

By Senator Saunders

25-1160-99

See HB 1467

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          455.564, F.S.; prescribing the expiration date  
24          of an incomplete license application; revising  
25          the form and style of licenses; providing  
26          authority to the department when there is no  
27          board to adopt rules on videocassette courses  
28          used for continuing education purposes;  
29          revising and providing requirements relating to  
30          obtaining continuing education credit in risk  
31          management; correcting a reference; amending s.

1 455.565, F.S.; revising information required  
2 for licensure of designated health care  
3 professionals; amending s. 455.567, F.S.;  
4 defining sexual misconduct and prohibiting it  
5 in the practice of a health care profession;  
6 providing penalties; amending s. 455.574, F.S.;  
7 revising provisions relating to review of an  
8 examination after failure to pass it; amending  
9 s. 455.587, F.S.; providing authority to the  
10 department when there is no board to determine  
11 by rule the amount of license fees for the  
12 profession regulated; providing for a fee for  
13 issuance of a wall certificate to certain  
14 licensees or for a duplicate wall certificate;  
15 amending s. 455.604, F.S.; requiring  
16 instruction on human immunodeficiency virus and  
17 acquired immune deficiency syndrome as a  
18 condition of licensure and relicensure to  
19 practice dietetics and nutrition or nutrition  
20 counseling; amending s. 455.607, F.S.;  
21 correcting a reference; amending s. 455.624,  
22 F.S.; revising and providing grounds for  
23 discipline; providing penalties; providing for  
24 assessment of certain costs; amending s.  
25 455.654, F.S.; redefining the terms "health  
26 care provider" and "referral" under the Patient  
27 Self-Referral Act of 1992; amending s. 455.664,  
28 F.S.; requiring additional health care  
29 practitioners to include a certain statement in  
30 advertisements for free or discounted services;  
31 correcting terminology; amending s. 455.667,

1 F.S.; authorizing the department to obtain  
2 patient records, billing records, insurance  
3 information, provider contracts, and all  
4 attachments thereto under certain circumstances  
5 for purposes of disciplinary proceedings;  
6 amending s. 455.687, F.S.; providing for the  
7 suspension or restriction of the license of any  
8 health care practitioner who tests positive for  
9 drugs under certain circumstances; amending s.  
10 455.694, F.S.; providing financial  
11 responsibility requirements for midwives;  
12 creating s. 455.712, F.S.; providing  
13 requirements for active status licensure of  
14 certain business establishments; amending s.  
15 457.102, F.S.; defining the term "prescriptive  
16 rights" with respect to acupuncture; amending  
17 s. 458.305, F.S.; redefining the term "practice  
18 of medicine"; amending s. 458.307, F.S.;  
19 correcting terminology and a reference;  
20 removing an obsolete date; amending s. 458.311,  
21 F.S.; revising provisions relating to licensure  
22 as a physician by examination; eliminating an  
23 obsolete provision relating to licensure of  
24 medical students from Nicaragua and another  
25 provision relating to taking the examination  
26 without applying for a license; amending s.  
27 458.3115, F.S.; updating terminology; amending  
28 s. 458.313, F.S.; revising provisions relating  
29 to licensure by endorsement; repealing  
30 provisions relating to reactivation of certain  
31 licenses issued by endorsement; amending s.

1 458.315, F.S.; providing additional  
2 requirements for recipients of a temporary  
3 certificate for practice in areas of critical  
4 need; amending s. 458.3165, F.S.; prescribing  
5 authorized employment for holders of public  
6 psychiatry certificates; correcting a  
7 reference; amending s. 458.317, F.S.; providing  
8 for conversion of an active license to a  
9 limited license for a specified purpose;  
10 amending s. 458.331, F.S.; revising and  
11 providing grounds for discipline; providing  
12 penalties; amending s. 458.347, F.S.; revising  
13 provisions relating to temporary licensure as a  
14 physician assistant; amending s. 459.003, F.S.;  
15 redefining the term "practice of osteopathic  
16 medicine"; amending s. 459.0075, F.S.;  
17 providing for conversion of an active license  
18 to a limited license for a specified purpose;  
19 amending s. 459.015, F.S.; revising and  
20 providing grounds for discipline; providing  
21 penalties; amending s. 460.403, F.S.;  
22 redefining the term "practice of chiropractic  
23 medicine"; amending s. 460.406, F.S.; requiring  
24 the Board of Chiropractic Medicine by rule to  
25 establish qualifications for serving as a  
26 supervising chiropractic physician and  
27 procedures for approving a supervising  
28 chiropractic physician; amending s. 460.413,  
29 F.S.; increasing the administrative fine;  
30 amending s. 461.003, F.S.; defining the term  
31 "certified podiatric X-ray assistant" and the

1 term "direct supervision" with respect thereto;  
2 redefining the term "practice of podiatric  
3 medicine"; amending s. 461.006, F.S.; revising  
4 the residency requirement to practice podiatric  
5 medicine; amending s. 461.007, F.S.; revising  
6 requirements for renewal of license to practice  
7 podiatric medicine; amending s. 461.013, F.S.;  
8 revising and providing grounds for discipline;  
9 providing penalties; creating s. 461.0135,  
10 F.S.; providing requirements for operation of  
11 X-ray machines by certified podiatric X-ray  
12 assistants; amending s. 464.008, F.S.;  
13 providing for remediation upon failure to pass  
14 the examination to practice nursing a specified  
15 number of times; amending s. 464.022, F.S.;  
16 providing an exemption from regulation relating  
17 to remedial courses; amending s. 465.003, F.S.;  
18 defining the term "data communication device";  
19 amending s. 465.016, F.S.; authorizing the  
20 redispensing of unused or returned unit-dose  
21 medication by correctional facilities under  
22 certain conditions; providing a ground for  
23 which a pharmacist may be subject to discipline  
24 by the Board of Pharmacy; increasing the  
25 administrative fine; amending s. 465.017, F.S.;  
26 providing additional persons to whom and  
27 entities to which records relating to the  
28 filling of prescriptions and the dispensing of  
29 medicinal drugs that are maintained by a  
30 pharmacy may be furnished; specifying  
31 authorized uses of patient records by pharmacy

1 owners; providing restrictions on such records  
2 when transmitted through a data communication  
3 device; amending ss. 465.014, 465.015,  
4 465.0196, 468.812, 499.003, F.S.; correcting  
5 cross-references, to conform; amending s.  
6 465.017, F.S.; providing additional persons to  
7 whom and entities to which records relating to  
8 the filling of prescriptions and the dispensing  
9 of medicinal drugs that are maintained by a  
10 pharmacy may be furnished; specifying  
11 authorized uses of patient records by pharmacy  
12 owners; providing restrictions on such records  
13 when transmitted through a data communication  
14 device; creating the Task Force for the Study  
15 of Collaborative Drug Therapy Management;  
16 providing for staff support from the  
17 department; providing for participation by  
18 specified associations and entities; providing  
19 responsibilities; requiring a report to the  
20 Legislature; amending s. 466.003, F.S.;  
21 redefining the term "dentistry"; amending s.  
22 466.021, F.S.; revising requirements relating  
23 to dental work orders required of unlicensed  
24 persons; amending s. 468.1115, F.S.; revising  
25 an exemption from regulation as a  
26 speech-language pathologist or audiologist;  
27 amending s. 468.1155, F.S.; revising  
28 requirements for provisional licensure to  
29 practice speech-language pathology or  
30 audiology; amending s. 468.1215, F.S.; revising  
31 requirements for certification as a

1 speech-language pathologist or audiologist  
2 assistant; amending s. 468.307, F.S.;  
3 authorizing the issuance of subcategory  
4 certificates in the field of radiologic  
5 technology; amending s. 468.506, F.S.;  
6 correcting references; creating s. 468.519,  
7 F.S.; prohibiting sexual misconduct in the  
8 practice of dietetics and nutrition; providing  
9 penalties; amending s. 468.701, F.S.; revising  
10 and removing definitions; amending s. 468.703,  
11 F.S.; replacing the Council of Athletic  
12 Training with a Board of Athletic Training;  
13 providing for appointment of board members and  
14 their successors; providing for staggering of  
15 terms; providing for applicability of other  
16 provisions of law relating to activities of  
17 regulatory boards; providing for the board's  
18 headquarters; amending ss. 468.705, 468.707,  
19 468.709, 468.711, 468.719, 468.721, F.S.,  
20 relating to rulemaking authority, licensure by  
21 examination, fees, continuing education,  
22 disciplinary actions, and certain regulatory  
23 transition; transferring to the board certain  
24 duties of the department relating to regulation  
25 of athletic trainers; amending s. 20.43, F.S.;  
26 placing the board under the Division of Medical  
27 Quality Assurance of the department; providing  
28 for termination of the council and the terms of  
29 council members; authorizing consideration of  
30 former council members for appointment to the  
31 board; amending s. 468.805, F.S.; revising

1 grandfathering provisions for the practice of  
2 orthotics, prosthetics, or pedorthics; amending  
3 s. 468.806, F.S.; providing for approval of  
4 continuing education providers; amending s.  
5 478.42, F.S.; redefining the term "electrolysis  
6 or electrology"; amending s. 483.041, F.S.;  
7 redefining the terms "clinical laboratory" and  
8 "licensed practitioner" and defining the term  
9 "clinical laboratory examination"; amending s.  
10 483.803, F.S.; redefining the terms "clinical  
11 laboratory examination" and "licensed  
12 practitioner of the healing arts"; revising a  
13 reference; amending ss. 395.7015, 408.07, F.S.;  
14 correcting cross-references, to conform;  
15 amending s. 483.807, F.S.; revising provisions  
16 relating to fees for approval as a laboratory  
17 training program; amending s. 483.809, F.S.;  
18 revising requirements relating to examination  
19 of clinical laboratory personnel for licensure  
20 and to registration of clinical laboratory  
21 trainees; amending s. 483.812, F.S.; revising  
22 qualification requirements for licensure of  
23 public health laboratory scientists; amending  
24 s. 483.813, F.S.; eliminating a provision  
25 authorizing conditional licensure of clinical  
26 laboratory personnel for a specified period;  
27 amending s. 483.821, F.S.; authorizing  
28 continuing education or retraining for  
29 candidates who fail an examination a specified  
30 number of times; amending s. 483.824, F.S.;  
31 revising qualifications of clinical laboratory



1 directors; amending s. 483.825, F.S.; revising  
2 and providing grounds for discipline; providing  
3 penalties; amending s. 483.901, F.S.;  
4 correcting a reference; eliminating a provision  
5 authorizing temporary licensure as a medical  
6 physicist; correcting the name of a trust fund;  
7 amending s. 484.007, F.S.; revising  
8 requirements for opticians who supervise  
9 apprentices; amending s. 484.0512, F.S.;  
10 requiring sellers of hearing aids to refund  
11 within a specified period all moneys required  
12 to be refunded under trial-period provisions;  
13 amending s. 484.053, F.S.; increasing the  
14 penalty applicable to prohibited acts relating  
15 to the dispensing of hearing aids; amending s.  
16 484.056, F.S.; providing that violation of  
17 trial-period requirements is a ground for  
18 disciplinary action; providing penalties;  
19 amending ss. 486.041, 486.081, 486.103, and  
20 486.107, F.S.; eliminating provisions  
21 authorizing issuance of a temporary permit to  
22 work as a physical therapist or physical  
23 therapist assistant; amending s. 490.003, F.S.;  
24 deferring a revision to the definition of the  
25 terms "doctoral-level psychological education"  
26 and "doctoral degree in psychology"; amending  
27 s. 490.005, F.S.; revising educational  
28 requirements for licensure as a psychologist by  
29 examination; changing a date, to defer certain  
30 educational requirements; amending s. 490.006,  
31 F.S.; providing additional requirements for

1 licensure as a psychologist by endorsement;  
2 amending s. 490.0085, F.S.; correcting the name  
3 of a trust fund; amending s. 491.0045, F.S.;  
4 revising requirements for registration as a  
5 clinical social worker intern, marriage and  
6 family therapist intern, or mental health  
7 counselor intern; amending s. 491.0046, F.S.;  
8 revising requirements for provisional licensure  
9 of clinical social workers, marriage and family  
10 therapists, and mental health counselors;  
11 amending s. 491.005, F.S.; revising  
12 requirements for licensure of clinical social  
13 workers, marriage and family therapists, and  
14 mental health counselors; providing for  
15 certification of education of interns;  
16 providing rulemaking authority to implement  
17 education and experience requirements for  
18 licensure as a clinical social worker, marriage  
19 and family therapist, or mental health  
20 counselor; revising future licensure  
21 requirements for mental health counselors and  
22 providing rulemaking authority for  
23 implementation thereof; amending s. 491.006,  
24 F.S.; revising requirements for licensure or  
25 certification by endorsement; amending s.  
26 491.0085, F.S.; requiring laws and rules  
27 courses and providing for approval thereof,  
28 including providers and programs; correcting  
29 the name of a trust fund; amending s. 491.014,  
30 F.S.; revising an exemption from regulation  
31 relating to certain temporally limited

1 services; amending ss. 626.883, 641.316, F.S.;  
2 providing for a detailed explanation of  
3 benefits to be included in all payments to a  
4 health care provider by a fiscal intermediary;  
5 providing effective dates.

6  
7 Be It Enacted by the Legislature of the State of Florida:

8  
9 Section 1. Paragraph (b) of subsection (3) of section  
10 232.435, Florida Statutes, is amended to read:

11 232.435 Extracurricular athletic activities; athletic  
12 trainers.--

13 (3)

14 (b) If a school district uses the services of an  
15 athletic trainer who is not a teacher athletic trainer or a  
16 teacher apprentice trainer within the requirements of this  
17 section, such athletic trainer must be licensed as required by  
18 part XIII ~~XIV~~ of chapter 468.

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

21 381.026 Florida Patient's Bill of Rights and  
22 Responsibilities.--

23 (2) DEFINITIONS.--As used in this section and s.  
24 381.0261, the term:

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

26 (b)~~(a)~~ "Health care facility" means a facility  
27 licensed under chapter 395.

28 (c)~~(b)~~ "Health care provider" means a physician  
29 licensed under chapter 458, an osteopathic physician licensed  
30 under chapter 459, or a podiatric physician licensed under  
31 chapter 461.

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

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

6           381.0261 Summary of patient's bill of rights;  
7 distribution; penalty.--

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

20           (b) An administrative fine may be imposed by the  
21 appropriate regulatory board or department when any health  
22 care provider fails to make available to patients a summary of  
23 their rights, pursuant to s. 381.026 and this section. Initial  
24 nonwillful violations shall be subject to corrective action  
25 and shall not be subject to an administrative fine.The  
26 appropriate regulatory board or department ~~agency~~ may levy a  
27 fine against a health care provider of up to \$100 for  
28 nonwillful violations and up to \$500 for willful violations.  
29 Each intentional and willful violation constitutes a separate  
30 violation and is subject to a separate fine.

