.  
30           Section 88. Paragraph (d) of subsection (1) of section  
31 484.007, Florida Statutes, is amended to read:

1           484.007 Licensure of opticians; permitting of optical  
2 establishments.--

3           (1) Any person desiring to practice opticianry shall  
4 apply to the department, upon forms prescribed by it, to take  
5 a licensure examination. The department shall examine each  
6 applicant who the board certifies:

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

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

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

26           4. Has registered as an apprentice with the department  
27 and paid a registration fee not to exceed \$60, as set by rule  
28 of the board. The apprentice shall complete 6,240 hours of  
29 training under the supervision of an optician licensed in this  
30 state for at least 1 year or of~~a physician, or an~~  
31 optometrist licensed under the laws of this state. These

1 requirements must be met within 5 years after the date of  
2 registration. However, any time spent in a recognized school  
3 may be considered as part of the apprenticeship program  
4 provided herein. The board may establish administrative  
5 processing fees sufficient to cover the cost of administering  
6 apprentice rules as promulgated by the board.

7 Section 89. Subsection (3) is added to section  
8 484.0512, Florida Statutes, to read:

9 484.0512 Thirty-day trial period; purchaser's right to  
10 cancel; notice; refund; cancellation fee.--

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

14 Section 90. Section 484.053, Florida Statutes, is  
15 amended to read:

16 484.053 Prohibitions; penalties.--

17 (1) A person may not:

18 (a) Practice dispensing hearing aids unless the person  
19 is a licensed hearing aid specialist;

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

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

23 (d) Give false, incomplete, or forged evidence to the  
24 board or a member thereof for the purposes of obtaining a  
25 license;

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

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

31

1 (g) Knowingly conceal information relative to  
2 violations of this part.

3 (2) Any person who violates any of the provisions of  
4 this section is guilty of a felony ~~misdemeanor~~ of the third  
5 ~~second degree~~, punishable as provided in s. 775.082 or s.  
6 775.083.

7 (3) If a person licensed under this part allows the  
8 sale of a hearing aid by an unlicensed person not registered  
9 as a trainee or fails to comply with the requirements of s.  
10 484.0445(2) relating to supervision of trainees, the board  
11 shall, upon determination of that violation, order the full  
12 refund of moneys paid by the purchaser upon return of the  
13 hearing aid to the seller's place of business.

14 Section 91. Paragraph (a) of subsection (1) of section  
15 484.056, Florida Statutes, 1998 Supplement, is amended to  
16 read:

17 484.056 Disciplinary proceedings.--

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

25 (a) Violation of any provision of s. 455.624(1), s.  
26 484.0512, or s. 484.053.

27 Section 92. Section 486.041, Florida Statutes, is  
28 amended to read:

29 486.041 Physical therapist; application for license;  
30 ~~fee; temporary permit.~~--

31



1           ~~(1)~~ A person who desires to be licensed as a physical  
2 therapist shall apply to the department in writing on a form  
3 furnished by the department. She or he shall embody in that  
4 application evidence under oath, satisfactory to the board, of  
5 possession of the qualifications preliminary to examination  
6 required by s. 486.031. The applicant shall pay to the  
7 department at the time of filing the application a fee not to  
8 exceed \$100, as fixed by the board.

9           ~~(2) If a person desires to practice physical therapy~~  
10 ~~before becoming licensed through examination, she or he shall~~  
11 ~~apply for a temporary permit in accordance with rules adopted~~  
12 ~~pursuant to this chapter.~~

13           ~~(a) A temporary permit shall only be issued for a~~  
14 ~~limited period of time, not to exceed 1 year, and shall not be~~  
15 ~~renewable. A temporary permit shall automatically expire if an~~  
16 ~~applicant fails the examination.~~

17           ~~(b) An applicant for licensure by examination and~~  
18 ~~practicing under a temporary permit shall do so only under the~~  
19 ~~direct supervision of a licensed physical therapist.~~

20           Section 93. Section 486.081, Florida Statutes, is  
21 amended to read:

22           486.081 Physical therapist; issuance of license  
23 without examination to person passing examination of another  
24 authorized examining board; ~~temporary permit; fee.--~~

25           (1) The board may cause a license to be issued through  
26 the department without examination to any applicant who  
27 presents evidence satisfactory to the board of having passed  
28 the American Registry Examination prior to 1971 or an  
29 examination in physical therapy before a similar lawfully  
30 authorized examining board of another state, the District of  
31 Columbia, a territory, or a foreign country, if the standards

1 for licensure in physical therapy in such other state,  
2 district, territory, or foreign country are determined by the  
3 board to be as high as those of this state, as established by  
4 rules adopted pursuant to this chapter. Any person who holds a  
5 license pursuant to this section may use the words "physical  
6 therapist" or "physiotherapist," or the letters "P.T.," in  
7 connection with her or his name or place of business to denote  
8 her or his licensure hereunder.

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

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

19 Section 94. Section 486.103, Florida Statutes, is  
20 amended to read:

21 486.103 Physical therapist assistant; application for  
22 license; ~~fee; temporary permit.~~--

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

31

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

5           ~~(a) A temporary permit shall only be issued for a~~  
6 ~~limited period of time, not to exceed 1 year, and shall not be~~  
7 ~~renewable. A temporary permit shall automatically expire if an~~  
8 ~~applicant fails the examination.~~

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

12           Section 95. Section 486.107, Florida Statutes, is  
13 amended to read:

14           486.107 Physical therapist assistant; issuance of  
15 license without examination to person licensed in another  
16 jurisdiction; ~~temporary permit; fee.--~~

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

29           (2) At the time of making application for licensing  
30 without examination pursuant to the terms of this section, the  
31

1 applicant shall pay to the department a fee not to exceed \$175  
2 as fixed by the board, no part of which will be returned.

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

9 Section 96. Paragraph (b) of subsection (1) of section  
10 490.005, Florida Statutes, 1998 Supplement, is amended to  
11 read:

12 490.005 Licensure by examination.--

13 (1) Any person desiring to be licensed as a  
14 psychologist shall apply to the department to take the  
15 licensure examination. The department shall license each  
16 applicant who the board certifies has:

17 (b) Submitted proof satisfactory to the board that the  
18 applicant has:

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

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

30 3. Received and submitted to the board, prior to July  
31 1, 1999, certification of an augmented doctoral-level

1 psychological education from the program director of a  
2 doctoral-level psychology program accredited by a programmatic  
3 agency recognized and approved by the United States Department  
4 of Education; or

5 4. Received and submitted to the board, prior to  
6 August 31, 2001 ~~July 1, 2001~~, certification of a  
7 doctoral-level program that at the time the applicant was  
8 enrolled and graduated maintained a standard of education and  
9 training comparable to the standard of training of programs  
10 accredited by a programmatic agency recognized and approved by  
11 the United States Department of Education, ~~as such~~  
12 ~~comparability was determined by the Board of Psychological~~  
13 ~~Examiners immediately prior to the amendment of s. 490.005,~~  
14 ~~Florida Statutes, 1994 Supplement, by s. 5, chapter 95-279,~~  
15 ~~Laws of Florida. Such certification of comparability shall be~~  
16 provided by the program director of a doctoral-level  
17 psychology program accredited by a programmatic agency  
18 recognized and approved by the United States Department of  
19 Education.

20 Section 97. Subsection (1) of section 490.006, Florida  
21 Statutes, is amended to read:

22 490.006 Licensure by endorsement.--

23 (1) The department shall license a person as a  
24 psychologist or school psychologist who, upon applying to the  
25 department and remitting the appropriate fee, demonstrates to  
26 the department or, in the case of psychologists, to the board  
27 that the applicant:

28 (a) Holds a valid license or certificate in another  
29 state to practice psychology or school psychology, as  
30 applicable, provided that, when the applicant secured such  
31 license or certificate, the requirements were substantially

1 equivalent to or more stringent than those set forth in this  
2 chapter at that time; and, if no Florida law existed at that  
3 time, then the requirements in the other state must have been  
4 substantially equivalent to or more stringent than those set  
5 forth in this chapter at the present time; ~~or~~

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

8 (c) Possesses a doctoral degree in psychology as  
9 described in s. 490.003 and has at least 20 years of  
10 experience as a licensed psychologist in any jurisdiction or  
11 territory of the United States within 25 years preceding the  
12 date of application.

13 Section 98. Subsection (2) of section 490.0085,  
14 Florida Statutes, is amended to read:

15 490.0085 Continuing education; approval of providers,  
16 programs, and courses; proof of completion.--

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

22 Section 99. Section 490.0148, Florida Statutes, is  
23 amended to read:

24 490.0148 Psychologist and school psychologist  
25 records.--Each psychologist and school psychologist who  
26 provides services as defined in this chapter shall maintain  
27 records. The board or, in the case of a school psychologist,  
28 the department may adopt rules defining the minimum  
29 requirements for such records, including content, length of  
30 time such records shall be maintained, and transfer of such  
31 records or of a summary of such records, or both, to a

1 subsequent treating practitioner or other individual with the  
2 written consent of the client or clients. A patient's  
3 psychological report may be released to an employer or  
4 carrier, or the attorney for either, pursuant to s. 440.13.

5 Section 100. Section 491.0045, Florida Statutes, is  
6 amended to read:

7 491.0045 Intern registration; requirements.--

8 (1) Effective January 1, 1998, an individual who  
9 intends to practice in Florida to satisfy the postgraduate or  
10 post-master's level experience requirements, as specified in  
11 s. 491.005(1)(c), (3)(c), or (4)(c), must register as an  
12 intern in the profession for which he or she is seeking  
13 licensure prior to commencing the post-master's experience  
14 requirement or an individual who intends to satisfy part of  
15 the required graduate-level practicum, internship, or field  
16 experience, outside the academic arena for any profession,  
17 must register as an intern in the profession for which he or  
18 she is seeking licensure prior to commencing the practicum,  
19 internship, or field experience.

20 (2) The department shall register as a clinical social  
21 worker intern, marriage and family therapist intern, or mental  
22 health counselor intern each applicant who the board certifies  
23 has:

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

27 (b)1. Completed the education requirements as  
28 specified in s. 491.005(1)(c), (3)(c), or (4)(c)for the  
29 profession for which he or she is applying for licensure, if  
30 needed; and

31

1           2. Submitted an acceptable supervision plan, as  
2 determined by the board, for meeting the practicum,  
3 internship, or field work required for licensure that was not  
4 satisfied in his or her graduate program.

5           (c) Identified a qualified supervisor.

6           (3) An individual registered under this section must  
7 remain under supervision until he or she is in receipt of a  
8 license or a letter from the department stating that he or she  
9 is licensed to practice the profession for which he or she  
10 applied.

11           (4) An individual who has applied for intern  
12 registration on or before December 31, 2001, and has satisfied  
13 the education requirements of s. 491.005 that are in effect  
14 through December 31, 2000, will have met the educational  
15 requirements for licensure for the profession for which he or  
16 she has applied.

