

By Representative Boyd

1 A bill to be entitled
2 An act relating to nursing; amending part XV of
3 chapter 468, F.S., relating to certified
4 nursing assistants, and transferring said part
5 to chapter 464, F.S., relating to nursing, to
6 transfer from the Department of Health to the
7 Board of Nursing responsibility and rulemaking
8 authority for regulation of certified nursing
9 assistants; transferring from the Department of
10 Education to the board responsibility for
11 approval of training programs; revising grounds
12 for which the board may impose certain
13 penalties; amending ss. 20.43, 39.01, 39.304,
14 110.131, 232.46, 240.4075, 246.081, 310.102,
15 381.0302, 384.30, 384.31, 394.455, 395.0191,
16 400.021, 400.211, 400.402, 400.407, 400.4255,
17 400.426, 400.462, 400.464, 400.506, 400.6105,
18 401.23, 401.252, 408.07, 408.706, 409.908,
19 415.1085, 455.501, 455.597, 455.604, 455.621,
20 455.664, 455.667, 455.677, 455.687, 455.694,
21 455.707, 458.348, 464.001, 464.002, 464.003,
22 464.006, 464.009, 464.016, 464.018, 464.019,
23 464.022, 464.023, 464.027, 466.003, 467.003,
24 467.0125, 467.203, 468.505, 483.041, 483.801,
25 491.0112, 550.24055, 627.351, 627.357,
26 627.9404, 641.31, 766.101, 766.110, 766.1115,
27 877.111, 945.602, 960.28, 984.03, and 985.03,
28 F.S.; revising references, to conform;
29 requiring hospitals, home health agencies, and
30 other health agencies to submit to the board
31 the names and work titles of certain employees;

1 amending ss. 455.557, 455.565, and 464.012,
2 F.S.; including advanced registered nurse
3 practitioners under the practitioner profiling
4 and credentialing programs; requiring
5 applicants for certification or renewal of
6 certification as an advanced registered nurse
7 practitioner to submit information,
8 fingerprints, and fees for such purposes;
9 providing for citations to, and fines of,
10 applicants failing to comply; providing an
11 effective date.

12

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

14

15 Section 1. Sections 468.821 through 468.829, Florida
16 Statutes, are renumbered as sections 464.201 through 464.209,
17 respectively, designated as part II of chapter 464, Florida
18 Statutes, and amended to read:

19

20 464.201 ~~468.821~~ Definitions.--As used in this part,

21

22 (1) "Approved training program" means:
23 (a) A course of training conducted by a public sector
24 or private sector educational center licensed by the
25 Department of Education to implement the basic curriculum for
26 nursing assistants which is approved by the Department of
27 Education. Beginning October 1, 2000, the board shall assume
28 responsibility for approval of training programs under this
paragraph.

29

30 (b) A training program operated under s. 400.141.
31 (2) "Board" means the Board of Nursing.

31

1 (3)~~(2)~~ "Certified nursing assistant" means a person
2 who meets the qualifications specified in this part and who is
3 certified by the board ~~department~~ as a certified nursing
4 assistant.

5 (4)~~(3)~~ "Department" means the Department of Health.

6 (5)~~(4)~~ "Registry" means the listing of certified
7 nursing assistants maintained by the board ~~department~~.

8 464.202 ~~468.822~~ Duties and powers of the board
9 ~~department~~.--The board ~~department~~ shall maintain, or contract
10 with or approve another entity to maintain, a state registry
11 of certified nursing assistants. The registry must consist of
12 the name of each certified nursing assistant in this state;
13 other identifying information defined by board ~~department~~
14 rule; certification status; the effective date of
15 certification; other information required by state or federal
16 law; information regarding any crime or any abuse, neglect, or
17 exploitation as provided under chapter 435; and any
18 disciplinary action taken against the certified nursing
19 assistant. The registry shall be accessible to the public, the
20 certificateholder, employers, and other state agencies. The
21 board ~~department~~ shall adopt by rule testing procedures for
22 use in certifying nursing assistants and shall adopt rules
23 regulating the practice of certified nursing assistants to
24 enforce this part. The board ~~department~~ may contract with or
25 approve another entity or organization to provide the
26 examination services, including the development and
27 administration of examinations. The provider shall pay all
28 reasonable costs and expenses incurred by the board ~~department~~
29 in evaluating the provider's application and performance
30 during the delivery of services, including examination

31

1 services and procedures for maintaining the certified nursing
2 assistant registry.

3 464.203 ~~468.823~~ Certified nursing assistants;
4 certification requirement.--

5 (1) The board ~~department~~ shall issue a certificate to
6 practice as a certified nursing assistant to any person who
7 demonstrates to the board a minimum competency to read and
8 write and meets one of the following requirements:

9 (a) Has successfully completed an approved training
10 program and achieved a minimum score, established by rule of
11 the board ~~department~~, on the nursing assistant competency
12 examination, which consists of a written portion and
13 skills-demonstration portion approved by the board ~~department~~
14 and administered at a site and by personnel approved by the
15 department.

16 (b) Has achieved a minimum score, established by rule
17 of the board ~~department~~, on the nursing assistant competency
18 examination, which consists of a written portion and
19 skills-demonstration portion, approved by the board ~~department~~
20 and administered at a site and by personnel approved by the
21 department and:

- 22 1. Has a high school diploma, or its equivalent; or
23 2. Is at least 18 years of age.

24 (c) Is currently certified in another state; is listed
25 on that state's certified nursing assistant registry; has not
26 been found to have committed abuse, neglect, or exploitation
27 in that state; and has successfully completed a national
28 nursing assistant evaluation in order to receive certification
29 in that state.

30 (2) If an applicant fails to pass the nursing
31 assistant competency examination in three attempts, the

1 applicant is not eligible for reexamination unless the
2 applicant completes an approved training program.

3 (3) An oral examination shall be administered as a
4 substitute for the written portion of the examination upon
5 request. The oral examination shall be administered at a site
6 and by personnel approved by the department.

7 (4) The board ~~department~~ shall adopt rules to provide
8 for the initial certification of certified nursing assistants.

9 (5) A certified nursing assistant shall maintain a
10 current address with the board ~~department~~ in accordance with
11 s. 455.717.

12 464.204 ~~468.824~~ Denial, suspension, or revocation of
13 certification; disciplinary actions.--

14 (1) The following acts constitute grounds for which
15 the board ~~department~~ may impose disciplinary sanctions as
16 specified in subsection (2):

17 (a) Obtaining or attempting to obtain certification or
18 an exemption, or possessing or attempting to possess
19 certification or a letter of exemption, by bribery,
20 misrepresentation, deceit, or through an error of the board
21 ~~department~~.

22 (b) ~~Intentionally~~ Violating any provision of this
23 chapter, chapter 455, or the rules adopted by the board
24 ~~department~~.