31

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

3           455.501 Definitions.--As used in this part, the term:

4           (4) "Health care practitioner" means any person  
5 licensed under s. 400.211;chapter 457; chapter 458; chapter  
6 459; chapter 460; chapter 461; chapter 462; chapter 463;  
7 chapter 464; chapter 465; chapter 466; chapter 467;part I,  
8 part II,part III, part V, ~~or~~ part X, part XIII, or part XIV  
9 of chapter 468; chapter 478;chapter 480; part III or part IV  
10 of chapter 483;chapter 484; chapter 486; chapter 490; or  
11 chapter 491.

12           (6) "Licensee" means any person or entity issued a  
13 permit, registration, certificate, or license by the  
14 department.

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

17           455.507 Members of Armed Forces in good standing with  
18 administrative boards or department.--

19           (1) Any member of the Armed Forces of the United  
20 States now or hereafter on active duty who, at the time of ~~his~~  
21 becoming such a member, was in good standing with any  
22 administrative board of the state, or the department when  
23 there is no board,and was entitled to practice or engage in  
24 his or her profession or vocation in the state shall be kept  
25 in good standing by such administrative board, or the  
26 department when there is no board,without registering, paying  
27 dues or fees, or performing any other act on his or her part  
28 to be performed, as long as he or she is a member of the Armed  
29 Forces of the United States on active duty and for a period of  
30 6 months after ~~his~~ discharge from active duty as a member of  
31 the Armed Forces of the United States, provided he or she is

1 not engaged in his or her licensed profession or vocation in  
2 the private sector for profit.

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

9 Section 6. Section 455.521, Florida Statutes, 1998  
10 Supplement, is amended to read:

11 455.521 Department; powers and duties.--The  
12 department, for the professions boards under its jurisdiction,  
13 shall:

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

21 (2) Appoint the executive director of each board,  
22 subject to the approval of the board.

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

25 (4) Develop a training program for persons newly  
26 appointed to membership on any board. The program shall  
27 familiarize such persons with the substantive and procedural  
28 laws and rules and fiscal information relating to the  
29 regulation of the appropriate profession and with the  
30 structure of the department.

31

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

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

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

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

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

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

4           455.564 Department; general licensing provisions.--

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

25           (2) Before the issuance of any license, the department  
26 may charge an initial license fee as determined by rule of the  
27 applicable board or, if no such board exists, by rule of the  
28 department. Upon receipt of the appropriate license fee, the  
29 department shall issue a license to any person certified by  
30 the appropriate board, or its designee, as having met the  
31 licensure requirements imposed by law or rule. The license



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

14 (6) As a condition of renewal of a license, the Board  
15 of Medicine, the Board of Osteopathic Medicine, the Board of  
16 Chiropractic Medicine, and the Board of Podiatric Medicine  
17 shall each require licensees which they respectively regulate  
18 to periodically demonstrate their professional competency by  
19 completing at least 40 hours of continuing education every 2  
20 years, which may include ~~up to 1 hour of~~ risk management or  
21 cost containment and ~~up to 2 hours of~~ other topics related to  
22 the applicable medical specialty, if required by board rule.  
23 Each of such boards shall determine whether any specific  
24 course requirements not otherwise mandated by law shall be  
25 mandated and shall approve criteria for, and the content of,  
26 any course mandated by such board. Notwithstanding any other  
27 provision of law, the board, or the department when there is  
28 no board, may approve by rule alternative methods of obtaining  
29 continuing education credits in risk management. The  
30 alternative methods may include attending a board meeting at  
31 which another a licensee is disciplined, serving as a

1 volunteer expert witness for the department in a disciplinary  
2 case, or serving as a member of a probable cause panel  
3 following the expiration of a board member's term. Other  
4 boards within the Division of Medical Quality Assurance, or  
5 the department if there is no board, may adopt rules granting  
6 continuing education hours in risk management for attending a  
7 board meeting at which another licensee is disciplined,  
8 serving as a volunteer expert witness for the department in a  
9 disciplinary case, or serving as a member of a probable cause  
10 panel following the expiration of a board member's term.

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

23 (9) Notwithstanding any law to the contrary, an  
24 elected official who is licensed under a practice act  
25 administered by the Division of Medical ~~Health~~ Quality  
26 Assurance may hold employment for compensation with any public  
27 agency concurrent with such public service. Such dual service  
28 must be disclosed according to any disclosure required by  
29 applicable law.

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31

1           Section 8. Paragraph (a) of subsection (1) of section  
2 455.565, Florida Statutes, 1998 Supplement, is amended to  
3 read:

4           455.565 Designated health care professionals;  
5 information required for licensure.--

6           (1) Each person who applies for initial licensure as a  
7 physician under chapter 458, chapter 459, chapter 460, or  
8 chapter 461 must, at the time of application, and each  
9 physician who applies for license renewal under chapter 458,  
10 chapter 459, chapter 460, or chapter 461 must, in conjunction  
11 with the renewal of such license and under procedures adopted  
12 by the Department of Health, and in addition to any other  
13 information that may be required from the applicant, furnish  
14 the following information to the Department of Health:

15           (a)1. The name of each medical school that the  
16 applicant has attended, with the dates of attendance and the  
17 date of graduation, and a description of all graduate medical  
18 education completed by the applicant, excluding any coursework  
19 taken to satisfy medical licensure continuing education  
20 requirements.

21           2. The name of each hospital at which the applicant  
22 has privileges.

23           3. The address at which the applicant will primarily  
24 conduct his or her practice.

25           4. Any certification that the applicant has received  
26 from a specialty board that is recognized by the board to  
27 which the applicant is applying.

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

30           6. Any appointment to the faculty of a medical school  
31 which the applicant currently holds and an indication as to

1 whether the applicant has had the responsibility for graduate  
2 medical education within the most recent 10 years.

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

18 8. A description of any final disciplinary action  
19 taken within the previous 10 years against the applicant by  
20 the agency regulating the profession that the applicant is or  
21 has been licensed to practice, whether in this state or in any  
22 other jurisdiction, by a specialty board that is recognized by  
23 the American Board of Medical Specialities, the American  
24 Osteopathic Association, or a similar national organization,  
25 or by a licensed hospital, health maintenance organization,  
26 prepaid health clinic, ambulatory surgical center, or nursing  
27 home. Disciplinary action includes resignation from or  
28 nonrenewal of medical staff membership or the restriction of  
29 privileges at a licensed hospital, health maintenance  
30 organization, prepaid health clinic, ambulatory surgical  
31 center, or nursing home taken in lieu of or in settlement of a

1 pending disciplinary case related to competence or character.  
2 If the applicant indicates that the disciplinary action is  
3 under appeal and submits a copy of the document initiating an  
4 appeal of the disciplinary action, the department must state  
5 that the disciplinary action is under appeal if the  
6 disciplinary action is reported in the applicant's profile.

7 Section 9. Section 455.567, Florida Statutes, is  
8 amended to read:

9 455.567 Sexual misconduct; disqualification for  
10 license, certificate, or registration.--

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

21 (2) Each board within the jurisdiction of the  
22 department, or the department if there is no board, shall  
23 refuse to admit a candidate to any examination and refuse to  
24 issue a license, certificate, or registration to any applicant  
25 if the candidate or applicant has:

26 (a)~~(1)~~ Had any license, certificate, or registration  
27 to practice any profession or occupation revoked or  
28 surrendered based on a violation of sexual misconduct in the  
29 practice of that profession under the laws of any other state  
30 or any territory or possession of the United States and has  
31 not had that license, certificate, or registration reinstated

1 by the licensing authority of the jurisdiction that revoked  
2 the license, certificate, or registration; or  
3 (b)~~(2)~~ Committed any act in any other state or any  
4 territory or possession of the United States which if  
5 committed in this state would constitute sexual misconduct.

6  
7 For purposes of this subsection, a licensing authority's  
8 acceptance of a candidate's relinquishment of a license which  
9 is offered in response to or in anticipation of the filing of  
10 administrative charges against the candidate's license  
11 constitutes the surrender of the license.

12 Section 10. Subsection (2) of section 455.574, Florida  
13 Statutes, 1998 Supplement, is amended to read:

14 455.574 Department of Health; examinations.--

15 (2) For each examination developed by the department  
16 or a contracted vendor, the board, or the department when  
17 there is no board, shall adopt rules providing for  
18 reexamination of any applicants who failed an examination  
19 developed by the department or a contracted vendor. If both a  
20 written and a practical examination are given, an applicant  
21 shall be required to retake only the portion of the  
22 examination on which the applicant failed to achieve a passing  
23 grade, if the applicant successfully passes that portion  
24 within a reasonable time, as determined by rule of the board,  
25 or the department when there is no board, of passing the other  
26 portion. Except for national examinations approved and  
27 administered pursuant to this section, the department shall  
28 provide procedures for applicants who fail an examination  
29 developed by the department or a contracted vendor to review  
30 their examination questions, answers, papers, grades, and  
31 grading key for the questions the candidate answered

1 incorrectly or, if not feasible, the parts of the examination  
2 failed. Applicants shall bear the actual cost for the  
3 department to provide examination review pursuant to this  
4 subsection. An applicant may waive in writing the  
5 confidentiality of the applicant's examination grades.

6 Section 11. Subsection (1) of section 455.587, Florida  
7 Statutes, is amended, present subsections (2) through (7) are  
8 renumbered as subsections (3) through (8), respectively, and a  
9 new subsection (2) is added to that section, to read:

10 455.587 Fees; receipts; disposition for boards within  
11 the department.--

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

1 to any profession operating with a negative cash balance. The  
2 advancement may be for a period not to exceed 2 consecutive  
3 years, and the regulated profession must pay interest.  
4 Interest shall be calculated at the current rate earned on  
5 investments of a trust fund used by the department to  
6 implement this part. Interest earned shall be allocated to the  
7 various funds in accordance with the allocation of investment  
8 earnings during the period of the advance.

9 (2) Each board, or the department if there is no  
10 board, may charge a fee not to exceed \$25, as determined by  
11 rule, for the issuance of a wall certificate pursuant to s.  
12 455.564(2) requested by a licensee who was licensed prior to  
13 July 1, 1998, or for the issuance of a duplicate wall  
14 certificate requested by any licensee.

15 Section 12. Subsections (1) and (6) of section  
16 455.604, Florida Statutes, 1998 Supplement, are amended to  
17 read:

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

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



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

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

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

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

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

1 syndrome, with an emphasis on appropriate behavior and  
2 attitude change.

3 Section 14. Paragraphs (t), (u), (v), and (w) are  
4 added to subsection (1) of section 455.624, Florida Statutes,  
5 and subsections (2) and (3) of that section are amended, to  
6 read:

7 455.624 Grounds for discipline; penalties;  
8 enforcement.--

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

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

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

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

1 adjudications, and pleas entered into prior to the enactment  
2 of this paragraph must be reported in writing to the board, or  
3 department if there is no board, on or before October 1, 1999.

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

12 (a) Refusal to certify, or to certify with  
13 restrictions, an application for a license.

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

15 (c) Restriction of practice.

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

18 (e) Issuance of a reprimand.

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

27 (g) Corrective action.

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

30  
31

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

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

22           Section 15. Paragraphs (g) and (k) of subsection (3)  
23 of section 455.654, Florida Statutes, 1998 Supplement, are  
24 amended to read:

25           455.654 Financial arrangements between referring  
26 health care providers and providers of health care services.--

27           (3) DEFINITIONS.--For the purpose of this section, the  
28 word, phrase, or term:

29           (g) "Health care provider" means any physician  
30 licensed under chapter 458, chapter 459, chapter 460, or  
31 chapter 461; ~~or~~ any health care provider licensed under

1 chapter 463 or chapter 466; or any business entity that is  
2 operating as a provider for kidney dialysis or nephrology and  
3 is vertically integrated with another business entity  
4 providing clinical laboratory services, except for any such  
5 entity licensed under chapter 395.

6 (k) "Referral" means any referral of a patient by a  
7 health care provider for health care services, including,  
8 without limitation:

9 1. The forwarding of a patient by a health care  
10 provider to another health care provider or to an entity which  
11 provides or supplies designated health services or any other  
12 health care item or service; or

13 2. The request or establishment of a plan of care by a  
14 health care provider, which includes the provision of  
15 designated health services or other health care item or  
16 service.

17 3. The following orders, recommendations, or plans of  
18 care shall not constitute a referral by a health care  
19 provider:

20 a. By a radiologist for diagnostic-imaging services.

21 b. By a physician specializing in the provision of  
22 radiation therapy services for such services.

23 c. By a medical oncologist for drugs and solutions to  
24 be prepared and administered intravenously to such  
25 oncologist's patient, as well as for the supplies and  
26 equipment used in connection therewith to treat such patient  
27 for cancer and the complications thereof.

28 d. By a cardiologist for cardiac catheterization  
29 services.

30 e. By a pathologist for diagnostic clinical laboratory  
31 tests and pathological examination services, if furnished by

1 or under the supervision of such pathologist pursuant to a  
2 consultation requested by another physician.

3 f. By a health care provider who is the sole provider  
4 or member of a group practice for designated health services  
5 or other health care items or services that are prescribed or  
6 provided solely for such referring health care provider's or  
7 group practice's own patients, and that are provided or  
8 performed by or under the direct supervision of such referring  
9 health care provider or group practice.

10 g. By a health care provider for services provided by  
11 an ambulatory surgical center licensed under chapter 395.

12 h. By a health care provider for renal dialysis  
13 ~~diagnostic clinical laboratory services and supplies, but not~~  
14 ~~for designated health services, except those providers~~  
15 ~~licensed under chapter 395 where such services are directly~~  
16 ~~related to renal dialysis.~~

17 i. By a urologist for lithotripsy services.

18 j. By a dentist for dental services performed by an  
19 employee of or health care provider who is an independent  
20 contractor with the dentist or group practice of which the  
21 dentist is a member.

22 k. By a physician for infusion therapy services to a  
23 patient of that physician or a member of that physician's  
24 group practice.

25 ~~l. By a nephrologist for renal dialysis services and~~  
26 ~~supplies.~~

27 Section 16. Section 455.664, Florida Statutes, is  
28 amended to read:

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

1 or reduced fee service, examination, or treatment by a health  
2 care practitioner ~~provider~~ licensed under chapter 458, chapter  
3 459, chapter 460, chapter 461, chapter 462, chapter 463,  
4 chapter 464, chapter 465,chapter 466, chapter 467, chapter  
5 478, chapter 483, chapter 484,~~or~~ chapter 486, chapter 490, or  
6 chapter 491,the following statement shall appear in capital  
7 letters clearly distinguishable from the rest of the text:

8 THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A  
9 RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR  
10 PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT THAT  
11 IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING  
12 TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED  
13 FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required  
14 statement shall not be necessary as an accompaniment to an  
15 advertisement of a licensed health care practitioner ~~provider~~  
16 defined by this section if the advertisement appears in a  
17 classified directory the primary purpose of which is to  
18 provide products and services at free, reduced, or discounted  
19 prices to consumers and in which the statement prominently  
20 appears in at least one place.