17           (5) Individuals who have commenced the experience  
18 requirement as specified in s. 491.005(1)(c), (3)(c), or  
19 (4)(c) but failed to register as required by subsection (1)  
20 shall register with the department before January 1, 2000.  
21 Individuals who fail to comply with this subsection shall not  
22 be granted a license, and any time spent by the individual  
23 completing the experience requirement prior to registering as  
24 an intern shall not count toward completion of such  
25 requirement.

26           Section 101. Subsections (1) and (2) of section  
27 491.0046, Florida Statutes, are amended to read:

28           491.0046 Provisional license; requirements.--

29           (1) An individual applying for licensure by  
30 examination who has satisfied the clinical experience  
31 requirements of s. 491.005 or an individual applying for



1 licensure by endorsement pursuant to s. 491.006 intending to  
2 provide clinical social work, marriage and family therapy, or  
3 mental health counseling services in Florida while satisfying  
4 coursework or examination requirements for licensure must be  
5 provisionally licensed in the profession for which he or she  
6 is seeking licensure prior to beginning practice.

7 (2) The department shall issue a provisional clinical  
8 social worker license, provisional marriage and family  
9 therapist license, or provisional mental health counselor  
10 license to each applicant who the board certifies has:

11 (a) Completed the application form and remitted a  
12 nonrefundable application fee not to exceed \$100, as set by  
13 board rule; and

14 (b)~~1.~~ Earned a graduate degree in social work, a  
15 graduate degree with a major emphasis in marriage and family  
16 therapy or a closely related field, or a graduate degree in a  
17 major related to the practice of mental health counseling;  
18 and, and satisfied the clinical experience requirements for  
19 licensure pursuant to s. 491.005; or

20 ~~2. Been approved for examination under the provisions~~  
21 ~~for licensure by endorsement pursuant to s. 491.006.~~

22 (c) Has met the following minimum coursework  
23 requirements:

24 1. For clinical social work, a minimum of 15 semester  
25 hours or 22 quarter hours of the coursework required by s.  
26 491.005(1)(b)2.b.

27 2. For marriage and family therapy, ten of the courses  
28 required by s. 491.005(3)(b)1.a.-c., as determined by the  
29 board, and at least 6 semester hours or 9 quarter hours of the  
30 course credits must have been completed in the area of  
31 marriage and family systems, theories, or techniques.

1           3. For mental health counseling, a minimum of seven of  
2 the courses required under s. 491.005(b)1.a.-c.

3           Section 102. Section 491.005, Florida Statutes, is  
4 amended to read:

5           491.005 Licensure by examination.--

6           (1) CLINICAL SOCIAL WORK.--Upon verification of  
7 documentation and payment of a fee not to exceed \$200, as set  
8 by board rule, plus the actual per applicant cost to the  
9 department for purchase of the examination from the American  
10 Association of State Social Worker's Boards or a similar  
11 national organization, the department shall issue a license as  
12 a clinical social worker to an applicant who the board  
13 certifies:

14           (a) Has made application therefor and paid the  
15 appropriate fee.

16           (b)1. Has received a doctoral degree in social work  
17 from a graduate school of social work which at the time the  
18 applicant graduated was accredited by an accrediting agency  
19 recognized by the United States Department of Education or has  
20 received a master's degree in social work from a graduate  
21 school of social work which at the time the applicant  
22 graduated:

23           a. Was accredited by the Council on Social Work  
24 Education;

25           b. Was accredited by the Canadian Association of  
26 Schools of Social Work; or

27           c. Has been determined to have been a program  
28 equivalent to programs approved by the Council on Social Work  
29 Education by the Foreign Equivalency Determination Service of  
30 the Council on Social Work Education. An applicant who  
31 graduated from a program at a university or college outside of

1 the United States or Canada must present documentation of the  
2 equivalency determination from the council in order to  
3 qualify.

4         2. The applicant's graduate program must have  
5 emphasized direct clinical patient or client health care  
6 services, including, but not limited to, coursework in  
7 clinical social work, psychiatric social work, medical social  
8 work, social casework, psychotherapy, or group therapy. The  
9 applicant's graduate program must have included all of the  
10 following coursework:

11             a. A supervised field placement which was part of the  
12 applicant's advanced concentration in direct practice, during  
13 which the applicant provided clinical services directly to  
14 clients.

15             b. Completion of 24 semester hours or 32 ~~37~~ quarter  
16 hours in theory of human behavior and practice methods as  
17 courses in clinically oriented services, including a minimum  
18 of one course in psychopathology, and no more than one course  
19 in research, taken in a school of social work accredited or  
20 approved pursuant to subparagraph 1.

21             3. If the course title which appears on the  
22 applicant's transcript does not clearly identify the content  
23 of the coursework, the applicant shall be required to provide  
24 additional documentation, including, but not limited to, a  
25 syllabus or catalog description published for the course.

26             (c) Has had not less than 2 years of clinical social  
27 work experience, which took place subsequent to completion of  
28 a graduate degree in social work at an institution meeting the  
29 accreditation requirements of this section, under the  
30 supervision of a licensed clinical social worker or the  
31 equivalent who is a qualified supervisor as determined by the

1 board. An individual who intends to practice in Florida to  
2 satisfy clinical experience requirements must register  
3 pursuant to s. 491.0045 prior to commencing practice. If the  
4 applicant's graduate program was not a program which  
5 emphasized direct clinical patient or client health care  
6 services as described in subparagraph (b)2.s. 491.003, the  
7 supervised experience requirement must take place after the  
8 applicant has completed a minimum of 15 semester hours or 22  
9 quarter hours of the coursework required. A doctoral  
10 internship may be applied toward the clinical social work  
11 experience requirement. The experience requirement may be met  
12 by work performed on or off the premises of the supervising  
13 clinical social worker or the equivalent, provided the  
14 off-premises work is not the independent private practice  
15 rendering of clinical social work that does not have a  
16 licensed mental health professional, as determined by the  
17 board, on the premises at the same time the intern is  
18 providing services.

19 (d) Has passed a theory and practice examination  
20 provided by the department for this purpose.

21 (e) Has demonstrated, in a manner designated by rule  
22 of the board, knowledge of the laws and rules governing the  
23 practice of clinical social work, marriage and family therapy,  
24 and mental health counseling.

25 (2) CLINICAL SOCIAL WORK.--

26 (a) Notwithstanding the provisions of paragraph  
27 (1)(b), coursework which was taken at a baccalaureate level  
28 shall not be considered toward completion of education  
29 requirements for licensure unless an official of the graduate  
30 program certifies in writing on the graduate school's  
31 stationery that a specific course, which students enrolled in

1 the same graduate program were ordinarily required to complete  
2 at the graduate level, was waived or exempted based on  
3 completion of a similar course at the baccalaureate level. If  
4 this condition is met, the board shall apply the baccalaureate  
5 course named toward the education requirements.

6 (b) An applicant from a master's or doctoral program  
7 in social work which did not emphasize direct patient or  
8 client services may complete the clinical curriculum content  
9 requirement by returning to a graduate program accredited by  
10 the Council on Social Work Education or the Canadian  
11 Association of Schools of Social Work, or to a clinical social  
12 work graduate program with comparable standards, in order to  
13 complete the education requirements for examination. However,  
14 a maximum of 6 semester or 9 quarter hours of the clinical  
15 curriculum content requirement may be completed by credit  
16 awarded for independent study coursework as defined by board  
17 rule.

18 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification of  
19 documentation and payment of a fee not to exceed \$200, as set  
20 by board rule, plus the actual cost to the department for the  
21 purchase of the examination from the Association of Marital  
22 and Family Therapy Regulatory Board, or similar national  
23 organization, the department shall issue a license as a  
24 marriage and family therapist to an applicant who the board  
25 certifies:

26 (a) Has made application therefor and paid the  
27 appropriate fee.

28 (b)1. Has a minimum of a master's degree with major  
29 emphasis in marriage and family therapy, or a closely related  
30 field, and has completed all of the following requirements:  
31

1           a. Twenty-seven semester hours or 41 quarter hours of  
2 graduate coursework, which must include a minimum of 2  
3 semester hours or 3 quarter hours of graduate-level course  
4 credits in each of the following nine areas: dynamics of  
5 marriage and family systems; marriage therapy and counseling  
6 theory and techniques; family therapy and counseling theory  
7 and techniques; individual human development theories  
8 throughout the life cycle; personality theory;  
9 psychopathology; human sexuality theory and counseling  
10 techniques; general counseling theory and techniques; and  
11 psychosocial theory. Content may be combined, provided no more  
12 than two of the nine content areas are included in any one  
13 graduate-level course and the applicant can document that the  
14 equivalent of 2 semester hours of coursework was devoted to  
15 each content area. Courses in research, evaluation, appraisal,  
16 assessment, or testing theories and procedures; thesis or  
17 dissertation work; or practicums, internships, or fieldwork  
18 may not be applied toward this requirement.

19           b. A minimum of one graduate-level course of 2  
20 semester hours or 3 quarter hours in legal, ethical, and  
21 professional standards issues in the practice of marriage and  
22 family therapy or a course determined by the board to be  
23 equivalent.

24           c. A minimum of one graduate-level course of 2  
25 semester hours or 3 quarter hours in diagnosis, appraisal,  
26 assessment, and testing for individual or interpersonal  
27 disorder or dysfunction; and a minimum of one 2-semester-hour  
28 or 3-quarter-hour graduate-level course in behavioral research  
29 which focuses on the interpretation and application of  
30 research data as it applies to clinical practice. Credit for  
31

1 thesis or dissertation work, practicums, internships, or  
2 fieldwork may not be applied toward this requirement.

3 d. A minimum of one supervised clinical practicum,  
4 internship, or field experience in a marriage and family  
5 counseling setting, during which the student provided 180  
6 direct client contact hours of marriage and family therapy  
7 services under the supervision of an individual who met the  
8 requirements for supervision under paragraph (c). This  
9 requirement may be met by a supervised practice experience  
10 which took place outside the academic arena, but which is  
11 certified as equivalent to a graduate-level practicum or  
12 internship program which required a minimum of 180 direct  
13 client contact hours of marriage and family therapy services  
14 currently offered within an academic program of a college or  
15 university accredited by an accrediting agency approved by the  
16 United States Department of Education, or an institution which  
17 is publicly recognized as a member in good standing with the  
18 Association of Universities and Colleges of Canada or a  
19 training institution accredited by the Commission on  
20 Accreditation for Marriage and Family Therapy Education  
21 recognized by the United States Department of Education.  
22 Certification shall be required from an official of such  
23 college, university, or training institution.

24 2. If the course title which appears on the  
25 applicant's transcript does not clearly identify the content  
26 of the coursework, the applicant shall be required to provide  
27 additional documentation, including, but not limited to, a  
28 syllabus or catalog description published for the course.