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

29 (a) Denial, suspension, or revocation of
30 certification.

31

1 (b) Imposition of an administrative fine not to exceed
2 \$150 for each count or separate offense.

3 (c) Imposition of probation or restriction of
4 certification, including conditions such as corrective actions
5 as retraining or compliance with an approved treatment program
6 for impaired practitioners.

7 (3) The board ~~department~~ may, upon the request of a
8 certificateholder, exempt the certificateholder from
9 disqualification of certification or disqualification of
10 employment in accordance with chapter 435 and issue a letter
11 of exemption. ~~After January 1, 2000,~~The board ~~department~~ must
12 notify an applicant seeking an exemption from disqualification
13 from certification or employment of its decision to approve or
14 deny the request within 30 days after the date the board
15 ~~department~~ receives all required documentation.

16 464.205 ~~468.825~~ Availability of disciplinary records
17 and proceedings.--Pursuant to s. 455.621, any complaint or
18 record maintained by the department ~~of Health~~ pursuant to the
19 discipline of a certified nursing assistant and any proceeding
20 held by the board ~~department~~ to discipline a certified nursing
21 assistant shall remain open and available to the public.

22 464.206 ~~468.826~~ Exemption from liability.--If an
23 employer terminates or denies employment to a certified
24 nursing assistant whose certification is inactive as shown on
25 the certified nursing assistant registry or whose name appears
26 on the central abuse registry and tracking system of the
27 Department of Children and Family Services or on a criminal
28 screening report of the Department of Law Enforcement, the
29 employer is not civilly liable for such termination and a
30 cause of action may not be brought against the employer for
31 damages, regardless of whether the employee has filed for an

1 exemption from the board ~~department~~ under s. 464.204(3)
2 ~~468.824(1)~~. There may not be any monetary liability on the
3 part of, and a cause of action for damages may not arise
4 against, any licensed facility, its governing board or members
5 thereof, medical staff, disciplinary board, agents,
6 investigators, witnesses, employees, or any other person for
7 any action taken in good faith without intentional fraud in
8 carrying out this section.

9 464.207 ~~468.827~~ Penalties.--It is a misdemeanor of the
10 first degree, punishable as provided under s. 775.082 or s.
11 775.083, for any person, knowingly or intentionally, to fail
12 to disclose, by false statement, misrepresentation,
13 impersonation, or other fraudulent means, in any application
14 for voluntary or paid employment or certification licensure
15 regulated under this part, a material fact used in making a
16 determination as to such person's qualifications to be an
17 employee or certificateholder licensee.

18 464.208 ~~468.828~~ Background screening information;
19 rulemaking authority.--

20 (1) The Agency for Health Care Administration shall
21 allow the board ~~department~~ to electronically access its
22 background screening database and records, and the Department
23 of Children and Family Services shall allow the board
24 ~~department~~ to electronically access its central abuse registry
25 and tracking system under chapter 415.

26 (2) An employer, or an agent thereof, may not use
27 criminal records, juvenile records, or information obtained
28 from the central abuse hotline under chapter 415 relating to
29 vulnerable adults for any purpose other than determining if
30 the person meets the requirements of this part. Such records
31

1 and information obtained by the board ~~department~~ shall remain
2 confidential and exempt from s. 119.07(1).

3 (3) If the requirements of the Omnibus Budget
4 Reconciliation Act of 1987, as amended, for the certification
5 of nursing assistants are in conflict with this part, the
6 federal requirements shall prevail for those facilities
7 certified to provide care under Title XVIII (Medicare) or
8 Title XIX (Medicaid) of the Social Security Act.

9 (4) The board ~~department~~ shall adopt rules to
10 administer this part.

11 464.209 ~~468.829~~ Certified nursing assistant
12 registry.--

13 (1) By October 1, 1999, and by October 1 of every year
14 thereafter, each employer of certified nursing assistants
15 shall submit to the board ~~Department of Health~~ a list of the
16 names and social security numbers of each person employed by
17 the employer as a certified nursing assistant in a
18 nursing-related occupation for a minimum of 8 hours for
19 monetary compensation during the preceding 24 months.
20 Employers may submit such information electronically through
21 the department's Internet site.

22 (2) The board ~~department~~ shall update the certified
23 nursing assistant registry upon receipt of the lists of
24 certified nursing assistants, ~~and shall complete the first of~~
25 ~~such updates by December 31, 1999.~~

26 (3) Each certified nursing assistant whose name is not
27 reported to the board ~~department~~ under subsection (1) on
28 October 1, 1999, shall be assigned an inactive certification
29 on January 1, 2000. A certified nursing assistant may remove
30 such an inactive certification by submitting documentation to
31 the board ~~department~~ that he or she was employed for a minimum

1 of 8 hours for monetary compensation as a certified nursing
2 assistant in a nursing-related occupation during the preceding
3 24 months.

4 (4) This section is repealed October 2, 2001.

5 Section 2. Paragraph (g) of subsection (3) of section
6 20.43, Florida Statutes, is amended to read:

7 20.43 Department of Health.--There is created a
8 Department of Health.

9 (3) The following divisions of the Department of
10 Health are established:

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

14 ~~1. Nursing assistants, as provided under s. 400.211.~~

15 1.2. Health care services pools, as provided under s.
16 402.48.

17 2.3. The Board of Acupuncture, created under chapter
18 457.

19 3.4. The Board of Medicine, created under chapter 458.

20 4.5. The Board of Osteopathic Medicine, created under
21 chapter 459.

22 5.6. The Board of Chiropractic Medicine, created under
23 chapter 460.

24 6.7. The Board of Podiatric Medicine, created under
25 chapter 461.

26 7.8. Naturopathy, as provided under chapter 462.

27 8.9. The Board of Optometry, created under chapter
28 463.

29 9.10. The Board of Nursing, created under part I of
30 chapter 464.

31

- 1 10. Nursing assistants, as provided under part II of
2 chapter 464.
- 3 11. The Board of Pharmacy, created under chapter 465.
- 4 12. The Board of Dentistry, created under chapter 466.
- 5 13. Midwifery, as provided under chapter 467.
- 6 14. The Board of Speech-Language Pathology and
7 Audiology, created under part I of chapter 468.
- 8 15. The Board of Nursing Home Administrators, created
9 under part II of chapter 468.
- 10 16. The Board of Occupational Therapy, created under
11 part III of chapter 468.
- 12 17. Respiratory therapy, as provided under part V of
13 chapter 468.
- 14 18. Dietetics and nutrition practice, as provided
15 under part X of chapter 468.
- 16 19. The Board of Athletic Training, created under part
17 XIII of chapter 468.
- 18 20. The Board of Orthotists and Prosthetists, created
19 under part XIV of chapter 468.
- 20 21. Electrolysis, as provided under chapter 478.
- 21 22. The Board of Massage Therapy, created under
22 chapter 480.
- 23 23. The Board of Clinical Laboratory Personnel,
24 created under part III of chapter 483.
- 25 24. Medical physicists, as provided under part IV of
26 chapter 483.
- 27 25. The Board of Opticianry, created under part I of
28 chapter 484.
- 29 26. The Board of Hearing Aid Specialists, created
30 under part II of chapter 484.
- 31

1 27. The Board of Physical Therapy Practice, created
2 under chapter 486.