21 Section 17. Subsection (7) of section 455.667, Florida  
22 Statutes, 1998 Supplement, is amended to read:

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

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

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

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

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



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

12 (b) Patient records, billing records, insurance  
13 information, provider contracts, and all attachments thereto  
14 ~~record~~ obtained by the department pursuant to this subsection  
15 shall be used solely for the purpose of the department and the  
16 appropriate regulatory board in disciplinary proceedings. ~~The~~  
17 ~~records shall otherwise be confidential and exempt from s.~~  
18 ~~19.07(1).~~ This section does not limit the assertion of the  
19 psychotherapist-patient privilege under s. 90.503 in regard to  
20 records of treatment for mental or nervous disorders by a  
21 medical practitioner licensed pursuant to chapter 458 or  
22 chapter 459 who has primarily diagnosed and treated mental and  
23 nervous disorders for a period of not less than 3 years,  
24 inclusive of psychiatric residency. However, the health care  
25 practitioner shall release records of treatment for medical  
26 conditions even if the health care practitioner has also  
27 treated the patient for mental or nervous disorders. If the  
28 department has found reasonable cause under this section and  
29 the psychotherapist-patient privilege is asserted, the  
30 department may petition the circuit court for an in camera  
31 review of the records by expert medical practitioners

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

4 Section 18. Subsection (3) is added to section  
5 455.687, Florida Statutes, to read:

6 455.687 Certain health care practitioners; immediate  
7 suspension of license.--

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

19 Section 19. Section 455.694, Florida Statutes, 1998  
20 Supplement, is amended to read:

21 455.694 Financial responsibility requirements for  
22 ~~Boards regulating~~ certain health care practitioners.--

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

1 responsibility in an amount and in a manner determined by the  
2 board or department to be sufficient to cover claims arising  
3 out of the rendering of or failure to render professional care  
4 and services in this state.

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

8 (a) Any person licensed under chapter 457, chapter  
9 460, chapter 461, s. 464.012, ~~or~~ chapter 466, or chapter 467  
10 who practices exclusively as an officer, employee, or agent of  
11 the Federal Government or of the state or its agencies or its  
12 subdivisions. For the purposes of this subsection, an agent  
13 of the state, its agencies, or its subdivisions is a person  
14 who is eligible for coverage under any self-insurance or  
15 insurance program authorized by the provisions of s.  
16 768.28(15) or who is a volunteer under s. 110.501(1).

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

30  
31

1 (c) Any person holding a limited license pursuant to  
2 s. 455.561, and practicing under the scope of such limited  
3 license.

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

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

18 (f) Any person who can demonstrate to the board or  
19 department that he or she has no malpractice exposure in the  
20 state.

21 (3) Notwithstanding the provisions of this section,  
22 the financial responsibility requirements of ss. 458.320 and  
23 459.0085 shall continue to apply to practitioners licensed  
24 under those chapters.

25 Section 20. Section 455.712, Florida Statutes, is  
26 created to read:

27 455.712 Business establishments; requirements for  
28 active status licenses.--

29 (1) A business establishment regulated by the Division  
30 of Medical Quality Assurance pursuant to this part may provide  
31 regulated services only if the business establishment has an

1 active status license. A business establishment that provides  
2 regulated services without an active status license is in  
3 violation of this section and s. 455.624, and the board, or  
4 the department if there is no board, may impose discipline on  
5 the business establishment.

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

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

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

30 (5) This section applies to any a business  
31 establishment registered, permitted, or licensed by the

1 department to do business. Business establishments include,  
2 but are not limited to, dental laboratories, electrology  
3 facilities, massage establishments, pharmacies, and health  
4 care services pools.

5 Section 21. Subsection (7) is added to section  
6 457.102, Florida Statutes, 1998 Supplement, to read:

7 457.102 Definitions.--As used in this chapter:

8 (7) "Prescriptive rights" means the prescription,  
9 administration, and use of needles and devices, restricted  
10 devices, and prescription devices that are used in the  
11 practice of acupuncture and oriental medicine.

12 Section 22. Subsection (3) of section 458.305, Florida  
13 Statutes, is amended to read:

14 458.305 Definitions.--As used in this chapter:

15 (3) "Practice of medicine" means making or approving a  
16 the diagnosis, treatment, treatment plan, operation,  
17 procedure, or prescription for any human disease, pain,  
18 injury, deformity, or other physical or mental condition. The  
19 "practice of medicine" does not include coverage decisions for  
20 purposes of insurance benefits as long as medical judgments  
21 are not involved.

22 Section 23. Subsections (2) and (4) of section  
23 458.307, Florida Statutes, 1998 Supplement, are amended to  
24 read:

25 458.307 Board of Medicine.--

26 (2) Twelve members of the board must be licensed  
27 physicians in good standing in this state who are residents of  
28 the state and who have been engaged in the active practice or  
29 teaching of medicine for at least 4 years immediately  
30 preceding their appointment. One of the physicians must be on  
31 the full-time faculty of a medical school in this state, and

1 one of the physicians must be in private practice and on the  
2 full-time staff of a statutory teaching hospital in this state  
3 as defined in s. 408.07. At least one of the physicians must  
4 be a graduate of a foreign medical school. The remaining  
5 three members must be residents of the state who are not, and  
6 never have been, licensed health care practitioners. One  
7 member must be a health care hospital risk manager licensed  
8 ~~certified~~ under s. 395.10974 ~~part IX of chapter 626~~. At least  
9 one member of the board must be 60 years of age or older.

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

20 Section 24. 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 25. 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 26. 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 27. 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 28. 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 29. 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 30. Paragraph (u) of subsection (1) of section  
5 458.331, Florida Statutes, 1998 Supplement, is amended,  
6 paragraph (mm) is added to that subsection, and subsection (2)  
7 of that section is amended, to read:

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

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

13 (u) Performing any procedure or prescribing any  
14 therapy which, by the prevailing standards of medical practice  
15 in the community, would constitute experimentation on a human  
16 subject, without first obtaining full, informed, and written  
17 consent. The Board of Medicine may designate by rule or by  
18 declaratory statement specific experimental treatments that  
19 may be performed on patients who are in need of emergency  
20 medical intervention for a life-threatening medical condition,  
21 but who cannot give full, informed, and written consent  
22 because of their life-threatening medical condition and who do  
23 not have a legally authorized person present to represent  
24 them. Only experimental treatment that is the subject of U.S.  
25 Food and Drug Administration-approved research activities  
26 involving human subjects who are in need of emergency medical  
27 intervention may be so designated.

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

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

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

9           (b) Revocation or suspension of a license.

10           (c) Restriction of practice.

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

13           (e) Issuance of a reprimand.

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

20           (g) Issuance of a letter of concern.

21           (h) Corrective action.

22           (i) Refund of fees billed to and collected from the  
23 patient.

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

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

4 Section 31. Subsection (7) of section 458.347, Florida  
5 Statutes, 1998 Supplement, is amended to read:

6 458.347 Physician assistants.--

7 (7) PHYSICIAN ASSISTANT LICENSURE.--

8 (a) Any person desiring to be licensed as a physician  
9 assistant must apply to the department. The department shall  
10 issue a license to any person certified by the council as  
11 having met the following requirements:

12 1. Is at least 18 years of age.

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

23 3. Has completed the application form and remitted an  
24 application fee not to exceed \$300 as set by the boards. An  
25 application for licensure made by a physician assistant must  
26 include:

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

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

30 c. A sworn statement of any previous revocation or  
31 denial of licensure or certification in any state.

1           d. Two letters of recommendation.

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

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

1 that developed it, on one of the following English  
2 examinations:

3 (I) The test for spoken English (TSE) by the  
4 Educational Testing Service (ETS);

5 (II) The test of English as a foreign language  
6 (TOEFL), by ETS;

7 (III) A high school or college level English course;

8 (IV) The English examination for citizenship,  
9 Immigration and Naturalization Service.

10

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

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

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

30

31

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

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

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

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

11 (c) The license must be renewed biennially. Each  
12 renewal must include:

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

15 2. A sworn statement of no felony convictions in the  
16 previous 2 years.

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

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

28 (f) Notwithstanding subparagraph (a)2., the department  
29 may grant to a recent graduate of an approved program, as  
30 specified in subsection (6), who expects to take the first  
31 examination administered by the National Commission on

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

28 (g) The Board of Medicine may impose any of the  
29 penalties specified in ss. 455.624 and 458.331(2) upon a  
30 physician assistant if the physician assistant or the  
31 supervising physician has been found guilty of or is being



1 investigated for any act that constitutes a violation of this  
2 chapter or part II of chapter 455.

3 Section 32. Subsection (3) of section 459.003, Florida  
4 Statutes, is amended to read:

5 459.003 Definitions.--As used in this chapter:

6 (3) "Practice of osteopathic medicine" means making or  
7 approving a the diagnosis, treatment, treatment plan,  
8 operation, procedure, or prescription for any human disease,  
9 pain, injury, deformity, or other physical or mental  
10 condition, which practice is based in part upon educational  
11 standards and requirements which emphasize the importance of  
12 the musculoskeletal structure and manipulative therapy in the  
13 maintenance and restoration of health. The "practice of  
14 osteopathic medicine" does not include coverage decisions for  
15 purposes of insurance benefits as long as medical judgments  
16 are not involved.

17 Section 33. Subsection (7) is added to section  
18 459.0075, Florida Statutes, to read:

19 459.0075 Limited licenses.--

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

30  
31

1           Section 34. 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 35. Paragraph (a) of subsection (8) of section  
18 460.403, Florida Statutes, 1998 Supplement, is amended to  
19 read:

20 460.403 Definitions.--As used in this chapter, the  
21 term:

22 (8)(a) "Practice of chiropractic medicine" means a  
23 noncombative principle and practice consisting of the science,  
24 philosophy, and art of the adjustment, manipulation, and  
25 treatment of the human body in which vertebral subluxations  
26 and other malpositioned articulations and structures that are  
27 interfering with the normal generation, transmission, and  
28 expression of nerve impulse between the brain, organs, and  
29 tissue cells of the body, thereby causing disease, are  
30 adjusted, manipulated, or treated, thus restoring the normal  
31 flow of nerve impulse which produces normal function and

1 consequent health by chiropractic physicians using specific  
2 chiropractic adjustment or manipulation techniques taught in  
3 chiropractic colleges accredited by the Council on  
4 Chiropractic Education. No person other than a licensed  
5 chiropractic physician may render chiropractic services,  
6 chiropractic adjustments, or chiropractic manipulations. The  
7 practice of chiropractic medicine also includes making or  
8 approving a manipulation or adjustment, diagnosis, treatment,  
9 treatment plan, procedure, or prescription. The practice of  
10 chiropractic medicine does not include coverage decisions for  
11 purposes of insurance benefits, so long as a medical judgment  
12 is not involved.

13 Section 36. Paragraph (e) of subsection (1) of section  
14 460.406, Florida Statutes, 1998 Supplement, is amended to  
15 read:

16 460.406 Licensure by examination.--

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

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. The board by rule shall  
7 establish qualifications for serving as a supervising  
8 chiropractic physician and procedures for approving a  
9 supervising chiropractic physician. However, an applicant who  
10 has practiced chiropractic medicine in any other state,  
11 territory, or jurisdiction of the United States or any foreign  
12 national jurisdiction for at least 5 years as a licensed  
13 chiropractic physician need not be required to complete the  
14 3-month training program as a requirement for licensure.

15 Section 37. Paragraph (d) of subsection (2) of section  
16 460.413, Florida Statutes, 1998 Supplement, is amended to  
17 read:

18 460.413 Grounds for disciplinary action; action by the  
19 board.--

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

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

25  
26 In determining what action is appropriate, the board must  
27 first consider what sanctions are necessary to protect the  
28 public or to compensate the patient. Only after those  
29 sanctions have been imposed may the disciplining authority  
30 consider and include in the order requirements designed to  
31 rehabilitate the chiropractic physician. All costs associated

1 with compliance with orders issued under this subsection are  
2 the obligation of the chiropractic physician.

3 Section 38. Section 461.003, Florida Statutes, 1998  
4 Supplement, is amended to read:

5 461.003 Definitions.--As used in this chapter:

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

7 (1)(2) "Board" means the Board of Podiatric Medicine  
8 as created in this chapter.

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

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

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

31

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

3           (5) "Practice of podiatric medicine" means making or  
4 approving a treatment plan, procedure, operation, or the  
5 diagnosis or medical, surgical, palliative, and mechanical  
6 treatment of ailments of the human foot and leg. The surgical  
7 treatment of ailments of the human foot and leg shall be  
8 limited anatomically to that part below the anterior tibial  
9 tubercle. The practice of podiatric medicine shall include  
10 the amputation of the toes or other parts of the foot but  
11 shall not include the amputation of the foot or leg in its  
12 entirety. A podiatric physician may prescribe drugs that  
13 relate specifically to the scope of practice authorized  
14 herein. The practice of podiatric medicine does not include  
15 coverage decisions for purposes of insurance benefits, so long  
16 as medical judgment is not involved.

17           Section 39. Paragraph (d) of subsection (1) of section  
18 461.006, Florida Statutes, 1998 Supplement, is amended to  
19 read:

20           461.006 Licensure by examination.--

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

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

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

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

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

17           Section 40. Subsection (1) of section 461.007, Florida  
18 Statutes, 1998 Supplement, is amended to read:

19           461.007 Renewal of license.--

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



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

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

10 Section 41. Paragraph (bb) is added to subsection (1)  
11 of section 461.013, Florida Statutes, 1998 Supplement, and  
12 subsection (2) of that section is amended, to read:

13 461.013 Grounds for disciplinary action; action by the  
14 board; investigations by department.--

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

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

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

27 (b) Revocation or suspension of a license.

28 (c) Restriction of practice.

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

31 (e) Issuance of a reprimand.

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

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

9 Section 42. Section 461.0135, Florida Statutes, is  
10 created to read:

11 461.0135 Operation of X-ray machines by podiatric  
12 X-ray assistants.--A licensed podiatric physician may utilize  
13 an X-ray machine, expose X-ray films, and interpret or read  
14 such films. The provision of part IV of chapter 468 to the  
15 contrary notwithstanding, a licensed podiatric physician may  
16 authorize or direct a certified podiatric X-ray assistant to  
17 operate such equipment and expose such films under the  
18 licensed podiatric physician's direction and supervision,  
19 pursuant to rules adopted by the board in accordance with s.  
20 461.004, which ensures that such certified podiatric X-ray  
21 assistant is competent to operate such equipment in a safe and  
22 efficient manner by reason of training, experience, and  
23 passage of a board-approved course which includes an  
24 examination. The board shall issue a certificate to an  
25 individual who successfully completes the board-approved  
26 course and passes the examination to be administered by the  
27 training authority upon completion of such course.

