

By Senator Campbell

33-1089-00

See HB 1659

1 A bill to be entitled
2 An act relating to general regulatory
3 administration of the health care professions;
4 amending s. 455.564, F.S.; revising general
5 licensing provisions for professions under the
6 jurisdiction of the Department of Health;
7 providing for processing of applications from
8 foreign or nonresident applicants not yet
9 having a social security number; providing for
10 temporary licensure of such applicants;
11 revising provisions relating to ongoing
12 criminal investigations or prosecutions;
13 requiring proof of restoration of civil rights
14 under certain circumstances; authorizing
15 requirement for personal appearance prior to
16 grant or denial of a license; providing for
17 tolling of application decision deadlines under
18 certain circumstances; amending s. 455.565,
19 F.S.; eliminating duplicative submission of
20 fingerprints and other information required for
21 criminal history checks; providing for certain
22 access to criminal history information through
23 the department's health care practitioner
24 credentialing system; creating s. 455.56505,
25 F.S.; requiring all health care practitioners
26 seeking licensure or renewed licensure in a
27 profession under jurisdiction of the department
28 to submit information and fingerprints for
29 profiling purposes; amending s. 455.5651, F.S.;
30 authorizing the department to publish certain
31 information in practitioner profiles; amending

1 s. 455.5653, F.S.; deleting obsolete provisions
2 relating to scheduling and development of
3 practitioner profiles for additional health
4 care practitioners; providing the department
5 access to information on health care
6 practitioners maintained by the Agency for
7 Health Care Administration for corroboration
8 purposes; amending s. 455.5654, F.S.; providing
9 for adoption by rule of a form for submission
10 of profiling information; amending s. 455.567,
11 F.S.; expanding the prohibition against sexual
12 misconduct to cover violations against
13 guardians and representatives of patients or
14 clients; providing penalties; amending s.
15 455.574, F.S.; providing for determination of
16 the amount of the examination fee when the
17 board or department purchases the examination;
18 amending s. 455.624, F.S.; revising and
19 providing grounds for disciplinary action
20 relating to having a license to practice a
21 regulated health care profession acted against,
22 sexual misconduct, inability to practice
23 properly due to alcohol or substance abuse or a
24 mental or physical condition, and testing
25 positive for a drug without a lawful
26 prescription therefor; providing for
27 restriction of license as a disciplinary
28 action; providing for issuance of a citation
29 and assessment of a fine for certain first-time
30 violations; reenacting ss. 455.577, 455.631,
31 455.651(2), 455.712(1), 458.347(7)(g),

1 459.022(7)(f), 468.1755(1)(a), 468.719(1)(a)
2 and (2), 468.811, and 484.056(1)(a), F.S.,
3 relating to theft or reproduction of an
4 examination, giving false information,
5 disclosure of confidential information,
6 business establishments providing regulated
7 services without an active status license, and
8 practice violations by physician assistants,
9 nursing home administrators, athletic trainers,
10 orthotists, prosthetists, pedorthists, and
11 hearing aid specialists, to incorporate the
12 amendment to s. 455.624, F.S., in references
13 thereto; repealing s. 455.704, F.S., relating
14 to the Impaired Practitioners Committee;
15 amending s. 455.707, F.S., relating to impaired
16 practitioners, to conform; clarifying
17 provisions relating to complaints against
18 impaired practitioners; amending s. 310.102,
19 F.S.; revising and removing references, to
20 conform; amending s. 455.711, F.S.; revising
21 provisions relating to active and inactive
22 status licensure; eliminating reference to
23 delinquency as a licensure status; providing
24 rulemaking authority; amending ss. 455.587 and
25 455.714, F.S.; conforming references; creating
26 s. 455.719, F.S.; providing that the
27 appropriate medical regulatory board, or the
28 department when there is no board, has
29 exclusive authority to grant exemptions from
30 disqualification from employment or contracting
31 with respect to persons under the licensing

1 jurisdiction of that board or the department,
2 as applicable; amending s. 943.0585, F.S.;
3 providing expunged criminal history records to
4 the department under certain circumstances;
5 providing an appropriation for continued review
6 of clinical laboratory services for kidney
7 dialysis patients and requiring a report
8 thereon; providing an effective date.

9

10 Be It Enacted by the Legislature of the State of Florida:

11

12 Section 1. Subsections (1) and (3) of section 455.564,
13 Florida Statutes, are amended to read:

14 455.564 Department; general licensing provisions.--

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

1 applications for licenses and applications for renewals of
2 licenses. The agreement must specify the time within which the
3 tax collector must forward any applications and accompanying
4 application fees to the department.

5 (b) If an applicant has not been issued a social
6 security number by the Federal Government at the time of
7 application because the applicant is not a citizen or resident
8 of this country, the department may process the application
9 using a unique personal identification number. If such an
10 applicant is otherwise eligible for licensure, the board, or
11 the department when there is no board, may issue a temporary
12 license to the applicant, which shall expire 30 days after
13 issuance unless a social security number is obtained and
14 submitted in writing to the department. Upon receipt of the
15 applicant's social security number, the department shall issue
16 a new license, which shall expire at the end of the current
17 biennium.

18 (3)(a) The board, or the department when there is no
19 board, may refuse to issue an initial license to any applicant
20 who is under investigation or prosecution in any jurisdiction
21 for an action that would constitute a violation of this part
22 or the professional practice acts administered by the
23 department and the boards, until such time as the
24 investigation or prosecution is complete, and the time period
25 in which the licensure application must be granted or denied
26 shall be tolled until 15 days after the receipt of the final
27 results of the investigation or prosecution.

28 (b) If an applicant has been convicted of a felony
29 related to the practice or ability to practice any health care
30 profession, the board, or the department when there is no
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1 board, may require the applicant to prove that his or her
2 civil rights have been restored.

3 (c) In considering applications for licensure, the
4 board, or the department when there is no board, may require a
5 personal appearance of the applicant. If the applicant is
6 required to appear, the time period in which a licensure
7 application must be granted or denied shall be tolled until
8 such time as the applicant appears. However, if the applicant
9 fails to appear before the board at either of the next two
10 regularly scheduled board meetings, or fails to appear before
11 the department within 30 days if there is no board, the
12 application for licensure shall be denied.