3 28. The Board of Psychology, created under chapter
4 490.

5 29. School psychologists, as provided under chapter
6 490.

7 30. The Board of Clinical Social Work, Marriage and
8 Family Therapy, and Mental Health Counseling, created under
9 chapter 491.

10

11 The department may contract with the Agency for Health Care
12 Administration who shall provide consumer complaint,
13 investigative, and prosecutorial services required by the
14 Division of Medical Quality Assurance, councils, or boards, as
15 appropriate.

16 Section 3. Subsection (38) of section 39.01, Florida
17 Statutes, is amended to read:

18 39.01 Definitions.--When used in this chapter, unless
19 the context otherwise requires:

20 (38) "Licensed health care professional" means a
21 physician licensed under chapter 458, an osteopathic physician
22 licensed under chapter 459, a nurse licensed under part I of
23 chapter 464, a physician assistant licensed under chapter 458
24 or chapter 459, or a dentist licensed under chapter 466.

25 Section 4. Paragraph (b) of subsection (1) of section
26 39.304, Florida Statutes, is amended to read:

27 39.304 Photographs, medical examinations, X rays, and
28 medical treatment of abused, abandoned, or neglected child.--

29 (1)

30 (b) If the areas of trauma visible on a child indicate
31 a need for a medical examination, or if the child verbally

1 complains or otherwise exhibits distress as a result of injury
2 through suspected child abuse, abandonment, or neglect, or is
3 alleged to have been sexually abused, the person required to
4 investigate may cause the child to be referred for diagnosis
5 to a licensed physician or an emergency department in a
6 hospital without the consent of the child's parents or legal
7 custodian. Such examination may be performed by any licensed
8 physician or an advanced registered nurse practitioner
9 licensed pursuant to part I of chapter 464. Any licensed
10 physician, or advanced registered nurse practitioner licensed
11 pursuant to part I of chapter 464, who has reasonable cause to
12 suspect that an injury was the result of child abuse,
13 abandonment, or neglect may authorize a radiological
14 examination to be performed on the child without the consent
15 of the child's parent or legal custodian.

16 Section 5. Paragraph (c) of subsection (6) of section
17 110.131, Florida Statutes, is amended to read:

18 110.131 Other-personal-services temporary
19 employment.--

20 (6)

21 (c) Notwithstanding the provisions of this section,
22 the agency head or his or her designee may extend the
23 other-personal-services employment of a health care
24 practitioner licensed pursuant to chapter 458, chapter 459,
25 chapter 460, chapter 461, chapter 463, part I of chapter 464,
26 chapter 466, chapter 468, chapter 483, chapter 486, or chapter
27 490 beyond 2,080 hours and may employ such practitioner on an
28 hourly or other basis.

29 Section 6. Subsection (1) of section 232.46, Florida
30 Statutes, is amended to read:

31

1 232.46 Administration of medication by school district
2 personnel.--

3 (1) Notwithstanding the provisions of the Nurse
4 Practice Act, part I of chapter 464, school district personnel
5 shall be authorized to assist students in the administration
6 of prescription medication when the following conditions have
7 been met:

8 (a) Each district school board shall include in its
9 approved school health services plan a procedure to provide
10 training, by a registered nurse, a licensed practical nurse, a
11 physician licensed pursuant to chapter 458 or chapter 459, or
12 a physician assistant licensed pursuant to chapter 458 or
13 chapter 459, to the school personnel designated by the
14 principal to assist students in the administration of
15 prescribed medication. Such training may be provided in
16 collaboration with other school districts, through contract
17 with an education consortium, or by any other arrangement
18 consistent with the intent of this section.

19 (b) Each district school board shall adopt policies
20 and procedures governing the administration of prescription
21 medication by school district personnel. The policies and
22 procedures shall include, but not be limited to, the following
23 provisions:

24 1. For each prescribed medication, the student's
25 parent or guardian shall provide to the school principal a
26 written statement which shall grant to the principal or the
27 principal's designee permission to assist in the
28 administration of such medication and which shall explain the
29 necessity for such medication to be provided during the school
30 day, including any occasion when the student is away from
31 school property on official school business. The school

1 principal or the principal's trained designee shall assist the
2 student in the administration of such medication.

3 2. Each prescribed medication to be administered by
4 school district personnel shall be received, counted, and
5 stored in its original container. When the medication is not
6 in use, it shall be stored in its original container in a
7 secure fashion under lock and key in a location designated by
8 the principal.

9 Section 7. Subsection (6) of section 240.4075, Florida
10 Statutes, is amended to read:

11 240.4075 Nursing Student Loan Forgiveness Program.--

12 (6) In addition to licensing fees imposed under part I
13 of chapter 464, there is hereby levied and imposed an
14 additional fee of \$5, which fee shall be paid upon licensure
15 or renewal of nursing licensure. Revenues collected from the
16 fee imposed in this subsection shall be deposited in the
17 Nursing Student Loan Forgiveness Trust Fund of the Department
18 of Education and will be used solely for the purpose of
19 carrying out the provisions of this section and s. 240.4076.
20 Up to 50 percent of the revenues appropriated to implement
21 this subsection may be used for the nursing scholarship
22 program established pursuant to s. 240.4076.

23 Section 8. Paragraph (b) of subsection (1) of section
24 246.081, Florida Statutes, is amended to read:

25 246.081 License, certificate of exemption, or
26 authorization required; exceptions.--

27 (1) The following colleges are not under the
28 jurisdiction of the board and are not required to obtain a
29 license, a certificate of exemption, permission to operate, or
30 an authorization from the board:

31

1 (b) Any college, school, or course licensed or
2 approved for establishment and operation under part I of
3 chapter 464, chapter 466, or chapter 475, or any other chapter
4 of the Florida Statutes, requiring licensing or approval as
5 defined in ss. 246.011-246.151.

6 Section 9. Subsection (2) of section 310.102, Florida
7 Statutes, is amended to read:

8 310.102 Treatment programs for impaired pilots and
9 deputy pilots.--

10 (2) The department shall retain one or more impaired
11 practitioner consultants as recommended by the committee. A
12 consultant shall be a licensee under the jurisdiction of the
13 Division of Medical Quality Assurance within the Department of
14 Health, and at least one consultant must be a practitioner
15 licensed under chapter 458, chapter 459, or part I of chapter
16 464. The consultant shall assist the probable cause panel and
17 department in carrying out the responsibilities of this
18 section. This shall include working with department
19 investigators to determine whether a pilot or deputy pilot is,
20 in fact, impaired.