28 Section 43. Subsection (3) is added to section  
29 464.008, Florida Statutes, to read:

30 464.008 Licensure by examination.--  
31

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

12           Section 44. Subsection (13) is added to section  
13 464.022, Florida Statutes, to read:

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

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

18           Section 45. Subsections (4) through (14) of section  
19 465.003, Florida Statutes, are renumbered as subsections (5)  
20 through (15), respectively, and a new subsection (4) is added  
21 to that section, to read:

22           465.003 Definitions.--As used in this chapter, the  
23 term:

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

28           Section 46. Paragraph (1) of subsection (1) and  
29 paragraph (c) of subsection (2) of section 465.016, Florida  
30 Statutes, are amended, and paragraph (q) is added to  
31 subsection (1) of that section, to read:

1           465.016 Disciplinary actions.--

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

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

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

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

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

23           Section 47. Subsection (2) of section 465.017, Florida  
24 Statutes, is amended to read:

25           465.017 Authority to inspect.--

26           (2) Except as permitted by this chapter, and chapters  
27 406, 409, 455, 499, and 893, records maintained by ~~in~~ a  
28 pharmacy relating to the filling of prescriptions and the  
29 dispensing of medicinal drugs shall not be furnished, except  
30 upon the written authorization of the patient, to any person  
31 other than to the patient for whom the drugs were dispensed,

1 ~~or her or his legal representative, or to the department~~  
2 ~~pursuant to existing law, or, in the event that the patient is~~  
3 ~~incapacitated or unable to request such said records, her or~~  
4 ~~his spouse; to the department pursuant to law; to health care~~  
5 ~~practitioners and pharmacists consulting with or dispensing to~~  
6 ~~the patient; or to insurance carriers or other payors~~  
7 ~~authorized by the patient to receive such records. For~~  
8 ~~purposes of this section, records held in a pharmacy shall be~~  
9 ~~considered owned by the owner of the pharmacy. The pharmacy~~  
10 ~~owner may use such records in the aggregate without patient~~  
11 ~~identification data, regardless of where such records are~~  
12 ~~held, for purposes reasonably related to the business and~~  
13 ~~practice of pharmacy except upon the written authorization of~~  
14 ~~such patient. Such records may be furnished in any civil or~~  
15 ~~criminal proceeding, upon the issuance of a subpoena from a~~  
16 ~~court of competent jurisdiction and proper notice to the~~  
17 ~~patient or her or his legal representative by the party~~  
18 ~~seeking such records. Such records or any part thereof, if~~  
19 ~~transmitted through a data communication device and not~~  
20 ~~directly between a pharmacy and a treating practitioner, may~~  
21 ~~not be accessed, used, or maintained by the operator or owner~~  
22 ~~of the data communication device unless specifically~~  
23 ~~authorized by this section. It is the intent of this~~  
24 ~~subsection to allow the use and sharing of such records to~~  
25 ~~improve patient care, provided the pharmacist acts in the best~~  
26 ~~interests of her or his patient. Nothing in this subsection~~  
27 ~~may be construed to authorize or expand solicitation or~~  
28 ~~marketing to patients or potential patients in any manner not~~  
29 ~~otherwise specifically authorized by law.~~

30 Section 48. Section 465.014, Florida Statutes, is  
31 amended to read:

1           465.014 Pharmacy technician.--No person other than a  
2 licensed pharmacist or pharmacy intern may engage in the  
3 practice of the profession of pharmacy, except that a licensed  
4 pharmacist may delegate to nonlicensed pharmacy technicians  
5 those duties, tasks, and functions which do not fall within  
6 the purview of s. 465.003(13)~~(12)~~. All such delegated acts  
7 shall be performed under the direct supervision of a licensed  
8 pharmacist who shall be responsible for all such acts  
9 performed by persons under his or her supervision. A pharmacy  
10 technician, under the supervision of a pharmacist, may  
11 initiate or receive communications with a practitioner or his  
12 or her agent, on behalf of a patient, regarding refill  
13 authorization requests. No licensed pharmacist shall  
14 supervise more than one pharmacy technician unless otherwise  
15 permitted by the guidelines adopted by the board. The board  
16 shall establish guidelines to be followed by licensees or  
17 permittees in determining the circumstances under which a  
18 licensed pharmacist may supervise more than one but not more  
19 than three pharmacy technicians.

20           Section 49. Paragraph (c) of subsection (2) of section  
21 465.015, Florida Statutes, is amended to read:

22           465.015 Violations and penalties.--

23           (2) It is unlawful for any person:

24           (c) To sell or dispense drugs as defined in s.  
25 465.003(8)~~(7)~~without first being furnished with a  
26 prescription.

27           Section 50. Section 465.0196, Florida Statutes, is  
28 amended to read:

29           465.0196 Special pharmacy permits.--Any person  
30 desiring a permit to operate a pharmacy which does not fall  
31 within the definitions set forth in s. 465.003(11)~~(10)~~(a)1.,

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

15 Section 51. Subsection (3) of section 468.812, Florida  
16 Statutes, is amended to read:

17 468.812 Exemptions from licensure.--

18 (3) The provisions of this act relating to orthotics  
19 or pedorthics do not apply to any licensed pharmacist or to  
20 any person acting under the supervision of a licensed  
21 pharmacist. The practice of orthotics or pedorthics by a  
22 pharmacist or any of the pharmacist's employees acting under  
23 the supervision of a pharmacist shall be construed to be  
24 within the meaning of the term "practice of the profession of  
25 pharmacy" as set forth in s. 465.003(13)(~~12~~), and shall be  
26 subject to regulation in the same manner as any other pharmacy  
27 practice. The Board of Pharmacy shall develop rules regarding  
28 the practice of orthotics and pedorthics by a pharmacist. Any  
29 pharmacist or person under the supervision of a pharmacist  
30 engaged in the practice of orthotics or pedorthics shall not  
31



1 be precluded from continuing that practice pending adoption of  
2 these rules.

3 Section 52. Subsection (19) of section 499.003,  
4 Florida Statutes, is amended to read:

5 499.003 Definitions of terms used in ss.

6 499.001-499.081.--As used in ss. 499.001-499.081, the term:

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

13 Section 53. Subsection (2) of section 465.017, Florida  
14 Statutes, is amended to read:

15 465.017 Authority to inspect.--

16 (2) Except as permitted by this chapter, and chapters  
17 406, 409, 455, 499, and 893, records maintained by ~~in~~ a  
18 pharmacy relating to the filling of prescriptions and the  
19 dispensing of medicinal drugs shall not be furnished, except  
20 upon the written authorization of the patient, to any person  
21 other than to the patient for whom the drugs were dispensed,  
22 ~~or her or his legal representative, or to the department~~  
23 ~~pursuant to existing law,~~ or, in the event that the patient is  
24 incapacitated or unable to request such ~~said~~ records, her or  
25 his spouse; to the department pursuant to law; to health care  
26 practitioners and pharmacists consulting with or dispensing to  
27 the patient, including physicians who are part of independent  
28 practice associations, physician hospital organizations, or  
29 other such organized provider groups; to entities that provide  
30 compliance services; or to insurance carriers or other payors  
31 authorized by the patient to receive such records. For

1 purposes of this section, records held in a pharmacy shall be  
2 considered owned by the owner of the pharmacy. The pharmacy  
3 owner may use such records internally in the aggregate without  
4 patient identification data, regardless of where such records  
5 are held, for purposes reasonably related to the business and  
6 practice of only that pharmacy ~~except upon the written~~  
7 ~~authorization of such patient.~~ Such records may be furnished  
8 in any civil or criminal proceeding, upon the issuance of a  
9 subpoena from a court of competent jurisdiction and proper  
10 notice to the patient or her or his legal representative by  
11 the party seeking such records. Such records or any part  
12 thereof, if transmitted through a data communication device  
13 not under the control or ownership of a pharmacy or affiliated  
14 company or not directly between a pharmacy and a treating  
15 practitioner, may not be accessed, used, or maintained by the  
16 operator or owner of the data communication device unless  
17 specifically authorized by this section. It is the intent of  
18 this subsection to allow the use and sharing of such records  
19 to improve patient care, provided the pharmacist acts in the  
20 best interests of her or his patient. Nothing in this  
21 subsection may be construed to authorize or expand  
22 solicitation or marketing to patients or potential patients in  
23 any manner not otherwise specifically authorized by law.

24 Section 54. (1) There is created within the  
25 Department of Health a Task Force for the Study of  
26 Collaborative Drug Therapy Management. The department shall  
27 provide staff support for the task force. The task force shall  
28 consist of not more than 10 members nominated by the  
29 associations and entities named in this section and appointed  
30 by the Secretary of Health. Members of the task force shall  
31 not receive compensation, per diem, or reimbursement for

1 travel expenses for service on the task force. Participation  
2 in the task force is optional and at the discretion of each  
3 identified group or entity. The task force shall include:  
4 (a) One representative from each of the following  
5 associations:  
6 1. Florida Society of Health-System Pharmacists.  
7 2. Florida Pharmacy Association.  
8 3. Florida Medical Association.  
9 4. Florida Osteopathic Medical Association.  
10 5. Florida Retail Federation.  
11 (b) One representative from each of the following  
12 entities:  
13 1. Department of Health.  
14 2. Board of Medicine, which representative must be a  
15 member of the board who is licensed under chapter 458, Florida  
16 Statutes.  
17 3. Board of Osteopathic Medicine, which representative  
18 must be a member of the board who is licensed under chapter  
19 459, Florida Statutes.  
20 4. Board of Pharmacy, which representative must be a  
21 member of the board who is licensed under chapter 465, Florida  
22 Statutes.  
23 5. Agency for Health Care Administration.  
24 (2) The task force shall hold its first meeting no  
25 later than August 1, 1999, and shall report its findings to  
26 the President of the Senate, the Speaker of the House of  
27 Representatives, and the chairs of the applicable legislative  
28 committees of substance not later than December 31, 1999. All  
29 task force meetings must be held in Tallahassee at the  
30 department in order to minimize costs to the state.  
31

1           (3) The task force shall be charged with the  
2 responsibility to:

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

6           (b) Receive testimony from interested parties and  
7 identify the extent to which collaborative drug therapy  
8 management is currently being practiced in this state and  
9 other states.

10           (c) Determine the efficacy of collaborative drug  
11 therapy management in improving health care outcomes of  
12 patients.

13           Section 55. Paragraph (j) is added to subsection (3)  
14 of section 466.003, Florida Statutes, to read:

15           466.003 Definitions.--As used in this chapter:

16           (3) "Dentistry" means the healing art which is  
17 concerned with the examination, diagnosis, treatment planning,  
18 and care of conditions within the human oral cavity and its  
19 adjacent tissues and structures. It includes the performance  
20 or attempted performance of any dental operation, or oral or  
21 oral-maxillofacial surgery and any procedures adjunct thereto,  
22 including physical evaluation directly related to such  
23 operation or surgery pursuant to hospital rules and  
24 regulations. It also includes dental service of any kind  
25 gratuitously or for any remuneration paid, or to be paid,  
26 directly or indirectly, to any person or agency. The term  
27 "dentistry" shall also include the following:

28           (j) Making or approving a diagnosis, treatment,  
29 treatment plan, operation, procedure, or prescription. The  
30 "practice of dentistry" does not include coverage decisions  
31

1 for purposes of insurance benefits as long as medical  
2 judgments are not involved.

3 Section 56. Section 466.021, Florida Statutes, is  
4 amended to read:

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

1 have in her or his possession a work order as required by this  
2 section ~~above defined~~ shall be admissible evidence of a  
3 violation of this chapter and shall constitute a misdemeanor  
4 of the second degree, punishable as provided in s. 775.082 or  
5 s. 775.083. Nothing in this section shall preclude a  
6 registered dental laboratory from working for another  
7 registered dental laboratory, provided that such work is  
8 performed pursuant to written authorization, in a form to be  
9 prescribed by rule of the board ~~department~~, which evidences  
10 that the originating laboratory has obtained a valid work  
11 order and which sets forth the work to be performed.  
12 Furthermore, nothing in this section shall preclude a  
13 registered laboratory from providing its services to dentists  
14 licensed and practicing in another state, provided that such  
15 work is requested or otherwise authorized in written form  
16 which clearly identifies the name and address of the  
17 requesting dentist and which sets forth the work to be  
18 performed.

19 Section 57. Paragraph (c) of subsection (2) of section  
20 468.1115, Florida Statutes, is amended to read:

21 468.1115 Exemptions.--

22 (2) The provisions of this part shall not apply to:

23 (c) Persons certified in the areas of speech-language  
24 impairment or hearing impairment in this state under chapter  
25 231 when engaging in the profession for which they are  
26 certified through January 1, 2000, or any person under the  
27 direct supervision of such a certified person through January  
28 1, 2000, or of a licensee under this chapter, when the person  
29 under such supervision is performing hearing screenings in a  
30 school setting for prekindergarten through grade 12.

31

1           Section 58. Paragraph (b) of subsection (2), paragraph  
2 (b) of subsection (3), and subsection (4) of section 468.1155,  
3 Florida Statutes, are amended to read:

4           468.1155 Provisional license; requirements.--

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

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

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

27           2. Six semester hours in audiology.

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

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

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

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

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

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

28           (4) An applicant for a provisional license who has  
29 received a master's degree or doctoral degree with a major  
30 emphasis in speech-language pathology as provided in  
31 subsection (2), or audiology as provided in subsection (3),



1 and who seeks licensure in the area in which the applicant is  
2 not currently licensed, must have completed 30 semester hours  
3 in courses acceptable toward a graduate degree and 200  
4 supervised clinical clock hours in the second discipline from  
5 an accredited institution.

6 Section 59. Section 468.1215, Florida Statutes, is  
7 amended to read:

8 468.1215 Speech-language pathology assistant and  
9 audiology assistant; certification.--

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

13 (1)(2) The department shall issue a certificate as a  
14 speech-language pathology assistant ~~or as an audiology~~  
15 ~~assistant~~ to each applicant who the board certifies has:

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

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

25 (2) The department shall issue a certificate as an  
26 audiology assistant to each applicant who the board certifies  
27 has:

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

30 (b) Completed at least 24 semester hours of coursework  
31 as approved by the board at an institution accredited by an

1 accrediting agency recognized by the Commission on Recognition  
2 of Postsecondary Accreditation.

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

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

11 Section 60. Subsection (1) of section 468.307, Florida  
12 Statutes, 1998 Supplement, is amended to read:

13 468.307 Certificate; issuance; possession; display.--

14 (1) The department shall issue a certificate to each  
15 candidate who has met the requirements of ss. 468.304 and  
16 468.306 or has qualified under s. 468.3065. The department may  
17 by rule establish a subcategory of a certificate issued under  
18 this part limiting the certificateholder to a specific  
19 procedure or specific type of equipment.