13 Section 2. Paragraph (d) is added to subsection (4) of
14 section 455.565, Florida Statutes, to read:

15 455.565 Designated health care professionals;
16 information required for licensure.--

17 (4)

18 (d) Any applicant for initial licensure or renewal of
19 licensure as a health care practitioner who submits to the
20 Department of Health a set of fingerprints or information
21 required for the criminal history check required under this
22 section shall not be required to provide a subsequent set of
23 fingerprints or other duplicate information required for a
24 criminal history check to the Agency for Health Care
25 Administration, the Department of Juvenile Justice, or the
26 Department of Children and Family Services for employment or
27 licensure with such agency or department if the applicant has
28 undergone a criminal history check as a condition of initial
29 licensure or licensure renewal as a health care practitioner
30 with the Department of Health or any of its regulatory boards,
31 notwithstanding any other provision of law to the contrary. In

1 lieu of such duplicate submission, the Agency for Health Care
2 Administration, the Department of Juvenile Justice, and the
3 Department of Children and Family Services shall obtain
4 criminal history information for employment or licensure of
5 health care practitioners by such agency and departments from
6 the Department of Health's health care practitioner
7 credentialing system.

8 Section 3. Section 455.56505, Florida Statutes, is
9 created to read:

10 455.56505 Health care practitioners; information
11 required for licensure.--

12 (1)(a) Each person who applies for initial licensure
13 must, at the time of application, and each person who applies
14 for license renewal must, in conjunction with the renewal of
15 such license and under procedures adopted by the Department of
16 Health, and in addition to any other information that may be
17 required from the applicant, furnish the following information
18 to the Department of Health:

19 1. The name of each school or training program that
20 the applicant has attended, with the months and years of
21 attendance and the month and year of graduation, and a
22 description of all graduate professional education completed
23 by the applicant, excluding any coursework taken to satisfy
24 continuing education requirements.

25 2. The name of each location at which the applicant
26 practices.

27 3. The address at which the applicant will primarily
28 conduct his or her practice.

29 4. Any certification or designation that the applicant
30 has received from a specialty or certification board that is
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1 recognized or approved by the regulatory board or department
2 to which the applicant is applying.

3 5. The year that the applicant received initial
4 licensure and began practicing the profession in any
5 jurisdiction and the year that the applicant received initial
6 licensure in this state.

7 6. Any appointment that the applicant currently holds
8 to the faculty of a school related to the profession and an
9 indication as to whether the applicant has had the
10 responsibility for graduate education within the most recent
11 10 years.

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

27 8. A description of any final disciplinary action
28 taken within the previous 10 years against the applicant by a
29 licensing or regulatory body in any jurisdiction, by a
30 specialty board that is recognized by the board or department,
31 or by a licensed hospital, health maintenance organization,

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

13 (b) In addition to the information required under
14 paragraph (a), each applicant for initial licensure or
15 licensure renewal must provide the information required of
16 licensees pursuant to s. 455.697.

17 (2) The Department of Health shall send a notice to
18 each licensee at the licensee's last known address of record
19 regarding the requirements for information to be submitted by
20 practitioners pursuant to this section in conjunction with the
21 renewal of such license.

22 (3) Each person who has submitted information pursuant
23 to subsection (1) must update that information in writing by
24 notifying the Department of Health within 45 days after the
25 occurrence of an event or the attainment of a status that is
26 required to be reported by subsection (1). Failure to comply
27 with the requirements of this subsection to update and submit
28 information constitutes a ground for disciplinary action under
29 each respective licensing chapter and s. 455.624(1)(k). For
30 failure to comply with the requirements of this subsection to
31

1 update and submit information, the department or board, as
2 appropriate, may:

3 (a) Refuse to issue a license to any person applying
4 for initial licensure who fails to submit and update the
5 required information.

6 (b) Issue a citation to any licensee who fails to
7 submit and update the required information and may fine the
8 licensee up to \$50 for each day that the licensee is not in
9 compliance with this subsection. The citation must clearly
10 state that the licensee may choose, in lieu of accepting the
11 citation, to follow the procedure under s. 455.621. If the
12 licensee disputes the matter in the citation, the procedures
13 set forth in s. 455.621 must be followed. However, if the
14 licensee does not dispute the matter in the citation with the
15 department within 30 days after the citation is served, the
16 citation becomes a final order and constitutes discipline.
17 Service of a citation may be made by personal service or
18 certified mail, restricted delivery, to the subject at the
19 licensee's last known address.

20 (4)(a) An applicant for initial licensure must submit
21 a set of fingerprints to the Department of Health on a form
22 and under procedures specified by the department, along with
23 payment in an amount equal to the costs incurred by the
24 Department of Health for a national criminal history check of
25 the applicant.

26 (b) An applicant for renewed licensure who has not
27 previously submitted a set of fingerprints to the Department
28 of Health for purposes of licensure must submit a set of
29 fingerprints to the department as a condition of the initial
30 renewal of his or her license after the effective date of this
31 section. The applicant must submit the fingerprints on a form

1 and under procedures specified by the department, along with
2 payment in an amount equal to the costs incurred by the
3 Department of Health for a national criminal history check.
4 For subsequent renewals, the applicant for renewed licensure
5 must only submit information necessary to conduct a statewide
6 criminal history check, along with payment in an amount equal
7 to the costs incurred by the Department of Health for a
8 statewide criminal history check.

9 (c)1. The Department of Health shall submit the
10 fingerprints provided by an applicant for initial licensure to
11 the Florida Department of Law Enforcement for a statewide
12 criminal history check, and the Florida Department of Law
13 Enforcement shall forward the fingerprints to the Federal
14 Bureau of Investigation for a national criminal history check
15 of the applicant.

16 2. The department shall submit the fingerprints
17 provided by an applicant for the initial renewal of license to
18 the Florida Department of Law Enforcement for a statewide
19 criminal history check, and the Florida Department of Law
20 Enforcement shall forward the fingerprints to the Federal
21 Bureau of Investigation for a national criminal history check
22 for the initial renewal of the applicant's license after the
23 effective date of this section.

24 3. For any subsequent renewal of the applicant's
25 license, the department shall submit the required information
26 for a statewide criminal history check of the applicant to the
27 Florida Department of Law Enforcement.