29  
30 The required master's degree must have been received in an  
31 institution of higher education which at the time the

1 applicant graduated was: fully accredited by a regional  
2 accrediting body recognized by the Commission on Recognition  
3 of Postsecondary Accreditation; publicly recognized as a  
4 member in good standing with the Association of Universities  
5 and Colleges of Canada; or an institution of higher education  
6 located outside the United States and Canada, which at the  
7 time the applicant was enrolled and at the time the applicant  
8 graduated maintained a standard of training substantially  
9 equivalent to the standards of training of those institutions  
10 in the United States which are accredited by a regional  
11 accrediting body recognized by the Commission on Recognition  
12 of Postsecondary Accreditation. Such foreign education and  
13 training must have been received in an institution or program  
14 of higher education officially recognized by the government of  
15 the country in which it is located as an institution or  
16 program to train students to practice as professional marriage  
17 and family therapists or psychotherapists. The burden of  
18 establishing that the requirements of this provision have been  
19 met shall be upon the applicant, and the board shall require  
20 documentation, such as, but not limited to, an evaluation by a  
21 foreign equivalency determination service, as evidence that  
22 the applicant's graduate degree program and education were  
23 equivalent to an accredited program in this country. An  
24 applicant with a master's degree from a program which did not  
25 emphasize marriage and family therapy may complete the  
26 coursework requirement in a training institution fully  
27 accredited by the Commission on Accreditation for Marriage and  
28 Family Therapy Education recognized by the United States  
29 Department of Education.

30 (c) Has had not less than 2 years of clinical  
31 experience during which 50 percent of the applicant's clients



1 | were receiving marriage and family therapy services, which  
2 | must be at the post-master's level under the supervision of a  
3 | licensed marriage and family therapist with at least 5 years  
4 | of experience, or the equivalent, who is a qualified  
5 | supervisor as determined by the board. An individual who  
6 | intends to practice in Florida to satisfy the clinical  
7 | experience requirements must register pursuant to s. 491.0045  
8 | prior to commencing practice. If a graduate has a master's  
9 | degree with a major emphasis in marriage and family therapy or  
10 | a closely related field that did not include all the  
11 | coursework required under sub-subparagraphs (b)1.a.-c., credit  
12 | for the post-master's level clinical experience shall not  
13 | commence until the applicant has completed a minimum of 10 of  
14 | the courses required under sub-subparagraphs (b)1.a.-c., as  
15 | determined by the board, and at least 6 semester hours or 9  
16 | quarter hours of the course credits must have been completed  
17 | in the area of marriage and family systems, theories, or  
18 | techniques. Within the 3 years of required experience, the  
19 | applicant shall provide direct individual, group, or family  
20 | therapy and counseling, to include the following categories of  
21 | cases: unmarried dyads, married couples, separating and  
22 | divorcing couples, and family groups including children. A  
23 | doctoral internship may be applied toward the clinical  
24 | experience requirement. The clinical experience requirement  
25 | may be met by work performed on or off the premises of the  
26 | supervising marriage and family therapist or the equivalent,  
27 | provided the off-premises work is not the independent private  
28 | practice rendering of marriage and family therapy services  
29 | that does not have a licensed mental health professional, as  
30 | determined by the board, on the premises at the same time the  
31 | intern is providing services.

1 (d) Has passed a theory and practice examination  
2 provided by the department for this purpose.

3 (e) Has demonstrated, in a manner designated by rule  
4 of the board, knowledge of the laws and rules governing the  
5 practice of clinical social work, marriage and family therapy,  
6 and mental health counseling.

7 (f) For the purposes of dual licensure, the department  
8 shall license as a marriage and family therapist any person  
9 who meets the requirements of s. 491.0057. Fees for dual  
10 licensure shall not exceed those stated in this subsection.

11 (4) MENTAL HEALTH COUNSELING.--Upon verification of  
12 documentation and payment of a fee not to exceed \$200, as set  
13 by board rule, plus the actual per applicant cost to the  
14 department for purchase of the examination from the  
15 Professional Examination Service for the National Academy of  
16 Certified Clinical Mental Health Counselors or a similar  
17 national organization, the department shall issue a license as  
18 a mental health counselor to an applicant who the board  
19 certifies:

20 (a) Has made application therefor and paid the  
21 appropriate fee.

22 (b)1. Has received a minimum of an earned master's  
23 degree with a major related to the practice of mental health  
24 counseling, and has completed all of the following  
25 requirements:

26 a. Twenty-one semester hours or 32 quarter hours of  
27 graduate coursework, which must include a minimum of 2  
28 semester hours or 3 quarter hours of graduate-level coursework  
29 in each of the following seven content areas: counseling  
30 theories and practice; human development theories; personality  
31 theory; psychopathology or abnormal psychology; human

1 sexuality theories; group theories and practice; and  
2 individual evaluation and assessment. Content may be  
3 combined, provided no more than two of the seven content areas  
4 are included in any one graduate-level course and the  
5 applicant can document that the equivalent of 2 semester hours  
6 of content was devoted to each content area. Courses in  
7 research, thesis or dissertation work, practicums,  
8 internships, or fieldwork may not be applied toward this  
9 requirement.

10           b. A minimum of one 2-semester-hour or 3-quarter-hour  
11 graduate-level course in research or in career or vocational  
12 counseling. Credit for thesis or dissertation work,  
13 practicums, internships, or fieldwork may not be applied  
14 toward this requirement.

15           c. A minimum of 2 semester hours or 3 quarter hours of  
16 graduate-level coursework in legal, ethical, and professional  
17 standards issues in the practice of mental health counseling,  
18 which includes goals and objectives of professional counseling  
19 organizations, codes of ethics, legal considerations,  
20 standards of preparation, certifications and licensing, and  
21 the role identity of counselors. Courses in research, thesis  
22 or dissertation work, practicums, internships, or fieldwork  
23 may not be applied toward this requirement.

24           d. A minimum of one supervised practicum, internship,  
25 or field experience in a counseling setting. This requirement  
26 may be met by a supervised practice experience which takes  
27 place outside the academic arena, but which is certified as  
28 equivalent to a graduate-level practicum in a clinical mental  
29 health counseling setting currently offered within an academic  
30 program of a college or university accredited by an  
31 accrediting agency approved by the United States Department of

1 Education. Such certification shall be required from an  
2 official of such college or university.

3         2. If the course title which appears on the  
4 applicant's transcript does not clearly identify the content  
5 of the coursework, the applicant shall be required to provide  
6 additional documentation, including, but not limited to, a  
7 syllabus or catalog description published for the course.

8  
9 Except as provided in sub-subparagraph 1.d., education and  
10 training in mental health counseling must have been received  
11 in an institution of higher education which at the time the  
12 applicant graduated was: fully accredited by a regional  
13 accrediting body recognized by the Commission on Recognition  
14 of Postsecondary Accreditation; publicly recognized as a  
15 member in good standing with the Association of Universities  
16 and Colleges of Canada; or an institution of higher education  
17 located outside the United States and Canada, which at the  
18 time the applicant was enrolled and at the time the applicant  
19 graduated maintained a standard of training substantially  
20 equivalent to the standards of training of those institutions  
21 in the United States which are accredited by a regional  
22 accrediting body recognized by the Commission on Recognition  
23 of Postsecondary Accreditation. Such foreign education and  
24 training must have been received in an institution or program  
25 of higher education officially recognized by the government of  
26 the country in which it is located as an institution or  
27 program to train students to practice as mental health  
28 counselors. The burden of establishing that the requirements  
29 of this provision have been met shall be upon the applicant,  
30 and the board shall require documentation, such as, but not  
31 limited to, an evaluation by a foreign equivalency

1 determination service, as evidence that the applicant's  
2 graduate degree program and education were equivalent to an  
3 accredited program in this country.

4 (c) Has had not less than 2 years of clinical  
5 experience in mental health counseling, which must be at the  
6 post-master's level under the supervision of a licensed mental  
7 health counselor or the equivalent who is a qualified  
8 supervisor as determined by the board. An individual who  
9 intends to practice in Florida to satisfy the clinical  
10 experience requirements must register pursuant to s. 491.0045  
11 prior to commencing practice. If a graduate has a master's  
12 degree with a major related to the practice of mental health  
13 counseling which did not include all the coursework required  
14 under sub-subparagraphs (b)1.a.-c., credit for the  
15 post-master's level clinical experience shall not commence  
16 until the applicant has completed a minimum of seven of the  
17 courses required under sub-subparagraphs (b)1.a.-c., as  
18 determined by the board, one of which must be a course in  
19 psychopathology or abnormal psychology. A doctoral internship  
20 may be applied toward the clinical experience requirement. The  
21 clinical experience requirement may be met by work performed  
22 on or off the premises of the supervising mental health  
23 counselor or the equivalent, provided the off-premises work is  
24 not the independent private practice rendering of services  
25 that does not have a licensed mental health professional, as  
26 determined by the board, on the premises at the same time the  
27 intern is providing services.

28 (d) Has passed a theory and practice examination  
29 provided by the department for this purpose.

30 (e) Has demonstrated, in a manner designated by rule  
31 of the board, knowledge of the laws and rules governing the

1 practice of clinical social work, marriage and family therapy,  
2 and mental health counseling.

3 (5) INTERNSHIP.--An individual who is registered as an  
4 intern and has satisfied all of the educational requirements  
5 for the profession for which the applicant seeks licensure  
6 shall be certified as having met the educational requirements  
7 for licensure under this section.

8 (6) RULES.--The board may adopt rules necessary to  
9 implement any education or experience requirement of this  
10 section for licensure as a clinical social worker, marriage  
11 and family therapist, or mental health counselor.

12 Section 103. Effective January 1, 2001, paragraph (b)  
13 of subsection (4) of section 491.005, Florida Statutes, as  
14 amended by section 13 of chapter 97-198 and section 205 of  
15 chapter 97-264, Laws of Florida, is amended, and subsection  
16 (6) of that section is reenacted, to read:

17 491.005 Licensure by examination.--

18 (4) Upon verification of documentation and payment of  
19 a fee not to exceed \$200, as set by board rule, plus the  
20 actual per applicant cost to the department for purchase of  
21 the examination from the Professional Examination Service for  
22 the National Academy of Certified Clinical Mental Health  
23 Counselors or a similar national organization, the department  
24 shall issue a license as a mental health counselor to an  
25 applicant who the board certifies:

26 (b)1. Has a minimum of an earned master's degree from  
27 a mental health counseling program accredited by the Council  
28 for the Accreditation of Counseling and Related Educational  
29 Programs that consists of at least 60 semester hours or 80  
30 quarter hours of clinical and didactic instruction, including  
31 a course in human sexuality and a course in substance abuse.