21 Section 10. Subsection (7) of section 381.0302,
22 Florida Statutes, is amended to read:

23 381.0302 Florida Health Services Corps.--

24 (7) The financial penalty for noncompliance with
25 participation requirements for persons who have received
26 financial payments under subsection (5) or subsection (6)
27 shall be determined in the same manner as in the National
28 Health Services Corps scholarship program. In addition,
29 noncompliance with participation requirements shall also
30 result in ineligibility for professional licensure or renewal
31 of licensure under chapter 458, chapter 459, chapter 460, part

1 I of chapter 464, chapter 465, or chapter 466. For a
2 participant who is unable to participate for reasons of
3 disability, the penalty is the actual amount of financial
4 assistance provided to the participant. Financial penalties
5 shall be deposited in the Florida Health Services Corps Trust
6 Fund and shall be used to provide additional scholarship and
7 financial assistance.

8 Section 11. Subsection (1) of section 384.30, Florida
9 Statutes, is amended to read:

10 384.30 Minors' consent to treatment.--

11 (1) The department and its authorized representatives,
12 each physician licensed to practice medicine under the
13 provisions of chapter 458 or chapter 459, each health care
14 professional licensed under the provisions of part I of
15 chapter 464 who is acting pursuant to the scope of his or her
16 license, and each public or private hospital, clinic, or other
17 health facility may examine and provide treatment for sexually
18 transmissible diseases to any minor, if the physician, health
19 care professional, or facility is qualified to provide such
20 treatment. The consent of the parents or guardians of a minor
21 is not a prerequisite for an examination or treatment.

22 Section 12. Section 384.31, Florida Statutes, is
23 amended to read:

24 384.31 Serological testing of pregnant women; duty of
25 the attendant.--

26 (1) Every person, including every physician licensed
27 under chapter 458 or chapter 459 or midwife licensed under
28 part I of chapter 464 or chapter 467, attending a pregnant
29 woman for conditions relating to pregnancy during the period
30 of gestation and delivery shall take or cause to be taken a
31 sample of venous blood at a time or times specified by the

1 department. Each sample of blood shall be tested by a
2 laboratory approved for such purposes under part I of chapter
3 483 for sexually transmissible diseases as required by rule of
4 the department.

5 (2) At the time the venous blood sample is taken,
6 testing for human immunodeficiency virus (HIV) infection shall
7 be offered to each pregnant woman. The prevailing professional
8 standard of care in this state requires each health care
9 provider and midwife who attends a pregnant woman to counsel
10 the woman to be tested for human immunodeficiency virus (HIV).
11 Counseling shall include a discussion of the availability of
12 treatment if the pregnant woman tests HIV positive. If a
13 pregnant woman objects to HIV testing, reasonable steps shall
14 be taken to obtain a written statement of such objection,
15 signed by the patient, which shall be placed in the patient's
16 medical record. Every person, including every physician
17 licensed under chapter 458 or chapter 459 or midwife licensed
18 under part I of chapter 464 or chapter 467, who attends a
19 pregnant woman who has been offered and objects to HIV testing
20 shall be immune from liability arising out of or related to
21 the contracting of HIV infection or acquired immune deficiency
22 syndrome (AIDS) by the child from the mother.

23 Section 13. Subsection (23) of section 394.455,
24 Florida Statutes, is amended to read:

25 394.455 Definitions.--As used in this part, unless the
26 context clearly requires otherwise, the term:

27 (23) "Psychiatric nurse" means a registered nurse
28 licensed under part I of chapter 464 who has a master's degree
29 or a doctorate in psychiatric nursing and 2 years of
30 post-master's clinical experience under the supervision of a
31 physician.

1 Section 14. Paragraphs (a) and (b) of subsection (2)
2 and subsection (4) of section 395.0191, Florida Statutes, are
3 amended to read:

4 395.0191 Staff membership and clinical privileges.--

5 (2)(a) Each licensed facility shall establish rules
6 and procedures for consideration of an application for
7 clinical privileges submitted by an advanced registered nurse
8 practitioner licensed and certified under part I of chapter
9 464, in accordance with the provisions of this section. No
10 licensed facility shall deny such application solely because
11 the applicant is licensed under part I of chapter 464 or
12 because the applicant is not a participant in the Florida
13 Birth-Related Neurological Injury Compensation Plan.

14 (b) An advanced registered nurse practitioner who is
15 certified as a registered nurse anesthetist licensed under
16 part I of chapter 464 shall administer anesthesia under the
17 onsite medical direction of a professional licensed under
18 chapter 458, chapter 459, or chapter 466, and in accordance
19 with an established protocol approved by the medical staff.
20 The medical direction shall specifically address the needs of
21 the individual patient.

22 (4) Nothing herein shall restrict in any way the
23 authority of the medical staff of a licensed facility to
24 review for approval or disapproval all applications for
25 appointment and reappointment to all categories of staff and
26 to make recommendations on each applicant to the governing
27 board, including the delineation of privileges to be granted
28 in each case. In making such recommendations and in the
29 delineation of privileges, each applicant shall be considered
30 individually pursuant to criteria for a doctor licensed under
31 chapter 458, chapter 459, chapter 461, or chapter 466, or for

1 an advanced registered nurse practitioner licensed and
2 certified under part I of chapter 464, or for a psychologist
3 licensed under chapter 490, as applicable. The applicant's
4 eligibility for staff membership or clinical privileges shall
5 be determined by the applicant's background, experience,
6 health, training, and demonstrated competency; the applicant's
7 adherence to applicable professional ethics; the applicant's
8 reputation; and the applicant's ability to work with others
9 and by such other elements as determined by the governing
10 board, consistent with this part.

11 Section 15. Subsection (11) of section 400.021,
12 Florida Statutes, is amended to read:

13 400.021 Definitions.--When used in this part, unless
14 the context otherwise requires, the term:

15 (11) "Nursing home facility" means any facility which
16 provides nursing services as defined in part I of chapter 464
17 and which is licensed according to this part.

18 Section 16. Section 400.211, Florida Statutes, is
19 amended to read:

20 400.211 Persons employed as nursing assistants;
21 certification requirement.--

22 (1) To serve as a nursing assistant in any nursing
23 home, a person must be certified as a nursing assistant under
24 part II ~~XV~~ of chapter 464 ~~468~~, unless the person is ~~except~~ a
25 registered nurse or practical nurse licensed in accordance
26 with part I of chapter 464 or an applicant for such licensure
27 who is permitted to practice nursing in accordance with rules
28 adopted by the Board of Nursing pursuant to part I of chapter
29 ~~464, to serve as a nursing assistant in any nursing home.~~

30 (2) The following categories of persons who are not
31 certified as nursing assistants under ~~this~~ part II of chapter

1 464 may be employed by a nursing facility for a period of 4
2 months:

3 (a) Persons who are enrolled in a state-approved
4 nursing assistant program; or

5 (b) Persons who have been positively verified by the
6 department ~~a state-approved test site~~ as certified and on the
7 registry in another state with no findings of abuse, but who
8 have not completed the ~~written~~ examination required under s.
9 464.203 ~~this section~~.