28 (d) Any applicant for initial licensure or renewal of
29 licensure as a health care practitioner who submits to the
30 Department of Health a set of fingerprints and information
31 required for the criminal history check required under this

1 section shall not be required to provide a subsequent set of
2 fingerprints or other duplicate information required for a
3 criminal history check to the Agency for Health Care
4 Administration, the Department of Juvenile Justice, or the
5 Department of Children and Family Services for employment or
6 licensure with such agency or department, if the applicant has
7 undergone a criminal history check as a condition of initial
8 licensure or renewal of licensure as a health care
9 practitioner with the Department of Health or any of its
10 regulatory boards, notwithstanding any other provision of law
11 to the contrary. In lieu of such duplicate submission, the
12 Agency for Health Care Administration, the Department of
13 Juvenile Justice, and the Department of Children and Family
14 Services shall obtain criminal history information for
15 employment or licensure of health care practitioners by such
16 agency or department from the Department of Health's health
17 care practitioner credentialing system.

18 (5) Each person who is required to submit information
19 pursuant to this section may submit additional information to
20 the department. Such information may include, but is not
21 limited to:

22 (a) Information regarding publications in
23 peer-reviewed professional literature within the previous 10
24 years.

25 (b) Information regarding professional or community
26 service activities or awards.

27 (c) Languages, other than English, used by the
28 applicant to communicate with patients or clients and
29 identification of any translating service that may be
30 available at the place where the applicant primarily conducts
31 his or her practice.

1 (d) An indication of whether the person participates
2 in the Medicaid program.

3 Section 4. Section 455.5651, Florida Statutes, is
4 amended to read:

5 455.5651 Practitioner profile; creation.--

6 (1) Beginning July 1, 1999, the Department of Health
7 shall compile the information submitted pursuant to s. 455.565
8 into a practitioner profile of the applicant submitting the
9 information, except that the Department of Health may develop
10 a format to compile uniformly any information submitted under
11 s. 455.565(4)(b). Beginning July 1, 2001, the Department of
12 Health may compile the information submitted pursuant to s.
13 455.56505 into a practitioner profile of the applicant
14 submitting the information.

15 (2) On the profile published ~~required~~ under subsection
16 (1), the department shall indicate if the information provided
17 under s. 455.565(1)(a)7. or s. 455.56505(1)(a)7.is not
18 corroborated by a criminal history check conducted according
19 to this subsection. If the information provided under s.
20 455.565(1)(a)7. or s. 455.56505(1)(a)7.is corroborated by the
21 criminal history check, the fact that the criminal history
22 check was performed need not be indicated on the profile. The
23 department, or the board having regulatory authority over the
24 practitioner acting on behalf of the department, shall
25 investigate any information received by the department or the
26 board when it has reasonable grounds to believe that the
27 practitioner has violated any law that relates to the
28 practitioner's practice.

29 (3) The Department of Health may include in each
30 practitioner's practitioner profile that criminal information
31 that directly relates to the practitioner's ability to

1 competently practice his or her profession. The department
2 must include in each practitioner's practitioner profile the
3 following statement: "The criminal history information, if
4 any exists, may be incomplete; federal criminal history
5 information is not available to the public." The department
6 shall not publish a criminal conviction if such conviction has
7 been sealed, expunged, or pardoned.

8 (4) The Department of Health shall include, with
9 respect to a practitioner licensed under chapter 458 or
10 chapter 459, a statement of how the practitioner has elected
11 to comply with the financial responsibility requirements of s.
12 458.320 or s. 459.0085. The department shall include, with
13 respect to practitioners subject to s. 455.694, a statement of
14 how the practitioner has elected to comply with the financial
15 responsibility requirements of that section.The department
16 shall include, with respect to practitioners licensed under
17 chapter 458, chapter 459, ~~or~~ chapter 461, or chapter 466,
18 information relating to liability actions which has been
19 reported under s. 455.697 or s. 627.912 within the previous 10
20 years for any paid claim that exceeds \$5,000. Such claims
21 information shall be reported in the context of comparing an
22 individual practitioner's claims to the experience of other
23 practitioners ~~physicians~~ within the same specialty, or
24 profession if the practitioner is not a specialist,to the
25 extent such information is available to the Department of
26 Health. If information relating to a liability action is
27 included in a practitioner's practitioner profile, the profile
28 must also include the following statement: "Settlement of a
29 claim may occur for a variety of reasons that do not
30 necessarily reflect negatively on the professional competence
31 or conduct of the practitioner ~~physician~~. A payment in

1 settlement of a medical malpractice action or claim should not
2 be construed as creating a presumption that medical
3 malpractice has occurred."

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

7 (6) The Department of Health may include in the
8 practitioner's practitioner profile any other information that
9 is a public record of any governmental entity and that relates
10 to a practitioner's ability to competently practice his or her
11 profession. However, the department must consult with the
12 board having regulatory authority over the practitioner before
13 such information is included in his or her profile.

14 (7) Upon the completion of a practitioner profile
15 under this section, the Department of Health shall furnish the
16 practitioner who is the subject of the profile a copy of it.
17 The practitioner has a period of 30 days in which to review
18 the profile and to correct any factual inaccuracies in it. The
19 Department of Health shall make the profile available to the
20 public at the end of the 30-day period. The department shall
21 make the profiles available to the public through the World
22 Wide Web and other commonly used means of distribution.

23 (8) Making a practitioner profile available to the
24 public under this section does not constitute agency action
25 for which a hearing under s. 120.57 may be sought.