1 If the master's degree is earned from a program related to the  
2 practice of mental health counseling that is not accredited by  
3 the Council for the Accreditation of Counseling and Related  
4 Educational Programs, then the coursework and practicum,  
5 internship, or fieldwork must consist of at least 60 semester  
6 hours or 80 quarter hours and meet the following requirements:  
7       a. Thirty-three ~~Thirty-six~~ semester hours or 44 ~~48~~  
8 quarter hours of graduate coursework, which must include a  
9 minimum of 3 semester hours or 4 quarter hours of  
10 graduate-level coursework in each of the following 11 ~~12~~  
11 content areas: counseling theories and practice; human growth  
12 and development; diagnosis and treatment of psychopathology;  
13 human sexuality; group theories and practice; individual  
14 evaluation and assessment; career and lifestyle assessment;  
15 research and program evaluation; social and cultural  
16 foundations; ~~foundations of mental health counseling;~~  
17 counseling in community settings; and substance abuse. Courses  
18 in research, thesis or dissertation work, practicums,  
19 internships, or fieldwork may not be applied toward this  
20 requirement.  
21       b. A minimum of 3 semester hours or 4 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, objectives, and practices of  
25 professional counseling organizations, codes of ethics, legal  
26 considerations, standards of preparation, certifications and  
27 licensing, and the role identity and professional obligations  
28 of mental health counselors. Courses in research, thesis or  
29 dissertation work, practicums, internships, or fieldwork may  
30 not be applied toward this requirement.  
31

1           c. The equivalent, as determined by the board, of at  
2 least 1,000 hours of university-sponsored supervised clinical  
3 practicum, internship, or field experience as required in the  
4 accrediting standards of the Council for Accreditation of  
5 Counseling and Related Educational Programs for mental health  
6 counseling programs. ~~If the academic practicum, internship, or~~  
7 ~~field experience was less than 1,000 hours, experience gained~~  
8 ~~outside the academic arena in clinical mental health settings~~  
9 ~~under the supervision of a qualified supervisor as determined~~  
10 ~~by the board may be applied.~~ This experience may not be used  
11 to satisfy the post-master's clinical experience requirement.

12           2. If the course title which appears on the  
13 applicant's transcript does not clearly identify the content  
14 of the coursework, the applicant shall be required to provide  
15 additional documentation, including, but not limited to, a  
16 syllabus or catalog description published for the course.

17  
18 Education and training in mental health counseling must have  
19 been received in an institution of higher education which at  
20 the time the applicant graduated was: fully accredited by a  
21 regional accrediting body recognized by the Commission on  
22 Recognition of Postsecondary Accreditation; publicly  
23 recognized as a member in good standing with the Association  
24 of Universities and Colleges of Canada; or an institution of  
25 higher education located outside the United States and Canada,  
26 which at the time the applicant was enrolled and at the time  
27 the applicant graduated maintained a standard of training  
28 substantially equivalent to the standards of training of those  
29 institutions in the United States which are accredited by a  
30 regional accrediting body recognized by the Commission on  
31 Recognition of Postsecondary Accreditation. Such foreign



1 education and training must have been received in an  
2 institution or program of higher education officially  
3 recognized by the government of the country in which it is  
4 located as an institution or program to train students to  
5 practice as mental health counselors. The burden of  
6 establishing that the requirements of this provision have been  
7 met shall be upon the applicant, and the board shall require  
8 documentation, such as, but not limited to, an evaluation by a  
9 foreign equivalency determination service, as evidence that  
10 the applicant's graduate degree program and education were  
11 equivalent to an accredited program in this country.

12 (6) The board may adopt rules necessary to implement  
13 any education or experience requirement of this section for  
14 licensure as a clinical social worker, marriage and family  
15 therapist, or mental health counselor.

16 Section 104. Paragraph (b) of subsection (1) of  
17 section 491.006, Florida Statutes, is amended to read:

18 491.006 Licensure or certification by endorsement.--

19 (1) The department shall license or grant a  
20 certificate to a person in a profession regulated by this  
21 chapter who, upon applying to the department and remitting the  
22 appropriate fee, demonstrates to the board that he or she:

23 (b)1. Holds an active valid license to practice and  
24 has actively practiced the profession for which licensure is  
25 applied in another state for 3 of the last 5 years immediately  
26 preceding licensure.

27 2. Meets the education requirements of this chapter  
28 for the profession for which licensure is applied.

29 3. Has passed a substantially equivalent licensing  
30 examination in another state or has passed the licensure

31

1 examination in this state in the profession for which the  
2 applicant seeks licensure.

3 4. Holds a license in good standing, is not under  
4 investigation for an act which would constitute a violation of  
5 this chapter, and has not been found to have committed any act  
6 which would constitute a violation of this chapter.

7 Section 105. Section 491.0085, Florida Statutes, is  
8 amended to read:

9 491.0085 Continuing education and laws and rules  
10 courses; approval of providers, programs, and courses; proof  
11 of completion.--

12 (1) Continuing education providers, programs, and  
13 courses and laws and rules courses and their providers and  
14 programs shall be approved by the department or the board.

15 (2) The department or the board has the authority to  
16 set a fee not to exceed \$200 for each applicant who applies  
17 for or renews provider status. Such fees shall be deposited  
18 into the Medical Quality Assurance ~~Health Care~~ Trust Fund.

19 (3) Proof of completion of the required number of  
20 hours of continuing education and completion of the laws and  
21 rules course shall be submitted to the department or the board  
22 in the manner and time specified by rule and on forms provided  
23 by the department or the board.

24 (4) The department or the board shall adopt rules and  
25 guidelines to administer and enforce the provisions of this  
26 section.

27 Section 106. Paragraph (d) of subsection (4) of  
28 section 491.014, Florida Statutes, 1998 Supplement, is amended  
29 to read:

30 491.014 Exemptions.--

31

1           (4) No person shall be required to be licensed,  
2 provisionally licensed, registered, or certified under this  
3 chapter who:

4           (d) Is not a resident of this state but offers  
5 services in this state, provided:

6           1. Such services are performed for no more than ~~5 days~~  
7 ~~in any month and no more than~~ 15 days in any calendar year;  
8 and

9           2. Such nonresident is licensed or certified to  
10 practice the services provided by a state or territory of the  
11 United States or by a foreign country or province.

12           Section 107. Paragraph (a) of subsection (1) and  
13 subsection (5) of section 499.012, Florida Statutes, 1998  
14 Supplement, are amended to read:

15           499.012 Wholesale distribution; definitions; permits;  
16 general requirements.--

17           (1) As used in this section, the term:

18           (a) "Wholesale distribution" means distribution of  
19 prescription drugs to persons other than a consumer or  
20 patient, but does not include:

21           1. Any of the following activities, which is not a  
22 violation of s. 499.005(21) if such activity is conducted in  
23 accordance with s. 499.014:

24           a. The purchase or other acquisition by a hospital or  
25 other health care entity that is a member of a group  
26 purchasing organization of a prescription drug for its own use  
27 from the group purchasing organization or from other hospitals  
28 or health care entities that are members of that organization.

29           b. The sale, purchase, or trade of a prescription drug  
30 or an offer to sell, purchase, or trade a prescription drug by  
31 a charitable organization described in s. 501(c)(3) of the

1 Internal Revenue Code of 1986, as amended and revised, to a  
2 nonprofit affiliate of the organization to the extent  
3 otherwise permitted by law.

4 c. The sale, purchase, or trade of a prescription drug  
5 or an offer to sell, purchase, or trade a prescription drug  
6 among hospitals or other health care entities that are under  
7 common control. For purposes of this section, "common control"  
8 means the power to direct or cause the direction of the  
9 management and policies of a person or an organization,  
10 whether by ownership of stock, by voting rights, by contract,  
11 or otherwise.

12 d. The sale, purchase, trade, or other transfer of a  
13 prescription drug from or for any federal, state, or local  
14 government agency or any entity eligible to purchase  
15 prescription drugs at public health services prices pursuant  
16 to s. 602 of Pub. L. No. 102-585 to a contract provider or its  
17 subcontractor for eligible patients of the agency or entity  
18 under the following conditions:

19 (I) The agency or entity must obtain written  
20 authorization for the sale, purchase, trade, or other transfer  
21 of a prescription drug under this sub-subparagraph from the  
22 Secretary of Health or his or her designee.

23 (II) The contract provider or subcontractor must be  
24 authorized by law to administer or dispense prescription  
25 drugs.

26 (III) In the case of a subcontractor, the agency or  
27 entity must be a party to and execute the subcontract.

28 (IV) A contract provider or subcontractor must  
29 maintain separate and apart from other prescription drug  
30 inventory any prescription drugs of the agency or entity in  
31 its possession.

1           (V) The contract provider and subcontractor must  
2 maintain and produce immediately for inspection all records of  
3 movement or transfer of all the prescription drugs belonging  
4 to the agency or entity, including, but not limited to, the  
5 records of receipt and disposition of prescription drugs.  
6 Each contractor and subcontractor dispensing or administering  
7 these drugs must maintain and produce records documenting the  
8 dispensing or administration. Records that are required to be  
9 maintained include, but are not limited to, a perpetual  
10 inventory itemizing drugs received and drugs dispensed by  
11 prescription number or administered by patient identifier,  
12 which must be submitted to the agency or entity quarterly.

13           (VI) The contract provider or subcontractor may  
14 administer or dispense the prescription drugs only to the  
15 eligible patients of the agency or entity or must return the  
16 prescription drugs for or to the agency or entity. The  
17 contract provider or subcontractor must require proof from  
18 each person seeking to fill a prescription or obtain treatment  
19 that the person is an eligible patient of the agency or entity  
20 and must, at a minimum, maintain a copy of this proof as part  
21 of the records of the contractor or subcontractor required  
22 under sub-sub-subparagraph (V).

23           (VII) The prescription drugs transferred pursuant to  
24 this sub-subparagraph may not be billed to Medicaid.

25           (VIII) In addition to the departmental inspection  
26 authority set forth in s. 499.051, the establishment of the  
27 contract provider and subcontractor and all records pertaining  
28 to prescription drugs subject to this sub-subparagraph shall  
29 be subject to inspection by the agency or entity. All records  
30 relating to prescription drugs of a manufacturer under this  
31 sub-subparagraph shall be subject to audit by the manufacturer

1 of those drugs, without identifying individual patient  
2 information.

3 2. Any of the following activities, which is not a  
4 violation of s. 499.005(21) if such activity is conducted in  
5 accordance with rules established by the department:

6 a. The sale, purchase, or trade of a prescription drug  
7 among federal, state, or local government health care entities  
8 that are under common control and are authorized to purchase  
9 such prescription drug.

10 b. The sale, purchase, or trade of a prescription drug  
11 or an offer to sell, purchase, or trade a prescription drug  
12 for emergency medical reasons. For purposes of this  
13 sub-subparagraph ~~subparagraph~~, the term "emergency medical  
14 reasons" includes transfers of prescription drugs by a retail  
15 pharmacy to another retail pharmacy to alleviate a temporary  
16 shortage.