20 Section 61. Section 468.506, Florida Statutes, 1998  
21 Supplement, is amended to read:

22 468.506 Dietetics and Nutrition Practice  
23 Council.--There is created the Dietetics and Nutrition  
24 Practice Council under the supervision of the board. The  
25 council shall consist of four persons licensed under this part  
26 and one consumer who is 60 years of age or older. Council  
27 members shall be appointed by the board. Licensed members  
28 shall be appointed based on the proportion of licensees within  
29 each of the respective disciplines. Members shall be  
30 appointed for 4-year staggered terms. In order to be eligible  
31 for appointment, each licensed member must have been a

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

21 Section 62. Section 468.519, Florida Statutes, is  
22 created to read:

23 468.519 Sexual misconduct in the practice of dietetics  
24 and nutrition.--The dietitian/nutritionist-client or nutrition  
25 counselor-client relationship is founded on mutual trust.  
26 "Sexual misconduct in the practice of dietetics and nutrition"  
27 means violation of the dietitian/nutritionist-client or  
28 nutrition counselor-client relationship through which the  
29 dietitian/nutritionist or nutrition counselor uses that  
30 relationship to induce or attempt to induce the client to  
31 engage, or to engage or attempt to engage the client, in

1 sexual activity outside the scope of practice or the scope of  
2 generally accepted examination or treatment of the client.  
3 Sexual misconduct in the practice of dietetics and nutrition  
4 is prohibited.

5 Section 63. Section 468.701, Florida Statutes, 1998  
6 Supplement, is amended to read:

7 468.701 Definitions.--As used in this part, the term:

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

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

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

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

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

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

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

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

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

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 64. 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 65. 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 66. 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 67. 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 68. 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 69. 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 70. 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 71. 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 72. 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 73. 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 74. 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 or providers and may set a fee  
29 for continuing education course or provider approval.

30           Section 75. 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 76. Section 483.041, Florida Statutes, is  
14 amended to read:

15           483.041 Definitions.--As used in this part, the term:

16           (1) "Agency" means the Agency for Health Care  
17 Administration.

18           (2) "Clinical laboratory" means the physical location  
19 in which one or more of the following services ~~a laboratory~~  
20 ~~where examinations are performed on materials or specimens~~  
21 ~~taken from the human body~~ to provide information or materials  
22 for use in the diagnosis, prevention, or treatment of a  
23 disease or the identification or assessment of a medical or  
24 physical condition.

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

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

29           (c) Cytology laboratory services are the examinations  
30 of cells from individual tissues or fluid taken from the human  
31 body.



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

5           ~~(4)(3)~~ "Clinical laboratory proficiency testing  
6 program" means a program approved by the agency for evaluating  
7 the performance of clinical laboratories.

8           ~~(5)(4)~~ "Collection station" or "branch office" means a  
9 facility operated by a clinical laboratory where materials or  
10 specimens are withdrawn or collected from patients or  
11 assembled after being withdrawn or collected from patients  
12 elsewhere, for subsequent delivery to another location for  
13 examination.

14           ~~(6)(5)~~ "Hospital laboratory" means a laboratory  
15 located in a hospital licensed under chapter 395 that provides  
16 services solely to that hospital and that is owned by the  
17 hospital and governed by the hospital medical staff or  
18 governing board.

19           ~~(7)(6)~~ "Licensed practitioner" means a physician  
20 licensed under chapter 458, chapter 459, chapter 460, or  
21 chapter 461; a dentist licensed under chapter 466; a person  
22 licensed under chapter 462; or an advanced registered nurse  
23 practitioner licensed under chapter 464.

24           ~~(8)(7)~~ "Person" means the State of Florida or any  
25 individual, firm, partnership, association, corporation,  
26 county, municipality, political subdivision, or other entity,  
27 whether organized for profit or not.

28           ~~(9)(8)~~ "Validation inspection" means an inspection of  
29 a clinical laboratory by the agency to assess whether a review  
30 by an accrediting organization has adequately evaluated the  
31 clinical laboratory according to state standards.

1            ~~(10)(9)~~ "Waived test" means a test that the federal  
2 Health Care Financing Administration has determined qualifies  
3 for a certificate of waiver under the federal Clinical  
4 Laboratory Improvement Amendments of 1988, and the federal  
5 rules adopted thereunder.

6            Section 77. Subsections (2), (3), and (7) of section  
7 483.803, Florida Statutes, are amended to read:

8            483.803 Definitions.--As used in this part, the term:

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

11            (3) "Clinical laboratory examination" means a clinical  
12 laboratory examination as defined in s. 483.041 ~~an examination~~  
13 ~~performed on materials or specimens of the human body to~~  
14 ~~provide information or materials for use in the diagnosis,~~  
15 ~~prevention, or treatment of a disease or the identification or~~  
16 ~~assessment of a medical or physical condition.~~

17            (7) "Licensed practitioner of the healing arts" means  
18 a physician licensed under ~~pursuant to~~ chapter 458, chapter  
19 459, ~~or~~ chapter 460, or chapter 461; a dentist licensed under  
20 ~~pursuant to~~ chapter 466; or a person licensed under ~~pursuant~~  
21 ~~to chapter 461 or chapter 462.~~

22            Section 78. Paragraph (b) of subsection (2) of section  
23 395.7015, Florida Statutes, 1998 Supplement, is amended to  
24 read:

25            395.7015 Annual assessment on health care entities.--

26            (2) There is imposed an annual assessment against  
27 certain health care entities as described in this section:

28            (b) For the purpose of this section, "health care  
29 entities" include the following:

30            1. Ambulatory surgical centers and mobile surgical  
31 facilities licensed under s. 395.003. This subsection shall

1 only apply to mobile surgical facilities operating under  
2 contracts entered into on or after July 1, 1998.

3           2. Clinical laboratories licensed under s. 483.091,  
4 excluding any hospital laboratory defined under s. 483.041~~(5)~~,  
5 any clinical laboratory operated by the state or a political  
6 subdivision of the state, any clinical laboratory which  
7 qualifies as an exempt organization under s. 501(c)(3) of the  
8 Internal Revenue Code of 1986, as amended, and which receives  
9 70 percent or more of its gross revenues from services to  
10 charity patients or Medicaid patients, and any blood, plasma,  
11 or tissue bank procuring, storing, or distributing blood,  
12 plasma, or tissue either for future manufacture or research or  
13 distributed on a nonprofit basis, and further excluding any  
14 clinical laboratory which is wholly owned and operated by 6 or  
15 fewer physicians who are licensed pursuant to chapter 458 or  
16 chapter 459 and who practice in the same group practice, and  
17 at which no clinical laboratory work is performed for patients  
18 referred by any health care provider who is not a member of  
19 the same group.

20           3. Diagnostic-imaging centers that are freestanding  
21 outpatient facilities that provide specialized services for  
22 the identification or determination of a disease through  
23 examination and also provide sophisticated radiological  
24 services, and in which services are rendered by a physician  
25 licensed by the Board of Medicine under s. 458.311, s.  
26 458.313, or s. 458.317, or by an osteopathic physician  
27 licensed by the Board of Osteopathic Medicine under s.  
28 459.006, s. 459.007, or s. 459.0075. For purposes of this  
29 paragraph, "sophisticated radiological services" means the  
30 following: magnetic resonance imaging; nuclear medicine;  
31 angiography; arteriography; computed tomography; positron

1 emission tomography; digital vascular imaging; bronchography;  
2 lymphangiography; splenography; ultrasound, excluding  
3 ultrasound providers that are part of a private physician's  
4 office practice or when ultrasound is provided by two or more  
5 physicians licensed under chapter 458 or chapter 459 who are  
6 members of the same professional association and who practice  
7 in the same medical specialties; and such other sophisticated  
8 radiological services, excluding mammography, as adopted in  
9 rule by the board.

10 Section 79. Subsection (11) of section 408.07, Florida  
11 Statutes, 1998 Supplement, is amended to read:

12 408.07 Definitions.--As used in this chapter, with the  
13 exception of ss. 408.031-408.045, the term:

14 (11) "Clinical laboratory" means a facility licensed  
15 under s. 483.091, excluding: any hospital laboratory defined  
16 under s. 483.041~~(5)~~; any clinical laboratory operated by the  
17 state or a political subdivision of the state; any blood or  
18 tissue bank where the majority of revenues are received from  
19 the sale of blood or tissue and where blood, plasma, or tissue  
20 is procured from volunteer donors and donated, processed,  
21 stored, or distributed on a nonprofit basis; and any clinical  
22 laboratory which is wholly owned and operated by physicians  
23 who are licensed pursuant to chapter 458 or chapter 459 and  
24 who practice in the same group practice, and at which no  
25 clinical laboratory work is performed for patients referred by  
26 any health care provider who is not a member of that same  
27 group practice.

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

30 483.807 Fees; establishment; disposition.--  
31

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

4           Section 81. Subsections (2) and (3) of section  
5 483.809, Florida Statutes, are amended to read:

6           483.809 Licensure; examinations; registration of  
7 trainees; approval of curricula.--

8           (2) EXAMINATIONS.--The department shall conduct  
9 examinations required by board rules to determine in part the  
10 qualification of clinical laboratory personnel for licensure.  
11 The board by rule may designate a ~~An approved~~ national  
12 certification examination that may be accepted in lieu of  
13 state examination for clinical laboratory personnel or public  
14 health scientists.

15           (3) REGISTRATION OF TRAINEES.--The department shall  
16 provide for ~~annual~~ registration of clinical laboratory  
17 trainees who are enrolled in a training program ~~employed by~~  
18 ~~laboratories~~ approved pursuant to s. 483.811, which  
19 registration may not be renewed except upon special  
20 authorization of the board.

21           Section 82. Section 483.812, Florida Statutes, is  
22 amended to read:

23           483.812 Public health laboratory scientists;  
24 licensure.--

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

27           (2)~~(1)~~ Applicants at the ~~director~~ and supervisor level  
28 in the category of public health who are certified ~~registered~~  
29 by the National Registry in ~~of~~ Clinical Chemistry  
30 ~~Certification~~ or the American Society for ~~of~~ Microbiology,  
31 licensed as a technologist, and have 5 years of pertinent

1 clinical laboratory experience may qualify ~~under board rules~~  
2 by passing the state-administered ~~appropriate~~ supervision and  
3 administration examination.

4 (3)(2)(a) A technologist applicant for licensure in  
5 the category of public health microbiology, with a  
6 baccalaureate degree in one of the biological sciences from an  
7 accredited institution, may use the American Society for ~~of~~  
8 Microbiology or the National Registry in ~~of~~ Microbiology  
9 Certification in Public Health Microbiology to qualify for a  
10 technologist license in public health microbiology. Such a  
11 technologist may work in a public health microbiology  
12 laboratory.

13 (b) A technologist applicant for licensure in the  
14 category of public health chemistry, with a baccalaureate  
15 degree in one of the chemical, biological, or physical  
16 sciences from an accredited institution, may use the National  
17 Registry of Clinical Chemistry Certification to qualify for a  
18 technologist license in public health chemistry. Such a  
19 technologist may work in a public health chemistry laboratory.

20 (c) A technician applicant for licensure in the  
21 category of public health, with a baccalaureate degree in one  
22 of the chemical or biological sciences from an accredited  
23 institution, may obtain a 2-year ~~one-time, 3-year,~~ conditional  
24 public health technician license, which may be renewed once  
25 ~~pending national certification by the American Society of~~  
26 ~~Microbiology or the National Registry of Clinical Chemistry~~  
27 ~~Certification~~. Such a technician may perform testing only  
28 under the direct supervision of a licensed pathologist,  
29 director, supervisor, or technologist.

30  
31

1           (4)~~(3)~~ A person licensed by the Board of Clinical  
2 Laboratory Personnel may work in a public health laboratory at  
3 the appropriate level and specialty.

4           Section 83. Section 483.813, Florida Statutes, is  
5 amended to read:

6           483.813 Clinical laboratory personnel license.--A  
7 person may not conduct a clinical laboratory examination or  
8 report the results of such examination unless such person is  
9 licensed under this part to perform such procedures. However,  
10 this provision does not apply to any practitioner of the  
11 healing arts authorized to practice in this state or to  
12 persons engaged in testing performed by laboratories regulated  
13 under s. 483.035(1) or exempt from regulation under s.  
14 483.031(2). The department may grant a temporary license to  
15 any candidate it deems properly qualified, for a period not to  
16 exceed 1 year, ~~or a conditional license for a period not to~~  
17 ~~exceed 3 years.~~

18           Section 84. Subsection (3) is added to section  
19 483.821, Florida Statutes, to read:

20           483.821 Periodic demonstration of competency;  
21 continuing education or reexamination.--

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

25           Section 85. Section 483.824, Florida Statutes, is  
26 amended to read:

27           483.824 Qualifications of clinical laboratory  
28 director.--A clinical laboratory director must have 4 years of  
29 clinical laboratory experience with 2 years of experience in  
30 the speciality to be directed or be nationally board certified  
31

1 in the specialty to be directed, and must meet one of the  
2 following requirements:

3 (1) Be a physician licensed under chapter 458 or  
4 chapter 459;

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

8 (3) For the subspecialty of oral pathology, be a  
9 physician licensed under chapter 458 or chapter 459 or a  
10 dentist licensed under chapter 466.

11 Section 86. Section 483.825, Florida Statutes, is  
12 amended to read:

13 483.825 Grounds for disciplinary action.--The  
14 following acts constitute grounds for which disciplinary  
15 actions specified in s. 483.827 may be taken against  
16 applicants, registrants, and licensees under this part:

17 (1) Attempting to obtain, obtaining, or renewing a  
18 license or registration under this part by bribery, by  
19 fraudulent misrepresentation, or through an error of the  
20 department or the board.

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

25 (3) Demonstrating incompetence or making consistent  
26 errors in the performance of clinical laboratory examinations  
27 or procedures or erroneous reporting.

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

30 (5) Has been convicted or found guilty of, or entered  
31 a plea of nolo contendere to, regardless of adjudication, a



1 crime in any jurisdiction which directly relates to the  
2 activities of clinical laboratory personnel or involves moral  
3 turpitude or fraudulent or dishonest dealing. The record of a  
4 conviction certified or authenticated in such form as to be  
5 admissible in evidence under the laws of the state shall be  
6 admissible as prima facie evidence of such guilt.~~Having been~~  
7 ~~convicted of a felony or of any crime involving moral~~  
8 ~~turpitude under the laws of any state or of the United States.~~  
9 ~~The record of conviction or a certified copy thereof shall be~~  
10 ~~conclusive evidence of such conviction.~~

11 (6) Having been adjudged mentally or physically  
12 incompetent.

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

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

17 (9) Knowingly advertising false services or  
18 credentials.

19 (10) Having a license revoked, suspended, or otherwise  
20 acted against, including the denial of licensure, by the  
21 licensing authority of another jurisdiction. The licensing  
22 authority's acceptance of a relinquishment of a license,  
23 stipulation, consent order, or other settlement, offered in  
24 response to or in anticipation of the filing of administrative  
25 charges against the licensee, shall be construed as action  
26 against the licensee.