26 Section 5. Section 455.5653, Florida Statutes, is
27 amended to read:

28 455.5653 Practitioner profiles; data
29 storage.--Effective upon this act becoming a law, the
30 Department of Health must develop or contract for a computer
31 system to accommodate the new data collection and storage

1 requirements under this act pending the development and
2 operation of a computer system by the Department of Health for
3 handling the collection, input, revision, and update of data
4 submitted by physicians as a part of their initial licensure
5 or renewal to be compiled into individual practitioner
6 profiles. The Department of Health must incorporate any data
7 required by this act into the computer system used in
8 conjunction with the regulation of health care professions
9 under its jurisdiction. ~~The department must develop, by the~~
10 ~~year 2000, a schedule and procedures for each practitioner~~
11 ~~within a health care profession regulated within the Division~~
12 ~~of Medical Quality Assurance to submit relevant information to~~
13 ~~be compiled into a profile to be made available to the public.~~
14 The Department of Health is authorized to contract with and
15 negotiate any interagency agreement necessary to develop and
16 implement the practitioner profiles. The Department of Health
17 shall have access to any information or record maintained by
18 the Agency for Health Care Administration, including any
19 information or record that is otherwise confidential and
20 exempt from the provisions of chapter 119 and s. 24(a), Art. I
21 of the State Constitution, so that the Department of Health
22 may corroborate any information that practitioners ~~physicians~~
23 are required to report under s. 455.565 or s. 455.56505.

24 Section 6. Section 455.5654, Florida Statutes, is
25 amended to read:

26 455.5654 Practitioner profiles; rules;
27 workshops.--Effective upon this act becoming a law, the
28 Department of Health shall adopt rules for the form of a
29 practitioner profile that the agency is required to prepare.
30 The Department of Health, pursuant to chapter 120, must hold
31 public workshops for purposes of rule development to implement

1 this section. An agency to which information is to be
2 submitted under this act may adopt by rule a form for the
3 submission of the information required under s. 455.565 or s.
4 455.56505.

5 Section 7. Subsection (1) of section 455.567, Florida
6 Statutes, is amended to read:

7 455.567 Sexual misconduct; disqualification for
8 license, certificate, or registration.--

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

19 Section 8. Paragraph (g) is added to subsection (1) of
20 section 455.574, Florida Statutes, to read:

21 455.574 Department of Health; examinations.--

22 (1)

23 (g) If the board or department purchases an
24 examination to test candidates for initial licensure, the
25 examination fee shall be set by rule of the appropriate board,
26 or the department when there is no board, in an amount not to
27 exceed the examination fee set forth in the applicable
28 practice act as of October 1, 1999, plus the actual
29 per-applicant cost to the board or department to purchase the
30 examination, notwithstanding any other provision of law to the
31 contrary.

1 Section 9. Paragraphs (f) and (u) of subsection (1),
2 paragraph (c) of subsection (2), and subsection (3) of section
3 455.624, Florida Statutes, are amended, and paragraphs (y) and
4 (z) are added to subsection (1) of that section, to read:

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

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

10 (f) Having a license or the authority to practice any
11 ~~the~~ regulated profession revoked, suspended, or otherwise
12 acted against, including the denial of licensure, by the
13 licensing authority of any jurisdiction, including its
14 agencies or subdivisions, for a violation that would
15 constitute a violation under Florida law. The licensing
16 authority's acceptance of a relinquishment of licensure,
17 stipulation, consent order, or other settlement, offered in
18 response to or in anticipation of the filing of charges
19 against the license, shall be construed as action against the
20 license.

21 (u) Engaging or attempting to engage in sexual
22 misconduct as defined and prohibited in s. 455.567(1)~~a~~
23 ~~patient or client in verbal or physical sexual activity. For~~
24 ~~the purposes of this section, a patient or client shall be~~
25 ~~presumed to be incapable of giving free, full, and informed~~
26 ~~consent to verbal or physical sexual activity.~~

27 (y) Being unable to practice with reasonable skill and
28 safety to patients by reason of illness or use of alcohol,
29 drugs, narcotics, chemicals, or any other type of material or
30 as a result of any mental or physical condition. In enforcing
31 this paragraph, the department shall have, upon a finding of

1 the secretary or the secretary's designee that probable cause
2 exists to believe that the licensee is unable to practice
3 because of the reasons stated in this paragraph, the authority
4 to issue an order to compel a licensee to submit to a mental
5 or physical examination by physicians designated by the
6 department. If the licensee refuses to comply with such order,
7 the department's order directing such examination may be
8 enforced by filing a petition for enforcement in the circuit
9 court where the licensee resides or does business. The
10 licensee against whom the petition is filed may not be named
11 or identified by initials in any public court records or
12 documents, and the proceedings shall be closed to the public.
13 The department shall be entitled to the summary procedure
14 provided in s. 51.011. A licensee or certificateholder
15 affected under this paragraph shall at reasonable intervals be
16 afforded an opportunity to demonstrate that he or she can
17 resume the competent practice of his or her profession with
18 reasonable skill and safety to patients.

19 (z) Testing positive for any drug, as defined in s.
20 112.0455, on any confirmed preemployment or employer-ordered
21 drug screening when the practitioner does not have a lawful
22 prescription and legitimate medical reason for using such
23 drug.

24 (2) When the board, or the department when there is no
25 board, finds any person guilty of the grounds set forth in
26 subsection (1) or of any grounds set forth in the applicable
27 practice act, including conduct constituting a substantial
28 violation of subsection (1) or a violation of the applicable
29 practice act which occurred prior to obtaining a license, it
30 may enter an order imposing one or more of the following
31 penalties:

1 (c) Restriction of practice or license.

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

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

22 (b) Notwithstanding subsection (2), if the ground for
23 disciplinary action is the first-time violation of a practice
24 act for unprofessional conduct and no actual harm to the
25 patient occurred, the board or department, as applicable,
26 shall issue a citation in accordance with s. 455.617 and
27 assess a fine, as determined by the board or department by
28 rule.

29 Section 10. For the purpose of incorporating the
30 amendment to section 455.624, Florida Statutes, in references
31 thereto, sections 455.577 and 455.631, subsection (2) of

1 section 455.651, subsection (1) of section 455.712, paragraph
2 (g) of subsection (7) of section 458.347, paragraph (f) of
3 subsection (7) of section 459.022, paragraph (a) of subsection
4 (1) of section 468.1755, paragraph (a) of subsection (1) and
5 subsection (2) of section 468.719, section 468.811, and
6 paragraph (a) of subsection (1) of section 484.056, Florida
7 Statutes, are reenacted to read:

8 455.577 Penalty for theft or reproduction of an
9 examination.--In addition to, or in lieu of, any other
10 discipline imposed pursuant to s. 455.624, the theft of an
11 examination in whole or in part or the act of reproducing or
12 copying any examination administered by the department,
13 whether such examination is reproduced or copied in part or in
14 whole and by any means, constitutes a felony of the third
15 degree, punishable as provided in s. 775.082, s. 775.083, or
16 s. 775.084.