10

11 The certification requirement must be met within 4 months
12 after ~~of~~ initial employment as a nursing assistant in a
13 licensed nursing facility.

14 (3) Nursing homes shall require persons seeking
15 employment as a certified nursing assistant to submit an
16 employment history to the facility. The facility shall verify
17 the employment history unless, through diligent efforts, such
18 verification is not possible. There shall be no monetary
19 liability on the part of, and no cause of action for damages
20 shall arise against, a former employer who reasonably and in
21 good faith communicates his or her honest opinion about a
22 former employee's job performance.

23 Section 17. Subsections (12) and (14) of section
24 400.402, Florida Statutes, are amended to read:

25 400.402 Definitions.--When used in this part, the
26 term:

27 (12) "Extended congregate care" means acts beyond
28 those authorized in subsection (17) that may be performed
29 pursuant to part I of chapter 464 by persons licensed
30 thereunder while carrying out their professional duties, and
31 other supportive services which may be specified by rule. The

1 purpose of such services is to enable residents to age in
2 place in a residential environment despite mental or physical
3 limitations that might otherwise disqualify them from
4 residency in a facility licensed under this part.

5 (14) "Limited nursing services" means acts that may be
6 performed pursuant to part I of chapter 464 by persons
7 licensed thereunder while carrying out their professional
8 duties but limited to those acts which the department
9 specifies by rule. Acts which may be specified by rule as
10 allowable limited nursing services shall be for persons who
11 meet the admission criteria established by the department for
12 assisted living facilities and shall not be complex enough to
13 require 24-hour nursing supervision and may include such
14 services as the application and care of routine dressings, and
15 care of casts, braces, and splints.

16 Section 18. Paragraphs (a) and (b) of subsection (3)
17 of section 400.407, Florida Statutes, are amended to read:

18 400.407 License required; fee, display.--

19 (3) Any license granted by the agency must state the
20 maximum resident capacity of the facility, the type of care
21 for which the license is granted, the date the license is
22 issued, the expiration date of the license, and any other
23 information deemed necessary by the agency. Licenses shall be
24 issued for one or more of the following categories of care:
25 standard, extended congregate care, limited nursing services,
26 or limited mental health.

27 (a) A standard license shall be issued to facilities
28 providing one or more of the services identified in s.
29 400.402. Such facilities may also employ or contract with a
30 person licensed under part I of chapter 464 to administer
31

1 medications and perform other tasks as specified in s.
2 400.4255.

3 (b) An extended congregate care license shall be
4 issued to facilities providing, directly or through contract,
5 services beyond those authorized in paragraph (a), including
6 acts performed pursuant to part I of chapter 464 by persons
7 licensed thereunder, and supportive services defined by rule
8 to persons who otherwise would be disqualified from continued
9 residence in a facility licensed under this part.

10 1. In order for extended congregate care services to
11 be provided in a facility licensed under this part, the agency
12 must first determine that all requirements established in law
13 and rule are met and must specifically designate, on the
14 facility's license, that such services may be provided and
15 whether the designation applies to all or part of a facility.
16 Such designation may be made at the time of initial licensure
17 or biennial relicensure, or upon request in writing by a
18 licensee under this part. Notification of approval or denial
19 of such request shall be made within 90 days after receipt of
20 such request and all necessary documentation. Existing
21 facilities qualifying to provide extended congregate care
22 services must have maintained a standard license and may not
23 have been subject to administrative sanctions during the
24 previous 2 years, or since initial licensure if the facility
25 has been licensed for less than 2 years, for any of the
26 following reasons:

- 27 a. A class I or class II violation;
28 b. Three or more repeat or recurring class III
29 violations of identical or similar resident care standards as
30 specified in rule from which a pattern of noncompliance is
31 found by the agency;

1 c. Three or more class III violations that were not
2 corrected in accordance with the corrective action plan
3 approved by the agency;

4 d. Violation of resident care standards resulting in a
5 requirement to employ the services of a consultant pharmacist
6 or consultant dietitian;

7 e. Denial, suspension, or revocation of a license for
8 another facility under this part in which the applicant for an
9 extended congregate care license has at least 25 percent
10 ownership interest; or

11 f. Imposition of a moratorium on admissions or
12 initiation of injunctive proceedings.

13 2. Facilities that are licensed to provide extended
14 congregate care services shall maintain a written progress
15 report on each person who receives such services, which report
16 describes the type, amount, duration, scope, and outcome of
17 services that are rendered and the general status of the
18 resident's health. A registered nurse, or appropriate
19 designee, representing the agency shall visit such facilities
20 at least two times a year to monitor residents who are
21 receiving extended congregate care services and to determine
22 if the facility is in compliance with this part and with rules
23 that relate to extended congregate care. One of these visits
24 may be in conjunction with the regular biennial survey. The
25 monitoring visits may be provided through contractual
26 arrangements with appropriate community agencies. A
27 registered nurse shall serve as part of the team that
28 biennially inspects such facility. The agency may waive one of
29 the required yearly monitoring visits for a facility that has
30 been licensed for at least 24 months to provide extended
31 congregate care services, if, during the biennial inspection,

1 the registered nurse determines that extended congregate care
2 services are being provided appropriately, and if the facility
3 has no class I or class II violations and no uncorrected class
4 III violations. Before such decision is made, the agency shall
5 consult with the long-term care ombudsman council for the area
6 in which the facility is located to determine if any
7 complaints have been made and substantiated about the quality
8 of services or care. The agency may not waive one of the
9 required yearly monitoring visits if complaints have been made
10 and substantiated.

11 3. Facilities that are licensed to provide extended
12 congregate care services shall:

13 a. Demonstrate the capability to meet unanticipated
14 resident service needs.

15 b. Offer a physical environment that promotes a
16 homelike setting, provides for resident privacy, promotes
17 resident independence, and allows sufficient congregate space
18 as defined by rule.

19 c. Have sufficient staff available, taking into
20 account the physical plant and firesafety features of the
21 building, to assist with the evacuation of residents in an
22 emergency, as necessary.

23 d. Adopt and follow policies and procedures that
24 maximize resident independence, dignity, choice, and
25 decisionmaking to permit residents to age in place to the
26 extent possible, so that moves due to changes in functional
27 status are minimized or avoided.

28 e. Allow residents or, if applicable, a resident's
29 representative, designee, surrogate, guardian, or attorney in
30 fact to make a variety of personal choices, participate in
31

1 developing service plans, and share responsibility in
2 decisionmaking.