17 c. ~~The transfer purchase or acquisition of a~~  
18 prescription drug acquired by a medical director on behalf of  
19 a licensed an emergency medical services provider to that  
20 ~~medical director for use by emergency medical services~~  
21 provider and its transport vehicles for use in accordance with  
22 the provider's license under providers acting within the scope  
23 ~~of their professional practice pursuant to chapter 401.~~

24 d. The revocation of a sale or the return of a  
25 prescription drug to the person's prescription drug wholesale  
26 supplier.

27 e. The donation of a prescription drug by a health  
28 care entity to a charitable organization that has been granted  
29 an exemption under s. 501(c)(3) of the Internal Revenue Code  
30 of 1986, as amended, and that is authorized to possess  
31 prescription drugs.

1 f. The transfer of a prescription drug by a person  
2 authorized to purchase or receive prescription drugs to a  
3 person licensed or permitted to handle reverse distributions  
4 or destruction under the laws of the jurisdiction in which the  
5 person handling the reverse distribution or destruction  
6 receives the drug.

7 ~~3. The dispensing of a prescription drug pursuant to a~~  
8 ~~prescription.~~

9 3.4. The distribution of prescription drug samples by  
10 manufacturers' representatives or distributors'  
11 representatives conducted in accordance with s. 499.028. ~~or~~

12 4.5. The sale, purchase, or trade of blood and blood  
13 components intended for transfusion. As used in this  
14 subparagraph section, the term "blood" means whole blood  
15 collected from a single donor and processed either for  
16 transfusion or further manufacturing, and the term "blood  
17 components" means that part of the blood separated by physical  
18 or mechanical means.

19 5. The lawful dispensing of a prescription drug in  
20 accordance with chapter 465.

21 (5) The department may adopt rules governing the  
22 recordkeeping, storage, and handling with respect to each of  
23 the distributions of prescription drugs specified in  
24 subparagraphs (1)(a)1.-4. ~~(1)(a)1., 2., 4., and 5.~~

25 Section 108. Subsection (6) is added to section  
26 626.883, Florida Statutes, to read:

27 626.883 Administrator as intermediary; collections  
28 held in fiduciary capacity; establishment of account;  
29 disbursement; payments on behalf of insurer.--

30 (6) All payments to a health care provider by a fiscal  
31 intermediary for noncapitated providers must include an

1 explanation of services being reimbursed which includes, at a  
2 minimum, the patient's name, the date of service, the  
3 procedure code, the amount of reimbursement, and the  
4 identification of the plan on whose behalf the payment is  
5 being made. For capitated providers, the statement of services  
6 must include the number of patients covered by the contract,  
7 the rate per patient, the total amount of the payment, and the  
8 identification of the plan on whose behalf the payment is  
9 being made.

10 Section 109. Paragraph (a) of subsection (2) of  
11 section 641.316, Florida Statutes, 1998 Supplement, is amended  
12 to read:

13 641.316 Fiscal intermediary services.--

14 (2)(a) The term "fiduciary" or "fiscal intermediary  
15 services" means reimbursements received or collected on behalf  
16 of health care professionals for services rendered, patient  
17 and provider accounting, financial reporting and auditing,  
18 receipts and collections management, compensation and  
19 reimbursement disbursement services, or other related  
20 fiduciary services pursuant to health care professional  
21 contracts with health maintenance organizations. All payments  
22 to a health care provider by a fiscal intermediary for  
23 noncapitated providers must include an explanation of services  
24 being reimbursed which includes, at a minimum, the patient's  
25 name, the date of service, the procedure code, the amount of  
26 reimbursement, and the identification of the plan on whose  
27 behalf the payment is being made. For capitated providers, the  
28 statement of services must include the number of patients  
29 covered by the contract, the rate per patient, the total  
30 amount of the payment, and the identification of the plan on  
31 whose behalf the payment is being made.



1           Section 110. Task Force on Telehealth.--  
2           (1) Because telecommunications technology has made it  
3 possible to provide a wide range of health care services  
4 across state lines between healthcare practitioners and  
5 patients, it is the intent of the Legislature to protect the  
6 health and safety of all patients in this state receiving  
7 services by means of such technology and to ensure the  
8 accountability of the healthcare profession with respect to  
9 unsafe and incompetent practitioners using such technology to  
10 provide health care services to patients in this state.  
11           (2) The Secretary of Health shall appoint a task force  
12 consisting of representatives from the affected medical and  
13 allied health professions and other affected health care  
14 industries.  
15           (3) The task force shall address the following:  
16           (a) Identification of various electronic  
17 communications or telecommunications technologies currently  
18 used within the state and by other states to provide  
19 healthcare information.  
20           (b) Identification of laws, regulations, and  
21 reimbursement practices that serve as barriers to  
22 implementation of electronic communications related to health  
23 care.  
24           (c) Recommendation of the appropriate level of  
25 regulation of health care professionals necessary to protect  
26 the health and safety of patients in this state, including  
27 analysis of existing provisions governing in-state  
28 professionals such as licensing, financial responsibility, and  
29 medical malpractice insurance requirements.  
30           (d) Potential preemption of state regulation by the  
31 Commerce Clause of the United States Constitution.

1           (e) The effect of telehealth on access to health care  
2 in rural and under-served areas.

3           (f) Potential antitrust concerns.

4           (g) The effect of regulations by other states or  
5 jurisdictions on health care professionals in this state who  
6 provide consultative services through telehealth to entities  
7 and patients outside the state.

8           (h) Research on other public and private data and  
9 initiatives related to telehealth.

10           (i) Any other issue affecting the health, safety, and  
11 welfare of patients through telehealth identified by the task  
12 force.

13           (4) The task force shall submit a report of its  
14 findings and recommendations by January 1, 2000, to the  
15 Governor, the President of the Senate, and the Speaker of the  
16 House of Representatives.

17           Section 111. Subsection (1) of section 468.352,  
18 Florida Statutes, is amended to read:

19           468.352 Definitions.--As used in this part, unless the  
20 context otherwise requires, the term:

21           (1) "Board" means the Board of Respiratory Care  
22 Medicine.

23           Section 112. Section 468.353, Florida Statutes, is  
24 amended to read:

25           468.353 Board of Respiratory Care ~~Medicine~~; powers and  
26 duties.--

27           (1) The board, ~~with the assistance of the Advisory~~  
28 ~~Council on Respiratory Care,~~ is authorized to establish  
29 minimum standards for the delivery of respiratory care  
30 services and to adopt those rules necessary to administer this  
31 part.

1           (2) The board may administer oaths, summon witnesses,  
2 and take testimony in all matters relating to its duties under  
3 this part.

4           (3) The board may adopt rules to administer this part,  
5 including rules governing the investigation, inspection, and  
6 review of schools and colleges that offer courses in  
7 respiratory care in order to ascertain their compliance with  
8 standards established by the board or appropriate accrediting  
9 agencies ~~delegate such powers and duties to the council as it~~  
10 ~~may deem proper.~~

11           Section 113. Section 468.354, Florida Statutes, is  
12 amended to read:

13           468.354 Board of ~~Advisory Council on~~ Respiratory Care;  
14 organization; function.--

15           (1) There is created within the department, the Board  
16 of ~~Advisory Council on~~ Respiratory Care, composed of seven  
17 members appointed by the Governor and confirmed by the Senate  
18 ~~under the supervision of the board.~~

19           (2) The board ~~council shall consist of five members~~  
20 ~~appointed by the board and shall include:~~

21           (a) A registered respiratory therapist.

22           (b) A certified respiratory therapist ~~care~~  
23 ~~practitioner.~~

24           (c) A respiratory care professional from each of the  
25 following areas:

26           1. Respiratory care education.

27           2. Respiratory care management and supervision.

28           3. Homecare/subacute ~~Cardiopulmonary diagnostics.~~

29           (d) Two consumer members, who are residents of this  
30 state and have never been licensed as health care  
31 practitioners.

1  
2 Each ~~member of the council shall be a~~ respiratory care  
3 professional on the board must have ~~who has~~ been actively  
4 engaged in the delivery of respiratory care services in this  
5 state for at least 4 consecutive years prior to appointment.

6 (3)(a) Except as provided in paragraph (b), the term  
7 of office for each board ~~council~~ member shall be 4 years. No  
8 member shall serve for more than two consecutive terms. Any  
9 time there is a vacancy to be filled ~~on the council~~, all  
10 professional organizations dealing with respiratory therapy  
11 incorporated within the state as not for profit which register  
12 their interest ~~with the board~~ shall recommend at least twice  
13 as many persons to fill the vacancy ~~to the council~~ as the  
14 number of vacancies to be filled, and the Governor ~~board~~ may  
15 appoint from the submitted list, in his ~~its~~ discretion, any of  
16 those persons so recommended. The Governor ~~board~~ shall,  
17 insofar as possible, appoint persons from different  
18 geographical areas.

19 (b) ~~In order~~ To achieve staggering of terms, within  
20 120 days after July 1, 1999, ~~October 1, 1984~~, the Governor  
21 ~~board~~ shall appoint the board members ~~of the council~~ as  
22 follows:

23 1. Two members ~~One member~~ shall be appointed for terms  
24 ~~a term~~ of 2 years.

25 2. Two members shall be appointed for terms of 3  
26 years.

27 3. Three ~~Two~~ members shall be appointed for terms of 4  
28 years.

29 (c) All provisions of part II of chapter 455, relating  
30 to boards apply to this part.

31

1           (4)(a) The board ~~council~~ shall annually elect from  
2 among its members a chair and vice chair.

3           (b) The board ~~council~~ shall meet at least twice a year  
4 and shall hold ~~such~~ additional meetings as are deemed  
5 necessary ~~by the board~~. Four ~~Three~~ members of the council  
6 constitute a quorum.

7           (c) Unless otherwise provided by law, a board ~~council~~  
8 member shall be compensated \$50 for each day he or she attends  
9 an official board meeting ~~of the council~~ and for each day he  
10 or she participates in any other board business ~~involving the~~  
11 ~~council~~. A board ~~council~~ member shall also be entitled to  
12 reimbursement for expenses pursuant to s. 112.061. Travel out  
13 of the state shall require the prior approval of the secretary  
14 of the department.

15           (5)~~(a)~~ The board ~~may council shall~~ recommend to the  
16 department a code of ethics for those persons licensed  
17 pursuant to this part.

18           ~~(b) The council shall make recommendations to the~~  
19 ~~department for the approval of continuing education courses.~~

20           Section 114. Section 468.355, Florida Statutes, is  
21 amended to read:

22           468.355 Eligibility for licensure; temporary  
23 licensure.--

24           (1) To be eligible for licensure by the board as a  
25 respiratory care practitioner, an applicant must:

26           (a) Be at least 18 years old.