27 (11) Failing to report to the board, in writing,  
28 within 30 days that an if action under subsection (5),  
29 subsection (6), or subsection (10) has been taken against the  
30 licensee or one's license to practice as clinical laboratory  
31

1 personnel in another state, territory, ~~or~~ country, or other  
2 jurisdiction.

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

23 (13) Delegating professional responsibilities to a  
24 person when the licensee delegating such responsibilities  
25 knows, or has reason to know, that such person is not  
26 qualified by training, experience, or licensure to perform  
27 them.

28 (14) Violating a previous order of the board entered  
29 in a disciplinary proceeding.

30 (15) Failing to report to the department a person or  
31 other licensee who the licensee knows is in violation of this

1 chapter or the rules of the department or board adopted  
2 hereunder.

3 (16) Making or filing a report which the licensee  
4 knows to be false, intentionally or negligently failing to  
5 file a report or record required by state or federal law,  
6 willfully impeding or obstructing such filing or inducing  
7 another person to do so, including, but not limited to,  
8 impeding an agent of the state from obtaining a report or  
9 record for investigative purposes. Such reports or records  
10 shall include only those generated in the capacity as a  
11 licensed clinical laboratory personnel.

12 (17) Paying or receiving any commission, bonus,  
13 kickback, or rebate, or engaging in any split-fee arrangement  
14 in any form whatsoever with a physician, organization, agency,  
15 or person, either directly or indirectly for patients referred  
16 to providers of health care goods and services including, but  
17 not limited to, hospitals, nursing homes, clinical  
18 laboratories, ambulatory surgical centers, or pharmacies. The  
19 provisions of this subsection shall not be construed to  
20 prevent a clinical laboratory professional from receiving a  
21 fee for professional consultation services.

22 (18) Exercising influence on a patient or client in  
23 such a manner as to exploit the patient or client for the  
24 financial gain of the licensee or other third party, which  
25 shall include, but not be limited to, the promoting, selling,  
26 or withholding of services, goods, appliances, referrals, or  
27 drugs.

28 (19) Practicing or offering to practice beyond the  
29 scope permitted by law or rule, or accepting or performing  
30 professional services or responsibilities which the licensee  
31

1 knows or has reason to know that he or she is not competent to  
2 perform.

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

6 (21) Improperly interfering with an investigation or  
7 any disciplinary proceeding.

8 (22) Engaging in or attempting to engage in sexual  
9 misconduct, causing undue embarrassment or using disparaging  
10 language or language of a sexual nature towards a patient,  
11 exploiting superior/subordinate, professional/patient,  
12 instructor/student relationships for personal gain, sexual  
13 gratification, or advantage.

14 Section 87. Paragraph (g) of subsection (4) and  
15 subsections (6) and (8) of section 483.901, Florida Statutes,  
16 1998 Supplement, are amended to read:

17 483.901 Medical physicists; definitions; licensure.--

18 (4) COUNCIL.--The Advisory Council of Medical  
19 Physicists is created in the Department of Health to advise  
20 the department in regulating the practice of medical physics  
21 in this state.

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

24 (6) LICENSE REQUIRED.--An individual may not engage in  
25 the practice of medical physics, including the specialties of  
26 diagnostic radiological physics, therapeutic radiological  
27 physics, medical nuclear radiological physics, or medical  
28 health physics, without a license issued by the department for  
29 the appropriate specialty.

30 (a) The department shall adopt rules to administer  
31 this section which specify license application and renewal

1 fees, continuing education requirements, and standards for  
2 practicing medical physics. The council shall recommend to  
3 the department continuing education requirements that shall be  
4 a condition of license renewal. The department shall require  
5 a minimum of 24 hours per biennium of continuing education  
6 offered by an organization recommended by the council and  
7 approved by the department. The department, upon  
8 recommendation of the council, may adopt rules to specify  
9 continuing education requirements for persons who hold a  
10 license in more than one specialty.

11 (b) In order to apply for a medical physicist license  
12 in one or more specialties, a person must file an individual  
13 application for each specialty with the department. The  
14 application must be on a form prescribed by the department and  
15 must be accompanied by a nonrefundable application fee for  
16 each specialty.

17 (c) The department may issue a license to an eligible  
18 applicant if the applicant meets all license requirements. At  
19 any time before the department issues a license, the applicant  
20 may request in writing that the application be withdrawn. To  
21 reapply, the applicant must submit a new application and an  
22 additional nonrefundable application fee and must meet all  
23 current licensure requirements.

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

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

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

31

1           a. Earned from an accredited college or university a  
2 doctoral degree in physics, medical physics, biophysics,  
3 radiological physics, medical health physics, or nuclear  
4 engineering and has at least 2 years' experience in the  
5 practice of the medical physics specialty for which  
6 application is made.

7           b. Earned from an accredited college or university a  
8 master's degree in physics, medical physics, biophysics,  
9 radiological physics, medical health physics, or nuclear  
10 engineering and has at least 3 years' experience in the  
11 practice of the medical physics specialty for which  
12 application is made.

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

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

21           e. Is board certified in the medical physics specialty  
22 in which the applicant applies to practice by the American  
23 Board of Radiology for diagnostic radiological physics,  
24 therapeutic radiological physics, or medical nuclear  
25 radiological physics; by the American Board of Medical Physics  
26 or the Canadian Board of Medical Physics for diagnostic  
27 radiological physics, therapeutic radiological physics, or  
28 medical nuclear radiological physics; or by the American Board  
29 of Health Physics or an equivalent certifying body approved by  
30 the agency.

31

1           2. On or after October 1, 1997, to a person who is  
2 board certified in the medical physics specialty in which the  
3 applicant applies to practice by the American Board of  
4 Radiology for diagnostic radiological physics, therapeutic  
5 radiological physics, or medical nuclear radiological physics;  
6 by the American 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 department.

11           (f) A licensee shall:

12           1. Display the license in a place accessible to the  
13 public; and

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

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

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

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

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

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

31

1           5. Making misleading, deceptive, or fraudulent  
2 representations in or related to the practice of medical  
3 physics.

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

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

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

10          9. Aiding, assisting, procuring, employing, or  
11 advising any unlicensed person to practice medical physics  
12 contrary to this section or any rule adopted thereunder.

13          10. Delegating or contracting for the performance of  
14 professional responsibilities by a person when the licensee  
15 delegating or contracting such responsibilities knows, or has  
16 reason to know, such person is not qualified by training,  
17 experience, and authorization to perform them.

18          11. Practicing or offering to practice beyond the  
19 scope permitted by law or accepting and performing  
20 professional responsibilities the licensee knows, or has  
21 reason to know, the licensee is not competent to perform.

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

24          13. Judicially determined mental incompetency.

25          14. Being unable to practice medical physics with  
26 reasonable skill and safety because of a mental or physical  
27 condition or illness or the use of alcohol, controlled  
28 substances, or any other substance which impairs one's ability  
29 to practice.

30           a. The department may, upon probable cause, compel a  
31 licensee to submit to a mental or physical examination by



1 physicians designated by the department. The cost of an  
2 examination shall be borne by the licensee, and the licensee's  
3 failure to submit to such an examination constitutes an  
4 admission of the allegations against the licensee, consequent  
5 upon which a default and a final order may be entered without  
6 the taking of testimony or presentation of evidence, unless  
7 the failure was due to circumstances beyond the licensee's  
8 control.

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

13           c. With respect to any proceeding under this  
14 subparagraph, the record of proceedings or the orders entered  
15 by the department may not be used against a licensee in any  
16 other proceeding.

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

22           1. Deny the application for licensure.

23           2. Revoke or suspend the license.

24           3. Impose an administrative fine for each count or  
25 separate offense.

26           4. Place the licensee on probation for a specified  
27 time and subject the licensee to such conditions as the  
28 department determines necessary, including requiring  
29 treatment, continuing education courses, or working under the  
30 monitoring or supervision of another licensee.

31           5. Restrict a licensee's practice.

1           6. Issue a reprimand to the licensee.

2           (i) The department may not issue or reinstate a  
3 license to a person it has deemed unqualified until it is  
4 satisfied that such person has complied with the terms and  
5 conditions of the final order and that the licensee can safely  
6 practice medical physics.

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

10           (j)(k) Upon receipt of a complete application and the  
11 fee set forth by rule, the department may issue a  
12 physicist-in-training certificate to a person qualified to  
13 practice medical physics under direct supervision. The  
14 department may establish by rule requirements for initial  
15 certification and renewal of a physicist-in-training  
16 certificate.

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

20           Section 88. Paragraph (d) of subsection (1) of section  
21 484.007, Florida Statutes, is amended to read:

22           484.007 Licensure of opticians; permitting of optical  
23 establishments.--

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

28           (d)1. Has received an associate degree, or its  
29 equivalent, in opticianry from an educational institution the  
30 curriculum of which is accredited by an accrediting agency  
31 recognized and approved by the United States Department of

1 Education or the Council on Postsecondary Education or  
2 approved by the board;

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

10           3. Is an individual who has actively practiced in  
11 another state, territory, or jurisdiction of the United States  
12 for more than 5 years immediately preceding application and  
13 who provides tax or business records, affidavits, or other  
14 satisfactory documentation of such practice and who meets the  
15 examination qualifications as provided in this subsection; or

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

28           Section 89. Subsection (3) is added to section  
29 484.0512, Florida Statutes, to read:

30           484.0512 Thirty-day trial period; purchaser's right to  
31 cancel; notice; refund; cancellation fee.--

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

4           Section 90. Section 484.053, Florida Statutes, is  
5 amended to read:

6           484.053 Prohibitions; penalties.--

7           (1) A person may not:

8           (a) Practice dispensing hearing aids unless the person  
9 is a licensed hearing aid specialist;

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

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

13           (d) Give false, incomplete, or forged evidence to the  
14 board or a member thereof for the purposes of obtaining a  
15 license;

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

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

21           (g) Knowingly conceal information relative to  
22 violations of this part.

23           (2) Any person who violates any of the provisions of  
24 this section is guilty of a felony ~~misdemeanor~~ of the third  
25 ~~second degree~~, punishable as provided in s. 775.082 or s.  
26 775.083.

27           (3) If a person licensed under this part allows the  
28 sale of a hearing aid by an unlicensed person not registered  
29 as a trainee or fails to comply with the requirements of s.  
30 484.0445(2) relating to supervision of trainees, the board  
31 shall, upon determination of that violation, order the full

1 refund of moneys paid by the purchaser upon return of the  
2 hearing aid to the seller's place of business.

3 Section 91. Paragraph (a) of subsection (1) of section  
4 484.056, Florida Statutes, 1998 Supplement, is amended to  
5 read:

6 484.056 Disciplinary proceedings.--

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

14 (a) Violation of any provision of s. 455.624(1), s.  
15 484.0512, or s. 484.053.

16 Section 92. Section 486.041, Florida Statutes, is  
17 amended to read:

18 486.041 Physical therapist; application for license;  
19 ~~fee; temporary permit.--~~

20 ~~(1)~~ A person who desires to be licensed as a physical  
21 therapist shall apply to the department in writing on a form  
22 furnished by the department. She or he shall embody in that  
23 application evidence under oath, satisfactory to the board, of  
24 possession of the qualifications preliminary to examination  
25 required by s. 486.031. The applicant shall pay to the  
26 department at the time of filing the application a fee not to  
27 exceed \$100, as fixed by the board.

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

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

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

8           Section 93. Section 486.081, Florida Statutes, is  
9 amended to read:

10           486.081 Physical therapist; issuance of license  
11 without examination to person passing examination of another  
12 authorized examining board; ~~temporary permit; fee.--~~

13           (1) The board may cause a license to be issued through  
14 the department without examination to any applicant who  
15 presents evidence satisfactory to the board of having passed  
16 the American Registry Examination prior to 1971 or an  
17 examination in physical therapy before a similar lawfully  
18 authorized examining board of another state, the District of  
19 Columbia, a territory, or a foreign country, if the standards  
20 for licensure in physical therapy in such other state,  
21 district, territory, or foreign country are determined by the  
22 board to be as high as those of this state, as established by  
23 rules adopted pursuant to this chapter. Any person who holds a  
24 license pursuant to this section may use the words "physical  
25 therapist" or "physiotherapist," or the letters "P.T.," in  
26 connection with her or his name or place of business to denote  
27 her or his licensure hereunder.

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

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

7           Section 94. Section 486.103, Florida Statutes, is  
8 amended to read:

9           486.103 Physical therapist assistant; application for  
10 license; fee; ~~temporary permit.~~--

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

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

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

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

30           Section 95. Section 486.107, Florida Statutes, is  
31 amended to read:

1           486.107 Physical therapist assistant; issuance of  
2 license without examination to person licensed in another  
3 jurisdiction; ~~temporary permit; fee.--~~

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

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

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

26           Section 96. Subsection (3) of section 490.003, Florida  
27 Statutes, is amended to read:

28           490.003 Definitions.--As used in this chapter:

29           (3)(a) Prior to August 31, 2001 ~~July 1, 1999~~,  
30 "doctoral-level psychological education" and "doctoral degree  
31



1 in psychology" mean a Psy.D., an Ed.D. in psychology, or a  
2 Ph.D. in psychology from:

3 1. An educational institution which, at the time the  
4 applicant was enrolled and graduated, had institutional  
5 accreditation from an agency recognized and approved by the  
6 United States Department of Education or was recognized as a  
7 member in good standing with the Association of Universities  
8 and Colleges of Canada; and

9 2. A psychology program within that educational  
10 institution which, at the time the applicant was enrolled and  
11 graduated, had programmatic accreditation from an accrediting  
12 agency recognized and approved by the United States Department  
13 of Education or was comparable to such programs.

14 (b) Effective August 31, 2001 ~~July 1, 1999~~,  
15 "doctoral-level psychological education" and "doctoral degree  
16 in psychology" mean a Psy.D., an Ed.D. in psychology, or a  
17 Ph.D. in psychology from:

18 1. An educational institution which, at the time the  
19 applicant was enrolled and graduated, had institutional  
20 accreditation from an agency recognized and approved by the  
21 United States Department of Education or was recognized as a  
22 member in good standing with the Association of Universities  
23 and Colleges of Canada; and

24 2. A psychology program within that educational  
25 institution which, at the time the applicant was enrolled and  
26 graduated, had programmatic accreditation from an agency  
27 recognized and approved by the United States Department of  
28 Education.