3 f. Implement the concept of managed risk.

4 g. Provide, either directly or through contract, the
5 services of a person licensed pursuant to part I of chapter
6 464.

7 h. In addition to the training mandated in s. 400.452,
8 provide specialized training as defined by rule for facility
9 staff.

10 4. Facilities licensed to provide extended congregate
11 care services are exempt from the criteria for continued
12 residency as set forth in rules adopted under s. 400.441.
13 Facilities so licensed shall adopt their own requirements
14 within guidelines for continued residency set forth by the
15 department in rule. However, such facilities may not serve
16 residents who require 24-hour nursing supervision. Facilities
17 licensed to provide extended congregate care services shall
18 provide each resident with a written copy of facility policies
19 governing admission and retention.

20 5. The primary purpose of extended congregate care
21 services is to allow residents, as they become more impaired,
22 the option of remaining in a familiar setting from which they
23 would otherwise be disqualified for continued residency. A
24 facility licensed to provide extended congregate care services
25 may also admit an individual who exceeds the admission
26 criteria for a facility with a standard license, if the
27 individual is determined appropriate for admission to the
28 extended congregate care facility.

29 6. Before admission of an individual to a facility
30 licensed to provide extended congregate care services, the
31 individual must undergo a medical examination as provided in

1 s. 400.426(4) and the facility must develop a preliminary
2 service plan for the individual.

3 7. When a facility can no longer provide or arrange
4 for services in accordance with the resident's service plan
5 and needs and the facility's policy, the facility shall make
6 arrangements for relocating the person in accordance with s.
7 400.428(1)(k).

8 8. Failure to provide extended congregate care
9 services may result in denial of extended congregate care
10 license renewal.

11 9. No later than January 1 of each year, the
12 department, in consultation with the agency, shall prepare and
13 submit to the Governor, the President of the Senate, the
14 Speaker of the House of Representatives, and the chairs of
15 appropriate legislative committees, a report on the status of,
16 and recommendations related to, extended congregate care
17 services. The status report must include, but need not be
18 limited to, the following information:

19 a. A description of the facilities licensed to provide
20 such services, including total number of beds licensed under
21 this part.

22 b. The number and characteristics of residents
23 receiving such services.

24 c. The types of services rendered that could not be
25 provided through a standard license.

26 d. An analysis of deficiencies cited during biennial
27 inspections.

28 e. The number of residents who required extended
29 congregate care services at admission and the source of
30 admission.

31

1 f. Recommendations for statutory or regulatory
2 changes.

3 g. The availability of extended congregate care to
4 state clients residing in facilities licensed under this part
5 and in need of additional services, and recommendations for
6 appropriations to subsidize extended congregate care services
7 for such persons.

8 h. Such other information as the department considers
9 appropriate.

10 Section 19. Paragraphs (a) and (c) of subsection (1)
11 and subsection (2) of section 400.4255, Florida Statutes, are
12 amended to read:

13 400.4255 Use of personnel; emergency care.--

14 (1)(a) Persons under contract to the facility,
15 facility staff, or volunteers, who are licensed according to
16 part I of chapter 464, or those persons exempt under s.
17 464.022(1), and others as defined by rule, may administer
18 medications to residents, take residents' vital signs, manage
19 individual weekly pill organizers for residents who
20 self-administer medication, give prepackaged enemas ordered by
21 a physician, observe residents, document observations on the
22 appropriate resident's record, report observations to the
23 resident's physician, and contract or allow residents or a
24 resident's representative, designee, surrogate, guardian, or
25 attorney in fact to contract with a third party, provided
26 residents meet the criteria for appropriate placement as
27 defined in s. 400.426. Nursing assistants certified pursuant
28 to part II of chapter 464 ~~s. 400.211~~ may take residents' vital
29 signs as directed by a licensed nurse or physician.

30 (c) In an emergency situation, licensed personnel may
31 carry out their professional duties pursuant to part I of

1 chapter 464 until emergency medical personnel assume
2 responsibility for care.

3 (2) In facilities licensed to provide extended
4 congregate care, persons under contract to the facility,
5 facility staff, or volunteers, who are licensed according to
6 part I of chapter 464, or those persons exempt under s.
7 464.022(1), or those persons certified as nursing assistants
8 pursuant to part II of chapter 464 ~~s. 400.211~~, may also
9 perform all duties within the scope of their license or
10 certification, as approved by the facility administrator and
11 pursuant to this part.

12 Section 20. Subsection (3) of section 400.426, Florida
13 Statutes, is amended to read:

14 400.426 Appropriateness of placements; examinations of
15 residents.--

16 (3) Persons licensed under part I of chapter 464 who
17 are employed by or under contract with a facility shall, on a
18 routine basis or at least monthly, perform a nursing
19 assessment of the residents for whom they are providing
20 nursing services ordered by a physician, except administration
21 of medication, and shall document such assessment, including
22 any substantial changes in a resident's status which may
23 necessitate relocation to a nursing home, hospital, or
24 specialized health care facility. Such records shall be
25 maintained in the facility for inspection by the agency and
26 shall be forwarded to the resident's case manager, if
27 applicable.

28 Section 21. Subsections (3) and (21) of section
29 400.462, Florida Statutes, are amended to read:

30 400.462 Definitions.--As used in this part, the term:
31

1 (3) "Certified nursing assistant" means any person who
2 has been issued a certificate under part II of chapter 464 ~~s.~~
3 ~~400.211~~. The licensed home health agency or licensed nurse
4 registry shall ensure that the certified nursing assistant
5 employed by or under contract with the home health agency or
6 licensed nurse registry is adequately trained to perform the
7 tasks of a home health aide in the home setting.

8 (21) "Skilled care" means nursing services or
9 therapeutic services delivered by a health care professional
10 who is licensed under part I of chapter 464; part I, part III,
11 or part V of chapter 468; or chapter 486 and who is employed
12 by or under contract with a licensed home health agency or is
13 referred by a licensed nurse registry.

14 Section 22. Paragraph (c) of subsection (6) of section
15 400.464, Florida Statutes, is amended to read:

16 400.464 Home health agencies to be licensed;
17 expiration of license; exemptions; unlawful acts; penalties.--

18 (6) The following are exempt from the licensure
19 requirements of this part:

20 (c) A health care professional, whether or not
21 incorporated, who is licensed under chapter 457; chapter 458;
22 chapter 459; part I of chapter 464; chapter 467; part I, part
23 III, part V, or part X of chapter 468; chapter 480; chapter
24 486; chapter 490; or chapter 491; and who is acting alone
25 within the scope of his or her professional license to provide
26 care to patients in their homes.