27           (b) Possess a high school diploma or a graduate  
28 equivalency diploma.

29           (c) Meet at least one of the following criteria:

30           1. The applicant has successfully completed a training  
31 program for respiratory therapy technicians or respiratory

1 therapists approved by the Commission on Accreditation of  
2 Allied Health Education Programs, or the equivalent thereof,  
3 as accepted by the board.

4           2. The applicant is currently a "Certified Respiratory  
5 Therapy Technician" certified by the National Board for  
6 Respiratory Care, or the equivalent thereof, as accepted by  
7 the board.

8           3. The applicant is currently a "Registered  
9 Respiratory Therapist" registered by the National Board for  
10 Respiratory Care, or the equivalent thereof, as accepted by  
11 the board.

12           ~~4. The applicant is currently employed in this state  
13 as a respiratory care practitioner or respiratory therapist on  
14 October 1, 1984.~~

15  
16 The criteria set forth in subparagraphs 2. and 3.  
17 notwithstanding, the board shall periodically ~~annually~~ review  
18 the examinations and standards of the National Board for  
19 Respiratory Care and may reject those examinations and  
20 standards if they are deemed inappropriate.

21           (2) To be eligible for licensure by the board as a  
22 respiratory therapist, an applicant must:

23           (a) Be at least 18 years old.

24           (b) Possess a high school diploma or a graduate  
25 equivalency diploma.

26           (c) Meet at least one of the following criteria:

27           1. The applicant has successfully completed a training  
28 program for respiratory therapists approved by the Commission  
29 on Accreditation of Allied Health Education Programs, or the  
30 equivalent thereof, as accepted by the board.

31

1           2. The applicant is currently a "Registered  
2 Respiratory Therapist" registered by the National Board for  
3 Respiratory Care, or the equivalent thereof, as accepted by  
4 the board.

5  
6 The criteria set forth in subparagraphs 1. and 2.  
7 notwithstanding, the board shall periodically ~~annually~~ review  
8 the examinations and standards of the National Board for  
9 Respiratory Care and may reject those examinations and  
10 standards if they are deemed inappropriate.

11           (3) With respect to the delivery of respiratory care  
12 services, the board shall establish procedures for temporary  
13 licensure of eligible individuals entering the state and  
14 temporary licensure of those persons who have graduated from a  
15 program approved by the board. Such temporary licensure shall  
16 be for a period not to exceed 1 year.

17           Section 115. Section 468.357, Florida Statutes, is  
18 amended to read:

19           468.357 Licensure by examination.--

20           (1) A person who desires to be licensed as a  
21 respiratory care practitioner may submit an application ~~to the~~  
22 ~~department~~ to take the examination, in accordance with board  
23 rule to be administered by the department.

24           (a) ~~The department shall examine~~ Each applicant may  
25 take the examination who is determined by the board to have:

26           1. Completed the application form and remitted the  
27 applicable fee set by the board;

28           2. Submitted required documentation as required in s.  
29 468.355; and

30           3. Remitted an examination fee set by the examination  
31 provider board.

1           (b) ~~The department shall conduct~~ Examinations for  
2 licensure of respiratory care practitioners must be conducted  
3 no less than two times a year in such geographical locations  
4 or by such methods as are deemed advantageous to the majority  
5 of the applicants.

6           (c) The examination given for respiratory care  
7 practitioners shall be the same as that given by the National  
8 Board for Respiratory Care for entry-level certification of  
9 respiratory therapy technicians. However, an equivalent  
10 examination may be accepted by the board in lieu of that  
11 examination.

12           (2) Each applicant who passes the examination shall be  
13 entitled to licensure as a respiratory care practitioner, and  
14 the department shall issue a license pursuant to this part to  
15 any applicant who successfully completes the examination in  
16 accordance with this section. However, the department shall  
17 not issue a license to any applicant who is under  
18 investigation in another jurisdiction for an offense which  
19 would constitute a violation of this part. Upon completion of  
20 such an investigation, if the applicant is found guilty of  
21 such an offense, the applicable provisions of s. 468.365 will  
22 apply.

23           ~~(3) Any person who was employed in this state on or~~  
24 ~~before September 30, 1983, as a respiratory therapy technician~~  
25 ~~or respiratory therapist, and who has performed services in~~  
26 ~~such professional capacity for 4 years or more by October 1,~~  
27 ~~1987, under the supervision of a licensed physician or in a~~  
28 ~~hospital or licensed health care facility, shall be issued a~~  
29 ~~license without examination, if such person provides~~  
30 ~~acceptable documentation of performance of such services to~~  
31 ~~the board. Such documentation shall include certification by~~



1 ~~a physician licensed pursuant to chapter 458 or chapter 459~~  
2 ~~who has direct knowledge of the practice of, or who has~~  
3 ~~supervised, the person. If such person is not determined to~~  
4 ~~have performed critical care respiratory services for at least~~  
5 ~~4 years, the board may limit the license of such person to the~~  
6 ~~performance of noncritical care respiratory services.~~

7 Section 116. Section 468.364, Florida Statutes, 1998  
8 Supplement, is amended to read:

9 468.364 Fees; establishment; disposition.--

10 (1) The board shall establish by rule fees for the  
11 following purposes:

12 (a) Application, a fee not to exceed \$50.

13 ~~(b) Examination, a fee not to exceed \$125 plus the~~  
14 ~~actual per applicant cost to the department for purchase of~~  
15 ~~the examination from the National Board for Respiratory Care~~  
16 ~~or a similar national organization.~~

17 (b)(c) Initial licensure, a fee not to exceed \$200.

18 (c)(d) Renewal of licensure, a fee not to exceed \$200  
19 biennially.

20 (d)(e) Renewal of inactive licensure, a fee not to  
21 exceed \$50.

22 (e)(f) Reactivation, a fee not to exceed \$50.

23 (2) The fees established pursuant to subsection (1)  
24 shall be based upon the actual costs incurred by the  
25 department in carrying out its responsibilities under this  
26 part.

27 (3) All moneys collected by the department under this  
28 part shall be deposited as required by s. 455.587.

29 Section 117. Paragraph (f) of subsection (1) of  
30 section 468.365, Florida Statutes, 1998 Supplement, is amended  
31 to read:

1           468.365 Disciplinary grounds and actions.--

2           (1) The following acts constitute grounds for which  
3 the disciplinary actions in subsection (2) may be taken:

4           (f) Unprofessional conduct, which includes, but is not  
5 limited to, any departure from, or failure to conform to,  
6 acceptable standards related to the delivery of respiratory  
7 care services, as set forth by the board ~~and the Advisory~~  
8 ~~Council on Respiratory Care~~ in rules adopted pursuant to this  
9 part.

10           Section 118. Section 400.462, Florida Statutes, is  
11 amended to read:

12           400.462 Definitions.--As used in this part, the term:

13           (1) "Certified nursing assistant" means any person who  
14 has been issued a certificate after fulfilling the  
15 requirements of s. 400.211.

16           (2) "Companion" or "sitter" means a person who cares  
17 for an elderly, handicapped, or convalescent individual and  
18 accompanies such individual on trips and outings and may  
19 prepare and serve meals to such individual.

20           (3) "Department" means the Department of Health and  
21 Rehabilitative Services.

22           (4) "Home health agency" means an organization that  
23 provides home health services and staffing services for health  
24 care facilities.

25           (5) "Home health agency personnel" means persons who  
26 are employed by or under contract with a home health agency  
27 and enter the home or place of residence of patients at any  
28 time in the course of their employment or contract.

29           (6) "Home health aide" means a person who has  
30 accomplished training required by the Agency for Health Care  
31 Administration and is authorized to provide hands-on care,

1 including assisting the patient in the activities of daily  
2 living, such as dressing, grooming, bathing, eating, and  
3 personal hygiene, and assisting with physical transfer,  
4 ambulation, and self-administered medications.

5 (7)(6) "Home health services" means health and medical  
6 services and medical supplies furnished to an individual by  
7 home health agency personnel or by others under arrangements  
8 with the agency, on a visiting basis, in the individual's home  
9 or place of residence. The term includes, but is not limited  
10 to, the following:

11 (a) Nursing care.

12 (b) Physical, occupational, respiratory, or speech  
13 therapy.

14 (c) Home health aide services.

15 (d) Nutritional guidance.

16 (e) Medical supplies, restricted to drugs and  
17 biologicals prescribed by a physician.

18 (8)(7) "Homemaker" means a person who performs  
19 household chores that include housekeeping, meal planning and  
20 preparation, shopping assistance, and routine household  
21 activities for an elderly, handicapped, or convalescent  
22 individual.

23 (9)(8) "Nurse registry" means any person that  
24 procures, offers, promises, or attempts to secure  
25 health-care-related contracts for registered nurses, licensed  
26 practical nurses, certified nursing assistants, home health  
27 aides, sitters, companions, or homemakers, who are compensated  
28 by fees as independent contractors, including, but not limited  
29 to, contracts for the provision of services to patients and  
30 contracts to provide private duty or staffing services to  
31

1 health care facilities licensed under chapter 395 or this  
2 chapter.

3 (10)~~(9)~~ "Patient" means any person who receives home  
4 health services in his or her home or place of residence.

5 (11)~~(10)~~ "Screening" means the assessment of the  
6 background of home health agency personnel, nurse registry  
7 personnel, and persons registered under s. 400.509 and  
8 includes employment history checks, records checks of the  
9 department's central abuse hotline under chapter 415 relating  
10 to vulnerable adults, and statewide criminal records  
11 correspondence checks through the Department of Law  
12 Enforcement.

13 (12)~~(11)~~ "Staffing services" means services provided  
14 to a health care facility on a temporary basis by licensed  
15 health care personnel, including certified nursing assistants.

16 Section 119. Subsection (10) of section 400.506,  
17 Florida Statutes, 1998 Supplement, is amended to read:

18 400.506 Licensure of nurse registries; requirements;  
19 penalties.--

20 (10)(a) A nurse registry may refer for contract in  
21 private residences registered nurses and licensed practical  
22 nurses registered and licensed under chapter 464, certified  
23 nursing assistants certified under s. 400.211, home health  
24 aides, and sitters, companions, or homemakers for the purposes  
25 of providing those services authorized under s. 400.509(1).

26 (b) A certified nursing assistant or home health aide  
27 may be referred for a contract to provide care to a patient in  
28 his or her home only if that patient is under a physician's  
29 care. A certified nursing assistant referred for contract in  
30 a private residence shall be limited to assisting a patient  
31 with bathing, dressing, toileting, grooming, eating, physical

1 transfer, and those normal daily routines the patient could  
2 perform for himself or herself were he or she physically  
3 capable. A certified nursing assistant may not provide  
4 medical or other health care services that require specialized  
5 training and that may be performed only by licensed health  
6 care professionals. The nurse registry shall obtain the name  
7 and address of the attending physician and send written  
8 notification to the physician within 48 hours after a contract  
9 is concluded that a certified nursing assistant will be  
10 providing care for that patient.