29 Section 97. Paragraph (b) of subsection (1) of section  
30 490.005, Florida Statutes, 1998 Supplement, is amended to  
31 read:

1           490.005 Licensure by examination.--

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

6           (b) Submitted proof satisfactory to the board that the  
7 applicant has:

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

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

19           3. Received and submitted to the board, prior to  
20 August 31, 2001 ~~July 1, 1999~~, certification of ~~an augmented~~  
21 doctoral-level psychological education from the program  
22 director of a doctoral-level psychology program accredited by  
23 a programmatic agency recognized and approved by the United  
24 States Department of Education; or

25           4. Received and submitted to the board, prior to  
26 August 31, 2001 ~~July 1, 2001~~, certification of a  
27 doctoral-level program that at the time the applicant was  
28 enrolled and graduated maintained a standard of education and  
29 training comparable to the standard of training of programs  
30 accredited by a programmatic agency recognized and approved by  
31 the United States Department of Education, ~~as such~~

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

9 Section 98. Subsection (1) of section 490.006, Florida  
10 Statutes, is amended to read:

11 490.006 Licensure by endorsement.--

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

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

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

28 (c) Possesses a doctoral degree in psychology as  
29 described in s. 490.003 and has at least 20 years of  
30 experience as a licensed psychologist in any jurisdiction or  
31

1 territory of the United States within 25 years preceding the  
2 date of application.

3 Section 99. Subsection (2) of section 490.0085,  
4 Florida Statutes, is amended to read:

5 490.0085 Continuing education; approval of providers,  
6 programs, and courses; proof of completion.--

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

12 Section 100. Section 491.0045, Florida Statutes, is  
13 amended to read:

14 491.0045 Intern registration; requirements.--

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

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

31

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

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

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

12 (c) Identified a qualified supervisor.

13 (3) An individual registered under this section must  
14 remain under supervision until he or she is in receipt of a  
15 license or a letter from the department stating that he or she  
16 is licensed to practice the profession for which he or she  
17 applied.

18 (4) An individual who has applied for intern  
19 registration on or before December 31, 2001, and has satisfied  
20 the education requirements of s. 491.005 that are in effect  
21 through December 31, 2000, will have met the educational  
22 requirements for licensure for the profession for which he or  
23 she has applied.

24 Section 101. Subsections (1) and (2) of section  
25 491.0046, Florida Statutes, are amended to read:

26 491.0046 Provisional license; requirements.--

27 (1) An individual applying for licensure by  
28 examination who has satisfied the clinical experience  
29 requirements of s. 491.005 or an individual applying for  
30 licensure by endorsement pursuant to s. 491.006 intending to  
31 provide clinical social work, marriage and family therapy, or

1 mental health counseling services in Florida while satisfying  
2 coursework or examination requirements for licensure must be  
3 provisionally licensed in the profession for which he or she  
4 is seeking licensure prior to beginning practice.

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

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

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

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

20 (c) Has met the following minimum coursework  
21 requirements:

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

25 2. For marriage and family therapy, ten of the courses  
26 required by s. 491.005(3)(b)1.a.-c., as determined by the  
27 board, and at least 6 semester hours or 9 quarter hours of the  
28 course credits must have been completed in the area of  
29 marriage and family systems, theories, or techniques.

30 3. For mental health counseling, a minimum of seven of  
31 the courses required under s. 491.005(b)1.a.-c.

1 Section 102. Section 491.005, Florida Statutes, is  
2 amended to read:

3 491.005 Licensure by examination.--

4 (1) Upon verification of documentation and payment of  
5 a fee not to exceed \$200, as set by board rule, plus the  
6 actual per applicant cost to the department for purchase of  
7 the examination from the American Association of State Social  
8 Worker's Boards or a similar national organization, the  
9 department shall issue a license as a clinical social worker  
10 to an applicant who the board certifies:

11 (a) Has made application therefor and paid the  
12 appropriate fee.

13 (b)1. Has received a doctoral degree in social work  
14 from a graduate school of social work which at the time the  
15 applicant graduated was accredited by an accrediting agency  
16 recognized by the United States Department of Education or has  
17 received a master's degree in social work from a graduate  
18 school of social work which at the time the applicant  
19 graduated:

20 a. Was accredited by the Council on Social Work  
21 Education;

22 b. Was accredited by the Canadian Association of  
23 Schools of Social Work; or

24 c. Has been determined to have been a program  
25 equivalent to programs approved by the Council on Social Work  
26 Education by the Foreign Equivalency Determination Service of  
27 the Council on Social Work Education. An applicant who  
28 graduated from a program at a university or college outside of  
29 the United States or Canada must present documentation of the  
30 equivalency determination from the council in order to  
31 qualify.

1           2. The applicant's graduate program must have  
2 emphasized direct clinical patient or client health care  
3 services, including, but not limited to, coursework in  
4 clinical social work, psychiatric social work, medical social  
5 work, social casework, psychotherapy, or group therapy. The  
6 applicant's graduate program must have included all of the  
7 following coursework:

8           a. A supervised field placement which was part of the  
9 applicant's advanced concentration in direct practice, during  
10 which the applicant provided clinical services directly to  
11 clients.

12           b. Completion of 24 semester hours or 32 ~~37~~ quarter  
13 hours in theory of human behavior and practice methods as  
14 courses in clinically oriented services, including a minimum  
15 of one course in psychopathology, and no more than one course  
16 in research, taken in a school of social work accredited or  
17 approved pursuant to subparagraph 1.

18           3. If the course title which appears on the  
19 applicant's transcript does not clearly identify the content  
20 of the coursework, the applicant shall be required to provide  
21 additional documentation, including, but not limited to, a  
22 syllabus or catalog description published for the course.

23           (c) Has had not less than 2 years of clinical social  
24 work experience, which took place subsequent to completion of  
25 a graduate degree in social work at an institution meeting the  
26 accreditation requirements of this section, under the  
27 supervision of a licensed clinical social worker or the  
28 equivalent who is a qualified supervisor as determined by the  
29 board. An individual who intends to practice in Florida to  
30 satisfy clinical experience requirements must register  
31 pursuant to s. 491.0045 prior to commencing practice. If the



1 applicant's graduate program was not a program which  
2 emphasized direct clinical patient or client health care  
3 services as described in subparagraph (b)2.s. 491.003, the  
4 supervised experience requirement must take place after the  
5 applicant has completed a minimum of 15 semester hours or 22  
6 quarter hours of the coursework required. A doctoral  
7 internship may be applied toward the clinical social work  
8 experience requirement. The experience requirement may be met  
9 by work performed on or off the premises of the supervising  
10 clinical social worker or the equivalent, provided the  
11 off-premises work is not the independent private practice  
12 rendering of clinical social work that does not have a  
13 licensed mental health professional, as determined by the  
14 board, on the premises at the same time the intern is  
15 providing services.

16 (d) Has passed a theory and practice examination  
17 provided by the department for this purpose.

18 (e) Has demonstrated, in a manner designated by rule  
19 of the board, knowledge of the laws and rules governing the  
20 practice of clinical social work, marriage and family therapy,  
21 and mental health counseling.

22 (2)(a) Notwithstanding the provisions of paragraph  
23 (1)(b), coursework which was taken at a baccalaureate level  
24 shall not be considered toward completion of education  
25 requirements for licensure unless an official of the graduate  
26 program certifies in writing on the graduate school's  
27 stationery that a specific course, which students enrolled in  
28 the same graduate program were ordinarily required to complete  
29 at the graduate level, was waived or exempted based on  
30 completion of a similar course at the baccalaureate level. If

31

1 | this condition is met, the board shall apply the baccalaureate  
2 | course named toward the education requirements.

3 |         (b) An applicant from a master's or doctoral program  
4 | in social work which did not emphasize direct patient or  
5 | client services may complete the clinical curriculum content  
6 | requirement by returning to a graduate program accredited by  
7 | the Council on Social Work Education or the Canadian  
8 | Association of Schools of Social Work, or to a clinical social  
9 | work graduate program with comparable standards, in order to  
10 | complete the education requirements for examination. However,  
11 | a maximum of 6 semester or 9 quarter hours of the clinical  
12 | curriculum content requirement may be completed by credit  
13 | awarded for independent study coursework as defined by board  
14 | rule.

15 |         (3) Upon verification of documentation and payment of  
16 | a fee not to exceed \$200, as set by board rule, plus the  
17 | actual cost to the department for the purchase of the  
18 | examination from the Association of Marital and Family Therapy  
19 | Regulatory Board, or similar national organization, the  
20 | department shall issue a license as a marriage and family  
21 | therapist to an applicant who the board certifies:

22 |             (a) Has made application therefor and paid the  
23 | appropriate fee.

24 |             (b)1. Has a minimum of a master's degree with major  
25 | emphasis in marriage and family therapy, or a closely related  
26 | field, and has completed all of the following requirements:

27 |                 a. Twenty-seven semester hours or 41 quarter hours of  
28 | graduate coursework, which must include a minimum of 2  
29 | semester hours or 3 quarter hours of graduate-level course  
30 | credits in each of the following nine areas: dynamics of  
31 | marriage and family systems; marriage therapy and counseling

1 theory and techniques; family therapy and counseling theory  
2 and techniques; individual human development theories  
3 throughout the life cycle; personality theory;  
4 psychopathology; human sexuality theory and counseling  
5 techniques; general counseling theory and techniques; and  
6 psychosocial theory. Content may be combined, provided no more  
7 than two of the nine content areas are included in any one  
8 graduate-level course and the applicant can document that the  
9 equivalent of 2 semester hours of coursework was devoted to  
10 each content area. Courses in research, evaluation, appraisal,  
11 assessment, or testing theories and procedures; thesis or  
12 dissertation work; or practicums, internships, or fieldwork  
13 may not be applied toward this requirement.

14         b. A minimum of one graduate-level course of 2  
15 semester hours or 3 quarter hours in legal, ethical, and  
16 professional standards issues in the practice of marriage and  
17 family therapy or a course determined by the board to be  
18 equivalent.

19         c. A minimum of one graduate-level course of 2  
20 semester hours or 3 quarter hours in diagnosis, appraisal,  
21 assessment, and testing for individual or interpersonal  
22 disorder or dysfunction; and a minimum of one 2-semester-hour  
23 or 3-quarter-hour graduate-level course in behavioral research  
24 which focuses on the interpretation and application of  
25 research data as it applies to clinical practice. Credit for  
26 thesis or dissertation work, practicums, internships, or  
27 fieldwork may not be applied toward this requirement.

28         d. A minimum of one supervised clinical practicum,  
29 internship, or field experience in a marriage and family  
30 counseling setting, during which the student provided 180  
31 direct client contact hours of marriage and family therapy

1 services under the supervision of an individual who met the  
2 requirements for supervision under paragraph (c). This  
3 requirement may be met by a supervised practice experience  
4 which took place outside the academic arena, but which is  
5 certified as equivalent to a graduate-level practicum or  
6 internship program which required a minimum of 180 direct  
7 client contact hours of marriage and family therapy services  
8 currently offered within an academic program of a college or  
9 university accredited by an accrediting agency approved by the  
10 United States Department of Education, or an institution which  
11 is publicly recognized as a member in good standing with the  
12 Association of Universities and Colleges of Canada or a  
13 training institution accredited by the Commission on  
14 Accreditation for Marriage and Family Therapy Education  
15 recognized by the United States Department of Education.  
16 Certification shall be required from an official of such  
17 college, university, or training institution.

18         2. If the course title which appears on the  
19 applicant's transcript does not clearly identify the content  
20 of the coursework, the applicant shall be required to provide  
21 additional documentation, including, but not limited to, a  
22 syllabus or catalog description published for the course.

23  
24 The required master's degree must have been received in an  
25 institution of higher education which at the time the  
26 applicant graduated was: fully accredited by a regional  
27 accrediting body recognized by the Commission on Recognition  
28 of Postsecondary Accreditation; publicly recognized as a  
29 member in good standing with the Association of Universities  
30 and Colleges of Canada; or an institution of higher education  
31 located outside the United States and Canada, which at the

1 time the applicant was enrolled and at the time the applicant  
2 graduated maintained a standard of training substantially  
3 equivalent to the standards of training of those institutions  
4 in the United States which are accredited by a regional  
5 accrediting body recognized by the Commission on Recognition  
6 of Postsecondary Accreditation. Such foreign education and  
7 training must have been received in an institution or program  
8 of higher education officially recognized by the government of  
9 the country in which it is located as an institution or  
10 program to train students to practice as professional marriage  
11 and family therapists or psychotherapists. The burden of  
12 establishing that the requirements of this provision have been  
13 met shall be upon the applicant, and the board shall require  
14 documentation, such as, but not limited to, an evaluation by a  
15 foreign equivalency determination service, as evidence that  
16 the applicant's graduate degree program and education were  
17 equivalent to an accredited program in this country. An  
18 applicant with a master's degree from a program which did not  
19 emphasize marriage and family therapy may complete the  
20 coursework requirement in a training institution fully  
21 accredited by the Commission on Accreditation for Marriage and  
22 Family Therapy Education recognized by the United States  
23 Department of Education.

24 (c) Has had not less than 2 years of clinical  
25 experience during which 50 percent of the applicant's clients  
26 were receiving marriage and family therapy services, which  
27 must be at the post-master's level under the supervision of a  
28 licensed marriage and family therapist with at least 5 years  
29 of experience, or the equivalent, who is a qualified  
30 supervisor as determined by the board. An individual who  
31 intends to practice in Florida to satisfy the clinical

1 experience requirements must register pursuant to s. 491.0045  
2 prior to commencing practice. If a graduate has a master's  
3 degree with a major emphasis in marriage and family therapy or  
4 a closely related field that did not include all the  
5 coursework required under sub-subparagraphs (b)1.a.-c., credit  
6 for the post-master's level clinical experience shall not  
7 commence until the applicant has completed a minimum of 10 of  
8 the courses required under sub-subparagraphs (b)1.a.-c., as  
9 determined by the board, and at least 6 semester hours or 9  
10 quarter hours of the course credits must have been completed  
11 in the area of marriage and family systems, theories, or  
12 techniques. Within the 3 years of required experience, the  
13 applicant shall provide direct individual, group, or family  
14 therapy and counseling, to include the following categories of  
15 cases: unmarried dyads, married couples, separating and  
16 divorcing couples, and family groups including children. A  
17 doctoral internship may be applied toward the clinical  
18 experience requirement. The clinical experience requirement  
19 may be met by work performed on or off the premises of the  
20 supervising marriage and family therapist or the equivalent,  
21 provided the off-premises work is not the independent private  
22 practice rendering of marriage and family therapy services  
23 that does not have a licensed mental health professional, as  
24 determined by the board, on the premises at the same time the  
25 intern is providing services.

26 (d) Has passed a theory and practice examination  
27 provided by the department for this purpose.

28 (e) Has demonstrated, in a manner designated by rule  
29 of the board, knowledge of the laws and rules governing the  
30 practice of clinical social work, marriage and family therapy,  
31 and mental health counseling.

1           (f) For the purposes of dual licensure, the department  
2 shall license as a marriage and family therapist any person  
3 who meets the requirements of s. 491.0057. Fees for dual  
4 licensure shall not exceed those stated in this subsection.

5           (4) Upon verification of documentation and payment of  
6 a fee not to exceed \$200, as set by board rule, plus the  
7 actual per applicant cost to the department for purchase of  
8 the examination from the Professional Examination Service for  
9 the National Academy of Certified Clinical Mental Health  
10 Counselors or a similar national organization, the department  
11 shall issue a license as a mental health counselor to an  
12 applicant who the board certifies:

13           (a) Has made application therefor and paid the  
14 appropriate fee.