27 Section 23. Paragraph (a) of subsection (10),
28 subsection (11), and paragraph (a) of subsection (15) of
29 section 400.506, Florida Statutes, are amended to read:

30 400.506 Licensure of nurse registries; requirements;
31 penalties.--

1 (10)(a) A nurse registry may refer for contract in
2 private residences registered nurses and licensed practical
3 nurses registered and licensed under part I of chapter 464,
4 certified nursing assistants certified under part II of
5 chapter 464 ~~s. 400.211~~, home health aides who present
6 documented proof of successful completion of the training
7 required by rule of the agency, and companions or homemakers
8 for the purposes of providing those services authorized under
9 s. 400.509(1). Each person referred by a nurse registry must
10 provide current documentation that he or she is free from
11 communicable diseases.

12 (11) A person who is referred by a nurse registry for
13 contract in private residences and who is not a nurse licensed
14 under part I of chapter 464 may perform only those services or
15 care to clients that the person has been certified to perform
16 or trained to perform as required by law or rules of the
17 Agency for Health Care Administration or the Department of
18 Business and Professional Regulation. Providing services
19 beyond the scope authorized under this subsection constitutes
20 the unauthorized practice of medicine or a violation of the
21 Nurse Practice Act and is punishable as provided under chapter
22 458, chapter 459, or part I of chapter 464.

23 (15) All persons referred for contract in private
24 residences by a nurse registry must comply with the following
25 requirements for a plan of treatment:

26 (a) When, in accordance with the privileges and
27 restrictions imposed upon a nurse under part I of chapter 464,
28 the delivery of care to a patient is under the direction or
29 supervision of a physician or when a physician is responsible
30 for the medical care of the patient, a medical plan of
31 treatment must be established for each patient receiving care

1 or treatment provided by a licensed nurse in the home. The
2 original medical plan of treatment must be timely signed by
3 the physician and reviewed by him or her in consultation with
4 the licensed nurse at least every 2 months. Any additional
5 order or change in orders must be obtained from the physician
6 and reduced to writing and timely signed by the physician.
7 The delivery of care under a medical plan of treatment must be
8 substantiated by the appropriate nursing notes or
9 documentation made by the nurse in compliance with nursing
10 practices established under part I of chapter 464.

11 Section 24. Subsections (2) and (3) of section
12 400.6105, Florida Statutes, are amended to read:

13 400.6105 Staffing and personnel.--

14 (2) Each hospice shall employ a full-time registered
15 nurse licensed pursuant to part I of chapter 464 who shall
16 coordinate the implementation of the plan of care for each
17 patient.

18 (3) A hospice shall employ a hospice care team or
19 teams who shall participate in the establishment and ongoing
20 review of the patient's plan of care, and be responsible for
21 and supervise the delivery of hospice care and services to the
22 patient. The team shall, at a minimum, consist of a physician
23 licensed pursuant to chapter 458 or chapter 459, a nurse
24 licensed pursuant to part I of chapter 464, a social worker,
25 and a pastoral or other counselor. The composition of the team
26 may vary for each patient and, over time, for the same patient
27 to ensure that all the patient's needs and preferences are
28 met.

29 Section 25. Subsection (20) of section 401.23, Florida
30 Statutes, is amended to read:

31 401.23 Definitions.--As used in this part, the term:

1 (20) "Registered nurse" means a practitioner who is
2 licensed to practice professional nursing pursuant to part I
3 of chapter 464.

4 Section 26. Paragraph (c) of subsection (1) of section
5 401.252, Florida Statutes, is amended to read:

6 401.252 Interfacility transfer.--

7 (1) A licensed basic or advanced life support
8 ambulance service may conduct interfacility transfers in a
9 permitted ambulance, using a registered nurse in place of an
10 emergency medical technician or paramedic, if:

11 (c) The registered nurse operates within the scope of
12 part I of chapter 464.

13 Section 27. Subsection (24) of section 408.07, Florida
14 Statutes, is amended to read:

15 408.07 Definitions.--As used in this chapter, with the
16 exception of ss. 408.031-408.045, the term:

17 (24) "Health care provider" means a health care
18 professional licensed under chapter 458, chapter 459, chapter
19 460, chapter 461, chapter 463, part I of chapter 464, chapter
20 465, chapter 466, part I, part III, part IV, part V, or part X
21 of chapter 468, chapter 483, chapter 484, chapter 486, chapter
22 490, or chapter 491.

23 Section 28. Subsection (11) of section 408.706,
24 Florida Statutes, is amended to read:

25 408.706 Community health purchasing alliances;
26 accountable health partnerships.--

27 (11) The ability to recruit and retain alliance
28 district health care providers in its provider network. For
29 provider networks initially formed in an alliance district
30 after July 1, 1993, an accountable health partnership shall
31 make offers as to provider participation in its provider

1 network to relevant alliance district health care providers
2 for at least 60 percent of the available provider positions. A
3 provider who is made an offer may participate in an
4 accountable health partnership as long as the provider abides
5 by the terms and conditions of the provider network contract,
6 provides services at a rate or price equal to the rate or
7 price negotiated by the accountable health partnership, and
8 meets all of the accountable health partnership's
9 qualifications for participation in its provider networks
10 including, but not limited to, network adequacy criteria. For
11 purposes of this subsection, "alliance district health care
12 provider" means a health care provider who is licensed under
13 chapter 458, chapter 459, chapter 460, chapter 461, part I of
14 chapter 464, or chapter 465 who has practiced in Florida for
15 more than 1 year within the alliance district served by the
16 accountable health partnership.

17 Section 29. Paragraph (d) of subsection (12) of
18 section 409.908, Florida Statutes, is amended to read:

19 409.908 Reimbursement of Medicaid providers.--Subject
20 to specific appropriations, the agency shall reimburse
21 Medicaid providers, in accordance with state and federal law,
22 according to methodologies set forth in the rules of the
23 agency and in policy manuals and handbooks incorporated by
24 reference therein. These methodologies may include fee
25 schedules, reimbursement methods based on cost reporting,
26 negotiated fees, competitive bidding pursuant to s. 287.057,
27 and other mechanisms the agency considers efficient and
28 effective for purchasing services or goods on behalf of
29 recipients. Payment for Medicaid compensable services made on
30 behalf of Medicaid eligible persons is subject to the
31 availability of moneys and any limitations or directions

1 provided for in the General Appropriations Act or chapter 216.
2 Further, nothing in this section shall be construed to prevent
3 or limit the agency from adjusting fees, reimbursement rates,
4 lengths of stay, number of visits, or number of services, or
5 making any other adjustments necessary to comply with the
6 availability of moneys and any limitations or directions
7 provided for in the General Appropriations Act, provided the
8 adjustment is consistent with legislative intent.