17 455.631 Penalty for giving false information.--In
18 addition to, or in lieu of, any other discipline imposed
19 pursuant to s. 455.624, the act of knowingly giving false
20 information in the course of applying for or obtaining a
21 license from the department, or any board thereunder, with
22 intent to mislead a public servant in the performance of his
23 or her official duties, or the act of attempting to obtain or
24 obtaining a license from the department, or any board
25 thereunder, to practice a profession by knowingly misleading
26 statements or knowing misrepresentations constitutes a felony
27 of the third degree, punishable as provided in s. 775.082, s.
28 775.083, or s. 775.084.

29 455.651 Disclosure of confidential information.--
30 (2) Any person who willfully violates any provision of
31 this section is guilty of a misdemeanor of the first degree,

1 punishable as provided in s. 775.082 or s. 775.083, and may be
2 subject to discipline pursuant to s. 455.624, and, if
3 applicable, shall be removed from office, employment, or the
4 contractual relationship.

5 455.712 Business establishments; requirements for
6 active status licenses.--

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

15 458.347 Physician assistants.--

16 (7) PHYSICIAN ASSISTANT LICENSURE.--

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

23 459.022 Physician assistants.--

24 (7) PHYSICIAN ASSISTANT LICENSURE.--

25 (f) The Board of Osteopathic Medicine may impose any
26 of the penalties specified in ss. 455.624 and 459.015(2) upon
27 a physician assistant if the physician assistant or the
28 supervising physician has been found guilty of or is being
29 investigated for any act that constitutes a violation of this
30 chapter or part II of chapter 455.

31 468.1755 Disciplinary proceedings.--

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

3 (a) Violation of any provision of s. 455.624(1) or s.
4 468.1745(1).

5 468.719 Disciplinary actions.--

6 (1) The following acts shall be grounds for
7 disciplinary actions provided for in subsection (2):

8 (a) A violation of any law relating to the practice of
9 athletic training, including, but not limited to, any
10 violation of this part, s. 455.624, or any rule adopted
11 pursuant thereto.

12 (2) When the board finds any person guilty of any of
13 the acts set forth in subsection (1), the board may enter an
14 order imposing one or more of the penalties provided in s.
15 455.624.

16 468.811 Disciplinary proceedings.--

17 (1) The following acts are grounds for disciplinary
18 action against a licensee and the issuance of cease and desist
19 orders or other related action by the department, pursuant to
20 s. 455.624, against any person who engages in or aids in a
21 violation.

22 (a) Attempting to procure a license by fraudulent
23 misrepresentation.

24 (b) Having a license to practice orthotics,
25 prosthetics, or pedorthics revoked, suspended, or otherwise
26 acted against, including the denial of licensure in another
27 jurisdiction.

28 (c) Being convicted or found guilty of or pleading
29 nolo contendere to, regardless of adjudication, in any
30 jurisdiction, a crime that directly relates to the practice of
31 orthotics, prosthetics, or pedorthics, including violations of

1 federal laws or regulations regarding orthotics, prosthetics,
2 or pedorthics.

3 (d) Filing a report or record that the licensee knows
4 is false, intentionally or negligently failing to file a
5 report or record required by state or federal law, willfully
6 impeding or obstructing such filing, or inducing another
7 person to impede or obstruct such filing. Such reports or
8 records include only reports or records that are signed in a
9 person's capacity as a licensee under this act.

10 (e) Advertising goods or services in a fraudulent,
11 false, deceptive, or misleading manner.

12 (f) Violation of this act or part II of chapter 455,
13 or any rules adopted thereunder.

14 (g) Violation of an order of the board, agency, or
15 department previously entered in a disciplinary hearing or
16 failure to comply with a subpoena issued by the board, agency,
17 or department.

18 (h) Practicing with a revoked, suspended, or inactive
19 license.

20 (i) Gross or repeated malpractice or the failure to
21 deliver orthotic, prosthetic, or pedorthic services with that
22 level of care and skill which is recognized by a reasonably
23 prudent licensed practitioner with similar professional
24 training as being acceptable under similar conditions and
25 circumstances.

26 (j) Failing to provide written notice of any
27 applicable warranty for an orthosis, prosthesis, or pedorthic
28 device that is provided to a patient.

29 (2) The board may enter an order imposing one or more
30 of the penalties in s. 455.624(2) against any person who
31 violates any provision of subsection (1).

1 484.056 Disciplinary proceedings.--

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

9 (a) Violation of any provision of s. 455.624(1), s.
10 484.0512, or s. 484.053.

11 Section 11. Section 455.704, Florida Statutes, is
12 repealed.

13 Section 12. Subsections (1), (2), and (3) of section
14 455.707, Florida Statutes, are amended to read:

15 455.707 Treatment programs for impaired
16 practitioners.--

17 (1) For professions that do not have impaired
18 practitioner programs provided for in their practice acts, the
19 department shall, by rule, designate approved impaired
20 practitioner treatment programs under this section. The
21 department may adopt rules setting forth appropriate criteria
22 for approval of treatment providers ~~based on the policies and~~
23 ~~guidelines established by the Impaired Practitioners~~
24 ~~Committee.~~ The rules may ~~must~~ specify the manner in which the
25 consultant, retained as set forth in subsection (2), works
26 with the department in intervention, requirements for
27 evaluating and treating a professional, and requirements for
28 the continued care and monitoring of a professional by the
29 consultant by an approved ~~at a department-approved~~ treatment
30 provider. ~~The department shall not compel any impaired~~

31

1 ~~practitioner program in existence on October 1, 1992, to serve~~
2 ~~additional professions.~~

3 (2) The department shall retain one or more impaired
4 practitioner consultants ~~as recommended by the committee.~~ A
5 consultant shall be a licensee ~~or recovered licensee~~ under the
6 jurisdiction of the Division of Medical Quality Assurance
7 within the department, and at least one consultant must be a
8 practitioner or recovered practitioner licensed under chapter
9 458, chapter 459, or chapter 464. The consultant shall assist
10 the probable cause panel and department in carrying out the
11 responsibilities of this section. This shall include working
12 with department investigators to determine whether a
13 practitioner is, in fact, impaired.