15           (b)1. Has received a minimum of an earned master's  
16 degree with a major related to the practice of mental health  
17 counseling, and has completed all of the following  
18 requirements:

19           a. Twenty-one semester hours or 32 quarter hours of  
20 graduate coursework, which must include a minimum of 2  
21 semester hours or 3 quarter hours of graduate-level coursework  
22 in each of the following seven content areas: counseling  
23 theories and practice; human development theories; personality  
24 theory; psychopathology or abnormal psychology; human  
25 sexuality theories; group theories and practice; and  
26 individual evaluation and assessment. Content may be  
27 combined, provided no more than two of the seven content areas  
28 are included in any one graduate-level course and the  
29 applicant can document that the equivalent of 2 semester hours  
30 of content was devoted to each content area. Courses in  
31 research, thesis or dissertation work, practicums,

1 | internships, or fieldwork may not be applied toward this  
2 | requirement.

3 |         b. A minimum of one 2-semester-hour or 3-quarter-hour  
4 | graduate-level course in research or in career or vocational  
5 | counseling. Credit for thesis or dissertation work,  
6 | practicums, internships, or fieldwork may not be applied  
7 | toward this requirement.

8 |         c. A minimum of 2 semester hours or 3 quarter hours of  
9 | graduate-level coursework in legal, ethical, and professional  
10 | standards issues in the practice of mental health counseling,  
11 | which includes goals and objectives of professional counseling  
12 | organizations, codes of ethics, legal considerations,  
13 | standards of preparation, certifications and licensing, and  
14 | the role identity of counselors. Courses in research, thesis  
15 | or dissertation work, practicums, internships, or fieldwork  
16 | may not be applied toward this requirement.

17 |         d. A minimum of one supervised practicum, internship,  
18 | or field experience in a counseling setting. This requirement  
19 | may be met by a supervised practice experience which takes  
20 | place outside the academic arena, but which is certified as  
21 | equivalent to a graduate-level practicum in a clinical mental  
22 | health counseling setting currently offered within an academic  
23 | program of a college or university accredited by an  
24 | accrediting agency approved by the United States Department of  
25 | Education. Such certification shall be required from an  
26 | official of such college or university.

27 |         2. If the course title which appears on the  
28 | applicant's transcript does not clearly identify the content  
29 | of the coursework, the applicant shall be required to provide  
30 | additional documentation, including, but not limited to, a  
31 | syllabus or catalog description published for the course.



1  
2 Except as provided in sub-subparagraph 1.d., education and  
3 training in mental health counseling must have been received  
4 in an institution of higher education which at the time the  
5 applicant graduated was: fully accredited by a regional  
6 accrediting body recognized by the Commission on Recognition  
7 of Postsecondary Accreditation; publicly recognized as a  
8 member in good standing with the Association of Universities  
9 and Colleges of Canada; or an institution of higher education  
10 located outside the United States and Canada, which at the  
11 time the applicant was enrolled and at the time the applicant  
12 graduated maintained a standard of training substantially  
13 equivalent to the standards of training of those institutions  
14 in the United States which are accredited by a regional  
15 accrediting body recognized by the Commission on Recognition  
16 of Postsecondary Accreditation. Such foreign education and  
17 training must have been received in an institution or program  
18 of higher education officially recognized by the government of  
19 the country in which it is located as an institution or  
20 program to train students to practice as mental health  
21 counselors. The burden of establishing that the requirements  
22 of this provision have been met shall be upon the applicant,  
23 and the board shall require documentation, such as, but not  
24 limited to, an evaluation by a foreign equivalency  
25 determination service, as evidence that the applicant's  
26 graduate degree program and education were equivalent to an  
27 accredited program in this country.

28 (c) Has had not less than 2 years of clinical  
29 experience in mental health counseling, which must be at the  
30 post-master's level under the supervision of a licensed mental  
31 health counselor or the equivalent who is a qualified

1 supervisor as determined by the board. An individual who  
2 intends to practice in Florida to satisfy the clinical  
3 experience requirements must register pursuant to s. 491.0045  
4 prior to commencing practice. If a graduate has a master's  
5 degree with a major related to the practice of mental health  
6 counseling which did not include all the coursework required  
7 under sub-subparagraphs (b)1.a.-c., credit for the  
8 post-master's level clinical experience shall not commence  
9 until the applicant has completed a minimum of seven of the  
10 courses required under sub-subparagraphs (b)1.a.-c., as  
11 determined by the board, one of which must be a course in  
12 psychopathology or abnormal psychology. A doctoral internship  
13 may be applied toward the clinical experience requirement. The  
14 clinical experience requirement may be met by work performed  
15 on or off the premises of the supervising mental health  
16 counselor or the equivalent, provided the off-premises work is  
17 not the independent private practice rendering of services  
18 that does not have a licensed mental health professional, as  
19 determined by the board, on the premises at the same time the  
20 intern is providing services.

21 (d) Has passed a theory and practice examination  
22 provided by the department for this purpose.

23 (e) Has demonstrated, in a manner designated by rule  
24 of the board, knowledge of the laws and rules governing the  
25 practice of clinical social work, marriage and family therapy,  
26 and mental health counseling.

27 (5) An individual who is registered as an intern and  
28 has satisfied all of the educational requirements for the  
29 profession for which the applicant seeks licensure shall be  
30 certified as having met the educational requirements for  
31 licensure under this section.

1           (6) The board may adopt rules necessary to implement  
2 any education or experience requirement of this section for  
3 licensure as a clinical social worker, marriage and family  
4 therapist, or mental health counselor.

5           Section 103. Effective January 1, 2001, paragraph (b)  
6 of subsection (4) of section 491.005, Florida Statutes, as  
7 amended by section 13 of chapter 97-198 and section 205 of  
8 chapter 97-264, Laws of Florida, is amended, and subsection  
9 (6) of that section is reenacted, to read:

10           491.005 Licensure by examination.--

11           (4) Upon verification of documentation and payment of  
12 a fee not to exceed \$200, as set by board rule, plus the  
13 actual per applicant cost to the department for purchase of  
14 the examination from the Professional Examination Service for  
15 the National Academy of Certified Clinical Mental Health  
16 Counselors or a similar national organization, the department  
17 shall issue a license as a mental health counselor to an  
18 applicant who the board certifies:

19           (b)1. Has a minimum of an earned master's degree from  
20 a mental health counseling program accredited by the Council  
21 for the Accreditation of Counseling and Related Educational  
22 Programs that consists of at least 60 semester hours or 80  
23 quarter hours of clinical and didactic instruction, including  
24 a course in human sexuality and a course in substance abuse.  
25 If the master's degree is earned from a program related to the  
26 practice of mental health counseling that is not accredited by  
27 the Council for the Accreditation of Counseling and Related  
28 Educational Programs, then the coursework and practicum,  
29 internship, or fieldwork must consist of at least 60 semester  
30 hours or 80 quarter hours and meet the following requirements:  
31

1           a. Thirty-three ~~Thirty-six~~ semester hours or 44 ~~48~~  
2 quarter hours of graduate coursework, which must include a  
3 minimum of 3 semester hours or 4 quarter hours of  
4 graduate-level coursework in each of the following 11 ~~12~~  
5 content areas: counseling theories and practice; human growth  
6 and development; diagnosis and treatment of psychopathology;  
7 human sexuality; group theories and practice; individual  
8 evaluation and assessment; career and lifestyle assessment;  
9 research and program evaluation; social and cultural  
10 foundations; ~~foundations of mental health counseling;~~  
11 counseling in community settings; and substance abuse. Courses  
12 in research, thesis or dissertation work, practicums,  
13 internships, or fieldwork may not be applied toward this  
14 requirement.

15           b. A minimum of 3 semester hours or 4 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, objectives, and practices of  
19 professional counseling organizations, codes of ethics, legal  
20 considerations, standards of preparation, certifications and  
21 licensing, and the role identity and professional obligations  
22 of mental health counselors. Courses in research, thesis or  
23 dissertation work, practicums, internships, or fieldwork may  
24 not be applied toward this requirement.

25           c. The equivalent, as determined by the board,of at  
26 least 1,000 hours of university-sponsored supervised clinical  
27 practicum, internship, or field experience as required in the  
28 accrediting standards of the Council for Accreditation of  
29 Counseling and Related Educational Programs for mental health  
30 counseling programs. ~~If the academic practicum, internship, or~~  
31 ~~field experience was less than 1,000 hours, experience gained~~

1 ~~outside the academic arena in clinical mental health settings~~  
2 ~~under the supervision of a qualified supervisor as determined~~  
3 ~~by the board may be applied.~~ This experience may not be used  
4 to satisfy the post-master's clinical experience requirement.

5         2. If the course title which appears on the  
6 applicant's transcript does not clearly identify the content  
7 of the coursework, the applicant shall be required to provide  
8 additional documentation, including, but not limited to, a  
9 syllabus or catalog description published for the course.

10

11 Education and training in mental health counseling must have  
12 been received in an institution of higher education which at  
13 the time the applicant graduated was: fully accredited by a  
14 regional accrediting body recognized by the Commission on  
15 Recognition of Postsecondary Accreditation; publicly  
16 recognized as a member in good standing with the Association  
17 of Universities and Colleges of Canada; or an institution of  
18 higher education located outside the United States and Canada,  
19 which at the time the applicant was enrolled and at the time  
20 the applicant graduated maintained a standard of training  
21 substantially equivalent to the standards of training of those  
22 institutions in the United States which are accredited by a  
23 regional accrediting body recognized by the Commission on  
24 Recognition of Postsecondary Accreditation. Such foreign  
25 education and training must have been received in an  
26 institution or program of higher education officially  
27 recognized by the government of the country in which it is  
28 located as an institution or program to train students to  
29 practice as mental health counselors. The burden of  
30 establishing that the requirements of this provision have been  
31 met shall be upon the applicant, and the board shall require

1 documentation, such as, but not limited to, an evaluation by a  
2 foreign equivalency determination service, as evidence that  
3 the applicant's graduate degree program and education were  
4 equivalent to an accredited program in this country.

5 (6) The board may adopt rules necessary to implement  
6 any education or experience requirement of this section for  
7 licensure as a clinical social worker, marriage and family  
8 therapist, or mental health counselor.

9 Section 104. Paragraph (b) of subsection (1) of  
10 section 491.006, Florida Statutes, is amended to read:

11 491.006 Licensure or certification by endorsement.--

12 (1) The department shall license or grant a  
13 certificate to a person in a profession regulated by this  
14 chapter who, upon applying to the department and remitting the  
15 appropriate fee, demonstrates to the board that he or she:

16 (b)1. Holds an active valid license to practice and  
17 has actively practiced the profession for which licensure is  
18 applied in another state for 3 of the last 5 years immediately  
19 preceding licensure.

20 2. Meets the education requirements of this chapter  
21 for the profession for which licensure is applied.

22 3. Has passed a substantially equivalent licensing  
23 examination in another state or has passed the licensure  
24 examination in this state in the profession for which the  
25 applicant seeks licensure.

26 4. Holds a license in good standing, is not under  
27 investigation for an act which would constitute a violation of  
28 this chapter, and has not been found to have committed any act  
29 which would constitute a violation of this chapter.

30 Section 105. Section 491.0085, Florida Statutes, is  
31 amended to read:

1           491.0085 Continuing education and laws and rules  
2 courses; approval of providers, programs, and courses; proof  
3 of completion.--

4           (1) Continuing education providers, programs, and  
5 courses and laws and rules courses and their providers and  
6 programs shall be approved by the department or the board.

7           (2) The department or the board has the authority to  
8 set a fee not to exceed \$200 for each applicant who applies  
9 for or renews provider status. Such fees shall be deposited  
10 into the Medical Quality Assurance ~~Health Care~~ Trust Fund.

11           (3) Proof of completion of the required number of  
12 hours of continuing education and completion of the laws and  
13 rules course shall be submitted to the department or the board  
14 in the manner and time specified by rule and on forms provided  
15 by the department or the board.

16           (4) The department or the board shall adopt rules and  
17 guidelines to administer and enforce the provisions of this  
18 section.

19           Section 106. Paragraph (d) of subsection (4) of  
20 section 491.014, Florida Statutes, 1998 Supplement, is amended  
21 to read:

22           491.014 Exemptions.--

23           (4) No person shall be required to be licensed,  
24 provisionally licensed, registered, or certified under this  
25 chapter who:

26           (d) Is not a resident of this state but offers  
27 services in this state, provided:

28           1. Such services are performed for no more than ~~5 days~~  
29 ~~in any month and no more than~~ 15 days in any calendar year;  
30 and  
31

1           2. Such nonresident is licensed or certified to  
2 practice the services provided by a state or territory of the  
3 United States or by a foreign country or province.

4           Section 107. Subsection (6) is added to section  
5 626.883, Florida Statutes, to read:

6           626.883 Administrator as intermediary; collections  
7 held in fiduciary capacity; establishment of account;  
8 disbursement; payments on behalf of insurer.--

9           (6) All payments to a health care provider by a fiscal  
10 intermediary must include an explanation of services being  
11 reimbursed which includes, at a minimum, the patient's name,  
12 the date of service, the provider code, the amount of  
13 reimbursement for noncapitated providers, and the  
14 identification of the plan on whose behalf the payment is  
15 being made. For capitated providers, the statement of services  
16 must include the number of patients covered by the contract,  
17 the rate per patient, the total amount of the payment, and the  
18 identification of the plan on whose behalf the payment is  
19 being made.

20           Section 108. Paragraph (a) of subsection (2) of  
21 section 641.316, Florida Statutes, 1998 Supplement, is amended  
22 to read:

23           641.316 Fiscal intermediary services.--

24           (2)(a) The term "fiduciary" or "fiscal intermediary  
25 services" means reimbursements received or collected on behalf  
26 of health care professionals for services rendered, patient  
27 and provider accounting, financial reporting and auditing,  
28 receipts and collections management, compensation and  
29 reimbursement disbursement services, or other related  
30 fiduciary services pursuant to health care professional  
31 contracts with health maintenance organizations. All payments



1 to a health care provider by a fiscal intermediary must  
2 include an explanation of services being reimbursed which  
3 includes, at a minimum, the patient's name, the date of  
4 service, the provider code, the amount of reimbursement for  
5 noncapitated providers, and the identification of the plan on  
6 whose behalf the payment is being made. For capitated  
7 providers, the statement of services must include the number  
8 of patients covered by the contract, the rate per patient, the  
9 total amount of the payment, and the identification of the  
10 plan on whose behalf the payment is being made.

11 Section 109. Except as otherwise provided in this act,  
12 this act shall take effect July 1, 1999.

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LEGISLATIVE SUMMARY

16

Amends or creates various provisions of law regulating  
health care practitioners. (See bill for details.)

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