11 (c) A registered nurse shall make monthly visits to  
12 the patient's home to assess the patient's condition and the  
13 quality of care being provided by the certified nursing  
14 assistant or home health aide. Any condition that ~~which~~ in  
15 the professional judgment of the nurse requires further  
16 medical attention shall be reported to the attending physician  
17 and the nurse registry. The assessment shall become a part of  
18 the patient's file with the nurse registry and may be reviewed  
19 by the Agency for Health Care Administration during their  
20 survey procedure.

21 ~~(d) In order to refer for contract in private~~  
22 ~~residences a certified nursing assistant or any person~~  
23 ~~specified in s. 400.509(1), the nurse registry and such person~~  
24 ~~registered with the nurse registry must also be registered~~  
25 ~~under s. 400.509. Any person registered as an independent~~  
26 ~~contractor with a nurse registry for the purpose of providing~~  
27 ~~services authorized under s. 400.509(1) on or before October~~  
28 ~~1, 1990, is exempt from registration under s. 400.509 so long~~  
29 ~~as such person remains continuously registered with that nurse~~  
30 ~~registry.~~

31

1           Section 120. Paragraph (a) of subsection (2) of  
2 section 464.016, Florida Statutes, is amended to read:

3           464.016 Violations and penalties.--

4           (2) Each of the following acts constitutes a  
5 misdemeanor of the first degree, punishable as provided in s.  
6 775.082 or s. 775.083:

7           (a) Using the name or title "Nurse," "Registered  
8 Nurse," "Licensed Practical Nurse," "Advanced Registered Nurse  
9 Practitioner," or any other name or title which implies that a  
10 person was licensed or certified as same, unless such person  
11 is duly licensed or certified.

12           Section 121. Paragraphs (b) and (c) of subsection (1)  
13 of section 458.3115, Florida Statutes, 1998 Supplement, are  
14 amended to read:

15           458.3115 Restricted license; certain foreign-licensed  
16 physicians; United States Medical Licensing Examination  
17 (USMLE) or agency-developed examination; restrictions on  
18 practice; full licensure.--

19           (1)

20           (b) A person who is eligible to take and elects to  
21 take the USMLE who has previously passed part 1 or part 2 of  
22 the previously administered FLEX shall not be required to  
23 retake or pass the equivalent parts of the USMLE up to the  
24 year 2002 ~~2000~~.

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

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

1 approval by the board to take the course completed in 1990 or  
2 in 1992, has a certificate of successful completion of that  
3 course from the University of Miami or the Stanley H. Kaplan  
4 course; or can document to the department that he or she was  
5 one of the persons who took and successfully completed the  
6 Stanley H. Kaplan course that was approved by the Board of  
7 Medicine and supervised by the University of Miami. At a  
8 minimum, the documentation must include class attendance  
9 records and the test score on the final course examination;  
10         2. Applies to the agency and submits an application  
11 fee that is nonrefundable and equivalent to the fee required  
12 for full licensure;  
13         3. Documents no less than 2 years of the active  
14 practice of medicine in any ~~another~~ jurisdiction;  
15         4. Submits an examination fee that is nonrefundable  
16 and equivalent to the fee required for full licensure plus the  
17 actual per-applicant cost to the agency to provide either  
18 examination described in this section;  
19         5. Has not committed any act or offense in this or any  
20 other jurisdiction that would constitute a substantial basis  
21 for disciplining a physician under this chapter or part II of  
22 chapter 455; and  
23         6. Is not under discipline, investigation, or  
24 prosecution in this or any other jurisdiction for an act that  
25 would constitute a violation of this chapter or part II of  
26 chapter 455 and that substantially threatened or threatens the  
27 public health, safety, or welfare.  
28         Section 122. Subsection (2) of section 458.3124,  
29 Florida Statutes, 1998 Supplement, is amended to read:  
30         458.3124 Restricted license; certain experienced  
31 foreign-trained physicians.--

1           (2) A person applying for licensure under this section  
2 must submit to the Department of Health on or before December  
3 31, 2000 ~~1998~~:

4           (a) A completed application and documentation required  
5 by the Board of Medicine to prove compliance with subsection  
6 (1); and

7           (b) A nonrefundable application fee not to exceed \$500  
8 and a nonrefundable examination fee not to exceed \$300 plus  
9 the actual cost to purchase and administer the examination.

10           Section 123. Effective upon this act becoming a law,  
11 section 301 of chapter 98-166, Laws of Florida, is amended to  
12 read:

13           Section 301. The sum of \$1.2 million from the  
14 unallocated balance in the Medical Quality Assurance Trust  
15 Fund is appropriated to the Department of Health to allow the  
16 department to develop the examination required for foreign  
17 licensed physicians in section 458.3115(1)(a), Florida  
18 Statutes, through a contract with the University of South  
19 Florida. The department shall charge examinees a fee not to  
20 exceed 25 percent of the cost of the actual costs of the first  
21 examination administered pursuant to section 458.3115, Florida  
22 Statutes, 1998 Supplement, and a fee not to exceed 75 percent  
23 of the actual costs for any subsequent examination  
24 administered pursuant to that section.

25           Section 124. Section 455.601, Florida Statutes, is  
26 amended to read:

27           455.601 Hepatitis B or human immunodeficiency  
28 carriers.--

29           (1) The department and each appropriate board within  
30 the Division of Medical Quality Assurance shall have the  
31 authority to establish procedures to handle, counsel, and



1 provide other services to health care professionals within  
2 their respective boards who are infected with hepatitis B or  
3 the human immunodeficiency virus.

4 (2) Any person licensed by the department and any  
5 other person employed by a health care facility who contracts  
6 a blood-borne infection shall have a rebuttable presumption  
7 that the illness was contracted in the course and scope of his  
8 or her employment when the person reports one or more specific  
9 significant exposures to the infection as defined in s.  
10 381.004. The employer may rebut the presumption by the  
11 preponderance of the evidence. Except as expressly provided in  
12 this subsection, there shall be no presumption that such  
13 infection is a job-related illness.

14 Section 125. Part XV of chapter 468, Florida Statutes,  
15 consisting of sections 468.821, 468.822, 468.823, 468.824,  
16 468.825, 468.826, 468.827, and 468.828, Florida Statutes, is  
17 created to read:

18 468.821 Definitions.--As used in this part, the term:

19 (1) "Approved training program" means:

20 (a) A course of training conducted by a public sector  
21 or private sector educational center licensed by the  
22 Department of Education to implement the basic curriculum for  
23 nursing assistants which is approved by the Department of  
24 Education.

25 (b) A training program operated under s. 400.211.

26 (2) "Certified nursing assistant" means a person who  
27 meets the qualifications specified in this part and who is  
28 certified by the department as a certified nursing assistant.

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

30 (4) "Registry" means the listing of certified nursing  
31 assistants maintained by the department.

1           468.822 Duties and powers of the department.--The  
2 department shall maintain, or contract with or approve another  
3 entity to maintain, a state registry of certified nursing  
4 assistants. The registry must consist of the name of each  
5 certified nursing assistant in this state; other identifying  
6 information defined by department rule; certification status;  
7 the effective date of certification; other information  
8 required by state or federal law; information regarding any  
9 crime or any abuse, neglect, or exploitation as provided under  
10 chapter 435; and any disciplinary action taken against the  
11 certified nursing assistant. The registry shall be accessible  
12 to the public, the certificateholder, employers, and other  
13 state agencies. The department shall adopt by rule testing  
14 procedures for use in certifying nursing assistants and shall  
15 adopt rules regulating the practice of certified nursing  
16 assistants to enforce this part. The department may contract  
17 with or approve another entity or organization to provide the  
18 examination services, including the development and  
19 administration of examinations. The provider shall pay all  
20 reasonable costs and expenses incurred by the department in  
21 evaluating the provider's application and performance during  
22 the delivery of services, including examination services and  
23 procedures for maintaining the certified nursing assistant  
24 registry.

25           468.823 Certified nursing assistants; certification  
26 requirement.--

27           (1) The department shall issue a certificate to  
28 practice as a certified nursing assistant to any person who  
29 demonstrates a minimum competency to read and write and meets  
30 one of the following requirements:

31

1           (a) Has successfully completed an approved training  
2 program and achieved a minimum score, established by rule of  
3 the department, on the nursing assistant competency  
4 examination, which consists of a written portion and  
5 skills-demonstration portion approved by the department and  
6 administered at a site and by personnel approved by the  
7 department.

8           (b) Has achieved a minimum score, established by rule  
9 of the department, on the nursing assistant competency  
10 examination, which consists of a written portion and  
11 skills-demonstration portion, approved by the department and  
12 administered at a site and by personnel approved by the  
13 department and:

- 14           1. Has a high school diploma, or its equivalent; or
- 15           2. Is at least 18 years of age.

16           (c) Is currently certified in another state; is listed  
17 on that state's certified nursing assistant registry; has not  
18 been found to have committed abuse, neglect, or exploitation  
19 in that state; and has successfully completed a national  
20 nursing assistant evaluation in order to receive certification  
21 in that state.

22           (2) If an applicant fails to pass the nursing  
23 assistant competency examination in three attempts, the  
24 applicant is not eligible for reexamination unless the  
25 applicant completes an approved training program.

26           (3) An oral examination shall be administered as a  
27 substitute for the written portion of the examination upon  
28 request. The oral examination shall be administered at a site  
29 and by personnel approved by the department.

30           (4) The department shall adopt rules to provide for  
31 the initial certification of certified nursing assistants.

1           (5) A certified nursing assistant shall maintain a  
2 current address with the department in accordance with s.  
3 455.717.

4           468.824 Denial, suspension, or revocation of  
5 certification; disciplinary actions.--

6           (1) The following acts constitute grounds for which  
7 the department may impose disciplinary sanctions as specified  
8 in subsection (2):

9           (a) Obtaining or attempting to obtain an exemption, or  
10 possessing or attempting to possess a letter of exemption, by  
11 bribery, misrepresentation, deceit, or through an error of the  
12 department.

13           (b) Intentionally violating any provision of this  
14 chapter, chapter 455, or the rules adopted by the department.

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

18           (a) Denial, suspension, or revocation of  
19 certification.

20           (b) Imposition of an administrative fine not to exceed  
21 \$150 for each count or separate offense.

22           (c) Imposition of probation or restriction of  
23 certification, including conditions such as corrective actions  
24 as retraining.

25           (3) The department may, upon the request of a  
26 certificateholder, exempt the certificateholder from  
27 disqualification of certification or disqualification of  
28 employment in accordance with chapter 435 and issue a letter  
29 of exemption.