14 (3)(a) Whenever the department receives a written or
15 oral legally sufficient complaint alleging that a licensee
16 under the jurisdiction of the Division of Medical Quality
17 Assurance within the department is impaired as a result of the
18 misuse or abuse of alcohol or drugs, or both, or due to a
19 mental or physical condition which could affect the licensee's
20 ability to practice with skill and safety, and no complaint
21 against the licensee other than impairment exists, the
22 reporting of such information shall not constitute grounds for
23 discipline pursuant to s. 455.624 or the corresponding grounds
24 for discipline within the applicable practice act ~~a complaint~~
25 ~~within the meaning of s. 455.621~~ if the probable cause panel
26 of the appropriate board, or the department when there is no
27 board, finds:

28 1. The licensee has acknowledged the impairment
29 problem.

30 2. The licensee has voluntarily enrolled in an
31 appropriate, approved treatment program.

1 3. The licensee has voluntarily withdrawn from
2 practice or limited the scope of practice as required by the
3 consultant ~~determined by the panel, or the department when~~
4 ~~there is no board~~, in each case, until such time as the panel,
5 or the department when there is no board, is satisfied the
6 licensee has successfully completed an approved treatment
7 program.

8 4. The licensee has executed releases for medical
9 records, authorizing the release of all records of
10 evaluations, diagnoses, and treatment of the licensee,
11 including records of treatment for emotional or mental
12 conditions, to the consultant. The consultant shall make no
13 copies or reports of records that do not regard the issue of
14 the licensee's impairment and his or her participation in a
15 treatment program.

16 (b) If, however, the department has not received a
17 legally sufficient complaint and the licensee agrees to
18 withdraw from practice until such time as the consultant
19 determines the licensee has satisfactorily completed an
20 approved treatment program or evaluation, the probable cause
21 panel, or the department when there is no board, shall not
22 become involved in the licensee's case.

23 (c) Inquiries related to impairment treatment programs
24 designed to provide information to the licensee and others and
25 which do not indicate that the licensee presents a danger to
26 the public shall not constitute a complaint within the meaning
27 of s. 455.621 and shall be exempt from the provisions of this
28 subsection.

29 (d) Whenever the department receives a legally
30 sufficient complaint alleging that a licensee is impaired as
31 described in paragraph (a) and no complaint against the

1 | licensee other than impairment exists, the department shall
2 | forward all information in its possession regarding the
3 | impaired licensee to the consultant. For the purposes of this
4 | section, a suspension from hospital staff privileges due to
5 | the impairment does not constitute a complaint.

6 | (e) The probable cause panel, or the department when
7 | there is no board, shall work directly with the consultant,
8 | and all information concerning a practitioner obtained from
9 | the consultant by the panel, or the department when there is
10 | no board, shall remain confidential and exempt from the
11 | provisions of s. 119.07(1), subject to the provisions of
12 | subsections (5) and (6).

13 | (f) A finding of probable cause shall not be made as
14 | long as the panel, or the department when there is no board,
15 | is satisfied, based upon information it receives from the
16 | consultant and the department, that the licensee is
17 | progressing satisfactorily in an approved impaired
18 | practitioner treatment program and no other complaint against
19 | the licensee exists.

20 | Section 13. Subsection (1) of section 310.102, Florida
21 | Statutes, is amended to read:

22 | 310.102 Treatment programs for impaired pilots and
23 | deputy pilots.--

24 | (1) The department shall, by rule, designate approved
25 | treatment programs for impaired pilots and deputy pilots under
26 | this section. The department may adopt rules setting forth
27 | appropriate criteria for approval of treatment providers ~~based~~
28 | ~~on the policies and guidelines established by the Impaired~~
29 | ~~Practitioners Committee under s. 455.704.~~

30 | Section 14. Section 455.711, Florida Statutes, is
31 | amended to read:

1 455.711 Licenses; active and inactive ~~and delinquent~~
2 status; delinquency.--

3 (1) A licensee may practice a profession only if the
4 licensee has an active status license. A licensee who
5 practices a profession without an active status license is in
6 violation of this section and s. 455.624, and the board, or
7 the department if there is no board, may impose discipline on
8 the licensee.

9 (2) Each board, or the department if there is no
10 board, shall permit a licensee to choose, at the time of
11 licensure renewal, an active or inactive status. ~~However, a~~
12 ~~licensee who changes from inactive to active status is not~~
13 ~~eligible to return to inactive status until the licensee~~
14 ~~thereafter completes a licensure cycle on active status.~~

15 (3) Each board, or the department if there is no
16 board, shall by rule impose a fee for renewal of an active or
17 inactive status license. The renewal fee for an inactive
18 status license may not exceed ~~which is no greater than~~ the fee
19 for an active status license.

20 (4) Notwithstanding any other provision of law to the
21 contrary, a licensee may change licensure status at any time.

22 (a) Active status licensees choosing inactive status
23 at the time of license renewal must pay the inactive status
24 renewal fee, and, if applicable, the delinquency fee and the
25 fee to change licensure status. Active status licensees
26 choosing inactive status at any other time than at the time of
27 license renewal must pay the fee to change licensure status.

28 (b) An inactive status licensee may change to active
29 status at any time, if the licensee meets all requirements for
30 active status, pays any additional licensure fees necessary to
31 equal those imposed on an active status licensee, pays any

1 ~~applicable reactivation fees as set by the board, or the~~
2 ~~department if there is no board, and meets all continuing~~
3 ~~education requirements as specified in this section. Inactive~~
4 ~~status licensees choosing active status at the time of license~~
5 ~~renewal must pay the active status renewal fee, any applicable~~
6 ~~reactivation fees as set by the board, or the department if~~
7 ~~there is no board, and, if applicable, the delinquency fee and~~
8 ~~the fee to change licensure status. Inactive status licensees~~
9 ~~choosing active status at any other time than at the time of~~
10 ~~license renewal must pay the difference between the inactive~~
11 ~~status renewal fee and the active status renewal fee, if any~~
12 ~~exists, any applicable reactivation fees as set by the board,~~
13 ~~or the department if there is no board, and the fee to change~~
14 ~~licensure status.~~

15 (5) A licensee must apply with a complete application,
16 as defined by rule of the board, or the department if there is
17 no board, to renew an active ~~status~~ or inactive status license
18 before the license expires. If a licensee fails to renew
19 before the license expires, the license becomes delinquent in
20 the license cycle following expiration.

21 (6) A delinquent ~~status~~ licensee must affirmatively
22 apply with a complete application, as defined by rule of the
23 board, or the department if there is no board, for active or
24 inactive status during the licensure cycle in which a licensee
25 becomes delinquent. Failure by a delinquent ~~status~~ licensee to
26 become active or inactive before the expiration of the current
27 licensure cycle renders the license null without any further
28 action by the board or the department. Any subsequent
29 licensure shall be as a result of applying for and meeting all
30 requirements imposed on an applicant for new licensure.

31

1 (7) Each board, or the department if there is no
2 board, shall by rule impose an additional delinquency fee, not
3 to exceed the biennial renewal fee for an active status
4 license, on a delinquent ~~status~~ licensee when such licensee
5 applies for active or inactive status.

6 (8) Each board, or the department if there is no
7 board, shall by rule impose an additional fee, not to exceed
8 the biennial renewal fee for an active status license, for
9 processing a licensee's request to change licensure status at
10 any time other than at the beginning of a licensure cycle.

11 (9) Each board, or the department if there is no
12 board, may by rule impose reasonable conditions, excluding
13 full reexamination but including part of a national
14 examination or a special purpose examination to assess current
15 competency, necessary to ensure that a licensee who has been
16 on inactive status for more than two consecutive biennial
17 licensure cycles and who applies for active status can
18 practice with the care and skill sufficient to protect the
19 health, safety, and welfare of the public. Reactivation
20 requirements may differ depending on the length of time
21 licensees are inactive. The costs to meet reactivation
22 requirements shall be borne by licensees requesting
23 reactivation.

24 (10) Before reactivation, an inactive status licensee
25 or a delinquent licensee who was inactive prior to becoming
26 delinquent must meet the same continuing education
27 requirements, if any, imposed on an active status licensee for
28 all biennial licensure periods in which the licensee was
29 inactive or delinquent.

30 (11) The status or a change in status of a licensee
31 does not alter in any way the right of the board, or of the

1 department if there is no board, to impose discipline or to
2 enforce discipline previously imposed on a licensee for acts
3 or omissions committed by the licensee while holding a
4 license, whether active, inactive, or delinquent.

5 (12) This section does not apply to a business
6 establishment registered, permitted, or licensed by the
7 department to do business.

8 (13) The board, or the department when there is no
9 board, may adopt rules pursuant to ss. 120.536(1) and 120.54
10 as necessary to implement this section.

11 Section 15. Subsection (3) of section 455.587, Florida
12 Statutes, is amended to read:

13 455.587 Fees; receipts; disposition.--

14 (3) Each board, or the department if there is no
15 board, may, by rule, assess and collect a one-time fee from
16 each active status licensee and each ~~voluntary~~ inactive status
17 licensee in an amount necessary to eliminate a cash deficit
18 or, if there is not a cash deficit, in an amount sufficient to
19 maintain the financial integrity of the professions as
20 required in this section. Not more than one such assessment
21 may be made in any 4-year period without specific legislative
22 authorization.

23 Section 16. Subsection (1) of section 455.714, Florida
24 Statutes, is amended to read:

25 455.714 Renewal and cancellation notices.--

26 (1) At least 90 days before the end of a licensure
27 cycle, the department shall:

28 (a) Forward a licensure renewal notification to an
29 active or inactive status licensee at the licensee's last
30 known address of record with the department.

31

1 (b) Forward a notice of pending cancellation of
2 licensure to a delinquent ~~status~~ licensee at the licensee's
3 last known address of record with the department.

4 Section 17. Section 455.719, Florida Statutes, is
5 created to read:

6 455.719 Health care professionals; exemption from
7 disqualification from employment or contracting.--Any other
8 provision of law to the contrary notwithstanding, only the
9 appropriate regulatory board, or the department when there is
10 no board, may grant an exemption from disqualification from
11 employment or contracting as provided in s. 435.07 to a person
12 under the licensing jurisdiction of that board or the
13 department, as applicable.

14 Section 18. Paragraph (a) of subsection (4) of section
15 943.0585, Florida Statutes, is amended to read:

16 943.0585 Court-ordered expunction of criminal history
17 records.--The courts of this state have jurisdiction over
18 their own procedures, including the maintenance, expunction,
19 and correction of judicial records containing criminal history
20 information to the extent such procedures are not inconsistent
21 with the conditions, responsibilities, and duties established
22 by this section. Any court of competent jurisdiction may
23 order a criminal justice agency to expunge the criminal
24 history record of a minor or an adult who complies with the
25 requirements of this section. The court shall not order a
26 criminal justice agency to expunge a criminal history record
27 until the person seeking to expunge a criminal history record
28 has applied for and received a certificate of eligibility for
29 expunction pursuant to subsection (2). A criminal history
30 record that relates to a violation of chapter 794, s. 800.04,
31 s. 817.034, s. 827.071, chapter 839, s. 893.135, or a

1 violation enumerated in s. 907.041 may not be expunged,
2 without regard to whether adjudication was withheld, if the
3 defendant was found guilty of or pled guilty or nolo
4 contendere to the offense, or if the defendant, as a minor,
5 was found to have committed, or pled guilty or nolo contendere
6 to committing, the offense as a delinquent act. The court may
7 only order expunction of a criminal history record pertaining
8 to one arrest or one incident of alleged criminal activity,
9 except as provided in this section. The court may, at its sole
10 discretion, order the expunction of a criminal history record
11 pertaining to more than one arrest if the additional arrests
12 directly relate to the original arrest. If the court intends
13 to order the expunction of records pertaining to such
14 additional arrests, such intent must be specified in the
15 order. A criminal justice agency may not expunge any record
16 pertaining to such additional arrests if the order to expunge
17 does not articulate the intention of the court to expunge a
18 record pertaining to more than one arrest. This section does
19 not prevent the court from ordering the expunction of only a
20 portion of a criminal history record pertaining to one arrest
21 or one incident of alleged criminal activity. Notwithstanding
22 any law to the contrary, a criminal justice agency may comply
23 with laws, court orders, and official requests of other
24 jurisdictions relating to expunction, correction, or
25 confidential handling of criminal history records or
26 information derived therefrom. This section does not confer
27 any right to the expunction of any criminal history record,
28 and any request for expunction of a criminal history record
29 may be denied at the sole discretion of the court.