30  
31

1 After January 1, 2000, the department must notify an applicant  
2 seeking an exemption from disqualification from certification  
3 or employment of its decision to approve or deny the request  
4 within 30 days after the date the department receives all  
5 required documentation.

6 468.825 Availability of disciplinary records and  
7 proceedings.--Pursuant to s. 455.621, any complaint or record  
8 maintained by the Department of Health pursuant to the  
9 discipline of a certified nursing assistant and any proceeding  
10 held by the department to discipline a certified nursing

11 assistant shall remain open and available to the public.

12 468.826 Exemption from liability.--If an employer  
13 terminates or denies employment to a certified nursing  
14 assistant whose certification is inactive as shown on the  
15 certified nursing assistant registry or whose name appears on  
16 the central abuse registry and tracking system of the  
17 Department of Children and Family Services or on a criminal  
18 screening report of the Department of Law Enforcement, the  
19 employer is not civilly liable for such termination and a  
20 cause of action may not be brought against the employer for  
21 damages, regardless of whether the employee has filed for an  
22 exemption from the department under s. 468.824(1). There may  
23 not be any monetary liability on the part of, and a cause of  
24 action for damages may not arise against, any licensed  
25 facility, its governing board or members thereof, medical  
26 staff, disciplinary board, agents, investigators, witnesses,  
27 employees, or any other person for any action taken in good  
28 faith without intentional fraud in carrying out this section.

29 468.827 Penalties.--It is a misdemeanor of the first  
30 degree, punishable as provided under s. 775.082 or s. 775.083,  
31 for any person, knowingly or intentionally, to fail to

1 disclose, by false statement, misrepresentation,  
2 impersonation, or other fraudulent means, in any application  
3 for voluntary or paid employment or licensure regulated under  
4 this part, a material fact used in making a determination as  
5 to such person's qualifications to be an employee or licensee.

6 468.828 Background screening information; rulemaking  
7 authority.--

8 (1) The Agency for Health Care Administration shall  
9 allow the department to electronically access its background  
10 screening database and records and the Department of Children  
11 and Families shall allow the department to electronically  
12 access its central abuse registry and tracking system under  
13 chapter 415.

14 (2) An employer, or an agent thereof, may not use  
15 criminal records, juvenile records, or information obtained  
16 from the central abuse hotline under chapter 415 for any  
17 purpose other than determining if the person meets the  
18 requirements of this part. Such records and information  
19 obtained by the department shall remain confidential and  
20 exempt from s. 119.07(1).

21 (3) If the requirements of the Omnibus Budget  
22 Reconciliation Act of 1987, as amended, for the certification  
23 of nursing assistants are in conflict with this part, the  
24 federal requirements shall prevail for those facilities  
25 certified to provide care under Title XVIII (Medicare) or  
26 Title XIX (Medicaid) of the Social Security Act.

27 (4) The department shall adopt rules to administer  
28 this part.

29 Section 126. Certified nursing assistant registry.--

30 (1) By October 1, 1999, and by October 1 of every year  
31 thereafter, each employer of certified nursing assistants

1 shall submit to the Department of Health a list of the names  
2 and social security numbers of each person employed by the  
3 employer as a certified nursing assistant in a nursing-related  
4 occupation for a minimum of 8 hours for monetary compensation  
5 during the preceding 24 months. Employers may submit such  
6 information electronically through the department's Internet  
7 site.

8 (2) The department shall update the certified nursing  
9 assistant registry upon receipt of the lists of certified  
10 nursing assistants, and shall complete the first of such  
11 updates by December 31, 1999.

12 (3) Each certified nursing assistant whose name is not  
13 reported to the department under subsection (1) on October 1,  
14 1999, shall be assigned an inactive certification on January  
15 1, 2000. A certified nursing assistant may remove such an  
16 inactive certification by submitting documentation to the  
17 department that he or she was employed for a minimum of 8  
18 hours for monetary compensation as a certified nursing  
19 assistant in a nursing-related occupation during the preceding  
20 24 months.

21 (4) This section is repealed October 2, 2001.

22 Section 127. Section 400.211, Florida Statutes, 1998  
23 Supplement, is amended to read:

24 400.211 Persons employed as nursing assistants;  
25 certification requirement.--

26 (1) A person must be certified under part XV of  
27 chapter 468 pursuant to this section, except a registered  
28 nurse or practical nurse licensed in accordance with ~~the~~  
29 ~~provisions of~~ chapter 464 or an applicant for such licensure  
30 who is permitted to practice nursing in accordance with rules  
31 adopted promulgated by the Board of Nursing pursuant to

1 chapter 464, to serve as a nursing assistant in any nursing  
2 home. ~~The Department of Health shall issue a certificate to~~  
3 ~~any person who:~~

4 ~~(a) Has successfully completed a nursing assistant~~  
5 ~~program in a state-approved school and has achieved a minimum~~  
6 ~~score of 75 percent on the written portion of the Florida~~  
7 ~~Nursing Assistant Certification Test approved by the~~  
8 ~~Department of Health and administered by state-approved test~~  
9 ~~site personnel;~~

10 ~~(b) Has achieved a minimum score of 75 percent on the~~  
11 ~~written and performance portions of the Florida Nursing~~  
12 ~~Assistant Certification Test approved by the Department of~~  
13 ~~Health and administered by state-approved test site personnel;~~  
14 ~~or~~

15 ~~(c) Is currently certified in another state, is on~~  
16 ~~that state's registry, has no findings of abuse, and has~~  
17 ~~achieved a minimum score of 75 percent on the written portion~~  
18 ~~of the Florida Nursing Assistant Certification Test approved~~  
19 ~~by the Department of Health and administered by state-approved~~  
20 ~~test site personnel.~~

21  
22 ~~An oral examination shall be administered upon request.~~

23 ~~(2) The agency may deny, suspend, or revoke the~~  
24 ~~certification of any person to serve as a nursing assistant,~~  
25 ~~based upon written notification from a court of competent~~  
26 ~~jurisdiction, law enforcement agency, or administrative agency~~  
27 ~~of any finding of guilt of, regardless of adjudication, or a~~  
28 ~~plea of nolo contendere or guilty to, any offense set forth in~~  
29 ~~the level 1 screening standards of chapter 435 or any~~  
30 ~~confirmed report of abuse of a vulnerable adult.~~

31



1           (2)~~(3)~~ The following categories of persons who are not  
2 certified as nursing assistants under this part may be  
3 employed by a nursing facility for a period of 4 months:

4           (a) Persons who are enrolled in a state-approved  
5 nursing assistant program; or

6           (b) Persons who have been positively verified by a  
7 state-approved test site as certified and on the registry in  
8 another state with no findings of abuse, but who have not  
9 completed the written examination required under this section.

10  
11 The certification requirement must be met within 4 months of  
12 initial employment as a nursing assistant in a licensed  
13 nursing facility.

14           ~~(4) A person certified under this section on or after~~  
15 ~~September 30, 1990, who has not worked for pay as a nursing~~  
16 ~~assistant in a nursing-related occupation for a period of time~~  
17 ~~during a consecutive 24-month period must be recertified under~~  
18 ~~this section to be eligible to work in a nursing facility.~~

19           (3)~~(5)~~ Nursing homes shall require persons seeking  
20 employment as a certified nursing assistant to submit an  
21 employment history to the facility. The facility shall verify  
22 the employment history unless, through diligent efforts, such  
23 verification is not possible. There shall be no monetary  
24 liability on the part of, and no cause of action for damages  
25 shall arise against, a former employer who reasonably and in  
26 good faith communicates his or her honest opinion about a  
27 former employee's job performance.

28           ~~(6) If the requirements pursuant to the Omnibus Budget~~  
29 ~~Reconciliation Act of 1987, as amended, for the certification~~  
30 ~~of nursing assistants are in conflict with this section, the~~  
31 ~~federal requirements shall prevail for those facilities~~

1 ~~certified to provide care under Title XVIII (Medicare) or~~  
2 ~~Title XIX (Medicaid) of the Social Security Act.~~

3 ~~(7) The Department of Health may adopt such rules as~~  
4 ~~are necessary to carry out this section.~~

5 Section 128. Subsection (7) of section 490.003,  
6 Florida Statutes, is amended to read:

7 490.003 Definitions.--As used in this chapter:

8 (7) "Psychologist or psychological physician" means a  
9 person licensed pursuant to s. 490.005(1), s. 490.006, or the  
10 provision identified as s. 490.013(2) in s. 1, chapter 81-235,  
11 Laws of Florida.

12 Section 129. Subsection (2) of section 465.017,  
13 Florida Statutes, is amended to read:

14 465.017 Authority to inspect.--

15 (2) Except as permitted by this chapter, and chapters  
16 406, 409, 455, 499, and 893, records maintained by in a  
17 pharmacy relating to the filling of prescriptions and the  
18 dispensing of medicinal drugs shall not be furnished, except  
19 upon the written authorization of the patient, to any person  
20 other than to the patient for whom the drugs were dispensed,  
21 ~~or her or his legal representative, or to the department~~  
22 ~~pursuant to existing law,~~ or, in the event that the patient is  
23 incapacitated or unable to request such said records, her or  
24 his spouse; to the department pursuant to law; to health care  
25 practitioners and pharmacists consulting with or dispensing to  
26 the patient; or to insurance carriers or other payors  
27 authorized by the patient to receive such records. For the  
28 purposes of this section, records held in a pharmacy shall be  
29 considered owned by the owner of the pharmacy. The pharmacy  
30 owner may use such records in the aggregate without patient  
31 identification data, regardless of where such records are

1 held, for purposes reasonably related to the business and  
2 practice of pharmacy ~~except upon the written authorization of~~  
3 ~~such patient~~. Such records may be furnished in any civil or  
4 criminal proceeding, upon the issuance of a subpoena from a  
5 court of competent jurisdiction and proper notice to the  
6 patient or her or his legal representative by the party  
7 seeking such records. It is the intent of this subsection to  
8 allow the use and sharing of such records to improve patient  
9 care, provided the pharmacist acts in the best interests of  
10 her or his patient. Nothing in this subsection may be  
11 construed to authorize or expand solicitation or marketing to  
12 patients or potential patients in any manner not otherwise  
13 specifically authorized by law.

14 Section 130. Except as otherwise provided in this act,  
15 this act shall take effect July 1, 1999.

16

17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
18 COMMITTEE SUBSTITUTE FOR  
19 Senate Bill 2432

20

21 The Committee Substitute for Senate Bill 2432 limits the  
22 discipline of a health care professional to the issuance of a  
23 citation for minor violations and assessment of a fine for a  
24 first-time failure to complete continuing education and makes  
25 numerous revisions to the regulation of health care  
26 professionals under the Department of Health. The bill amends  
27 part II of chapter 455, F.S., relating to the general  
28 regulatory provisions for health care professions, as well as  
29 the practice acts of various health care professions.

30

31