30 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
31 criminal history record of a minor or an adult which is

1 ordered expunged by a court of competent jurisdiction pursuant
2 to this section must be physically destroyed or obliterated by
3 any criminal justice agency having custody of such record;
4 except that any criminal history record in the custody of the
5 department must be retained in all cases. A criminal history
6 record ordered expunged that is retained by the department is
7 confidential and exempt from the provisions of s. 119.07(1)
8 and s. 24(a), Art. I of the State Constitution and not
9 available to any person or entity except upon order of a court
10 of competent jurisdiction. A criminal justice agency may
11 retain a notation indicating compliance with an order to
12 expunge.

13 (a) The person who is the subject of a criminal
14 history record that is expunged under this section or under
15 other provisions of law, including former s. 893.14, former s.
16 901.33, and former s. 943.058, may lawfully deny or fail to
17 acknowledge the arrests covered by the expunged record, except
18 when the subject of the record:

- 19 1. Is a candidate for employment with a criminal
20 justice agency;
- 21 2. Is a defendant in a criminal prosecution;
- 22 3. Concurrently or subsequently petitions for relief
23 under this section or s. 943.059;
- 24 4. Is a candidate for admission to The Florida Bar;
- 25 5. Is seeking to be employed or licensed by or to
26 contract with the Department of Children and Family Services
27 or the Department of Juvenile Justice or to be employed or
28 used by such contractor or licensee in a sensitive position
29 having direct contact with children, the developmentally
30 disabled, the aged, or the elderly as provided in s.
31 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.

1 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
2 415.1075(4), s. 985.407, or chapter 400; ~~or~~

3 6. Is seeking to be employed or licensed by the Office
4 of Teacher Education, Certification, Staff Development, and
5 Professional Practices of the Department of Education, any
6 district school board, or any local governmental entity that
7 licenses child care facilities; ~~or~~

8 7. Is seeking to be employed or licensed by or to
9 contract with the Department of Health or to be employed or
10 used by such contractor or licensee in a sensitive position
11 having direct contact with children, the developmentally
12 disabled, the aged, or the elderly as provided in s.
13 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
14 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
15 415.1075(4), s. 985.407, or chapter 400.

16 Section 19. Pursuant to section 187 of chapter 99-397,
17 Laws of Florida, the Agency for Health Care Administration was
18 directed to conduct a detailed study and analysis of clinical
19 laboratory services for kidney dialysis patients in the State
20 of Florida and to report back to the Legislature no later than
21 February 1, 2000. The agency reported that additional time and
22 investigative resources were necessary to adequately respond
23 to the legislative directives. Therefore, the sum of \$230,000
24 from the Agency for Health Care Administration Tobacco
25 Settlement Trust Fund is appropriated to the Agency for Health
26 Care Administration to contract with the University of South
27 Florida to conduct a review of laboratory test utilization,
28 any self-referral to clinical laboratories, financial
29 arrangements among kidney dialysis centers, their medical
30 directors, referring physicians, and any business
31 relationships and affiliations with clinical laboratories, and

1 the quality and effectiveness of kidney dialysis treatment in
2 this state. A report on the findings from such review shall be
3 presented to the President of the Senate, the Speaker of the
4 House of Representatives, and the chairs of the appropriate
5 substantive committees of the Legislature no later than
6 February 1, 2001.

7 Section 20. This act shall take effect July 1, 2000.
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LEGISLATIVE SUMMARY

Amends provisions relating to general regulatory administration of the health care professions by the Department of Health. Revises general licensing provisions for professions under the jurisdiction of the department. Provides for processing of applications from foreign or nonresident applicants not yet having a social security number and provides for temporary licensure of such applicants. Revises provisions relating to ongoing criminal investigations or prosecutions. Requires proof of restoration of civil rights under certain circumstances. Authorizes requirement for a personal appearance prior to the grant or denial of a license. Provides for tolling of application decision deadlines under certain circumstances. Eliminates duplicative submission of fingerprints and other information required for criminal history checks and provides in lieu thereof for access to criminal history information through the department's health care practitioner credentialing system. Requires all health care practitioners seeking licensure or renewed licensure in a profession under jurisdiction of the department to submit information and fingerprints for profiling purposes. Authorizes the department to publish certain information in practitioner profiles. Provides the department access to information on health care practitioners maintained by the Agency for Health Care Administration for corroboration purposes. Expands the prohibition against sexual misconduct to cover violations against guardians and representatives of patients or clients. Provides for determination of the amount of the examination fee when the board or department purchases the examination. Revises and provides grounds for disciplinary action relating to having a license to practice a regulated health care profession acted against, sexual misconduct, inability to practice properly due to alcohol or substance abuse or a mental or physical condition, and testing positive for a drug without a lawful prescription therefor. Provides for restriction of license as a disciplinary action. Reenacts provisions relating to theft or reproduction of an examination, giving false information, disclosure of confidential information, business establishments providing regulated services without an active status license, and practice violations by physician assistants, nursing home administrators, athletic trainers, orthotists, prosthetists, pedorthists, and hearing aid specialists, to incorporate the additional disciplinary grounds and penalty. Provides for issuance of a citation and assessment of a fine for first-time violation of a practice act for unprofessional conduct where no actual harm to the patient occurred. Repeals the Impaired Practitioners Committee, and revises and clarifies provisions relating to impaired practitioners, to conform. Revises provisions relating to active and inactive status licensure to clarify such provisions and to eliminate reference to delinquency as a licensure status. Provides that the appropriate medical regulatory board, or the department when there is no board, has

1 | exclusive authority to grant exemptions from
2 | disqualification from employment or contracting with
3 | respect to persons under the licensing jurisdiction of
4 | that board or the department, as applicable. Provides
5 | expunged criminal history records to the department under
6 | certain circumstances. Provides an appropriation for
7 | continued review of clinical laboratory services for
8 | kidney dialysis patients and requires a report thereon.
9 | See bill for details.
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