9 (12)

10 (d) Notwithstanding paragraph (b), reimbursement fees
11 to physicians for providing total obstetrical services to
12 Medicaid recipients, which include prenatal, delivery, and
13 postpartum care, shall be at least \$1,500 per delivery for a
14 pregnant woman with low medical risk and at least \$2,000 per
15 delivery for a pregnant woman with high medical risk. However,
16 reimbursement to physicians working in Regional Perinatal
17 Intensive Care Centers designated pursuant to chapter 383, for
18 services to certain pregnant Medicaid recipients with a high
19 medical risk, may be made according to obstetrical care and
20 neonatal care groupings and rates established by the agency.
21 Nurse midwives licensed under part I of chapter 464 or
22 midwives licensed under chapter 467 shall be reimbursed at no
23 less than 80 percent of the low medical risk fee. The agency
24 shall by rule determine, for the purpose of this paragraph,
25 what constitutes a high or low medical risk pregnant woman and
26 shall not pay more based solely on the fact that a caesarean
27 section was performed, rather than a vaginal delivery. The
28 agency shall by rule determine a prorated payment for
29 obstetrical services in cases where only part of the total
30 prenatal, delivery, or postpartum care was performed. The
31 Department of Health shall adopt rules for appropriate

1 insurance coverage for midwives licensed under chapter 467.
2 Prior to the issuance and renewal of an active license, or
3 reactivation of an inactive license for midwives licensed
4 under chapter 467, such licensees shall submit proof of
5 coverage with each application.

6 Section 30. Subsection (1) of section 415.1085,
7 Florida Statutes, is amended to read:

8 415.1085 Photographs, medical examinations, and X rays
9 of abused or neglected aged persons or disabled adults.--

10 (1) Any person authorized by law to investigate cases
11 of alleged abuse or neglect of an aged person or disabled
12 adult may take or cause to be taken photographs of the areas
13 of trauma visible on the aged person or disabled adult who is
14 the subject of a report, and photographs of the surrounding
15 environment, with the consent of the subject or guardian or
16 guardians. If the areas of trauma visible on the aged person
17 or disabled adult indicate a need for medical examination, or
18 if the aged person or disabled adult verbally complains or
19 otherwise exhibits distress as a result of injury through
20 suspected adult abuse, neglect, or exploitation, or is alleged
21 to have been sexually abused, the department may, with the
22 consent of the subject or guardian or guardians, cause the
23 aged person or disabled adult to be referred to a licensed
24 physician or any emergency department in a hospital or health
25 care facility for medical examinations and X rays, if deemed
26 necessary by the examining physician. Such examinations may
27 be performed by an advanced registered nurse practitioner
28 licensed pursuant to part I of chapter 464. Medical
29 examinations performed and X rays taken pursuant to this
30 section shall be paid for by third-party reimbursement, if
31 available, or by the subject or his or her guardian, if they

1 are determined to be financially able to pay; or, if neither
2 is available, the department shall pay the costs within
3 available emergency services funds.

4 Section 31. Subsection (4) of section 455.501, Florida
5 Statutes, is amended to read:

6 455.501 Definitions.--As used in this part, the term:

7 (4) "Health care practitioner" means any person
8 licensed under chapter 457; chapter 458; chapter 459; chapter
9 460; chapter 461; chapter 462; chapter 463; part I of chapter
10 464; chapter 465; chapter 466; chapter 467; part I, part II,
11 part III, part V, part X, part XIII, or part XIV of chapter
12 468; chapter 478; chapter 480; part III or part IV of chapter
13 483; chapter 484; chapter 486; chapter 490; or chapter 491.

14 Section 32. Paragraph (a) of subsection (1) of section
15 455.597 Florida Statutes, is amended to read:

16 455.597 Requirement for instruction on domestic
17 violence.--

18 (1)(a) The appropriate board shall require each person
19 licensed or certified under chapter 458, chapter 459, part I
20 of chapter 464, chapter 466, chapter 467, chapter 490, or
21 chapter 491 to complete a 1-hour continuing education course,
22 approved by the board, on domestic violence, as defined in s.
23 741.28, as part of biennial relicensure or recertification.
24 The course shall consist of information on the number of
25 patients in that professional's practice who are likely to be
26 victims of domestic violence and the number who are likely to
27 be perpetrators of domestic violence, screening procedures for
28 determining whether a patient has any history of being either
29 a victim or a perpetrator of domestic violence, and
30 instruction on how to provide such patients with information
31 on, or how to refer such patients to, resources in the local

1 community, such as domestic violence centers and other
2 advocacy groups, that provide legal aid, shelter, victim
3 counseling, batterer counseling, or child protection services.

4 Section 33. Subsection (1) of section 455.604, Florida
5 Statutes, is amended to read:

6 455.604 Requirement for instruction for certain
7 licensees on human immunodeficiency virus and acquired immune
8 deficiency syndrome.--

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

28 Section 34. Paragraph (a) of subsection (12) of
29 section 455.621, Florida Statutes, is amended to read:

30
31

1 455.621 Disciplinary proceedings.--Disciplinary
2 proceedings for each board shall be within the jurisdiction of
3 the department.

4 (12)(a) No person who reports in any capacity, whether
5 or not required by law, information to the department with
6 regard to the incompetence, impairment, or unprofessional
7 conduct of any health care provider licensed under chapter
8 458, chapter 459, chapter 460, chapter 461, chapter 462,
9 chapter 463, part I of chapter 464, chapter 465, or chapter
10 466 shall be held liable in any civil action for reporting
11 against such health care provider if such person acts without
12 intentional fraud or malice.

13 Section 35. Section 455.664, Florida Statutes, is
14 amended to read:

15 455.664 Advertisement by a health care practitioner of
16 free or discounted services; required statement.--In any
17 advertisement for a free, discounted fee, or reduced fee
18 service, examination, or treatment by a health care
19 practitioner licensed under chapter 458, chapter 459, chapter
20 460, chapter 461, chapter 462, chapter 463, part I of chapter
21 464, chapter 465, chapter 466, chapter 467, chapter 478,
22 chapter 483, chapter 484, chapter 486, chapter 490, or chapter
23 491, the following statement shall appear in capital letters
24 clearly distinguishable from the rest of the text: THE
25 PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A
26 RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR
27 PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT THAT
28 IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING
29 TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED
30 FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required
31 statement shall not be necessary as an accompaniment to an

1 advertisement of a licensed health care practitioner defined
2 by this section if the advertisement appears in a classified
3 directory the primary purpose of which is to provide products
4 and services at free, reduced, or discounted prices to
5 consumers and in which the statement prominently appears in at
6 least one place.

7 Section 36. Paragraph (a) of subsection (2) of section
8 455.667, Florida Statutes, is amended to read:

9 455.667 Ownership and control of patient records;
10 report or copies of records to be furnished.--

11 (2) As used in this section, the terms "records
12 owner," "health care practitioner," and "health care
13 practitioner's employer" do not include any of the following
14 persons or entities; furthermore, the following persons or
15 entities are not authorized to acquire or own medical records,
16 but are authorized under the confidentiality and disclosure
17 requirements of this section to maintain those documents
18 required by the part or chapter under which they are licensed
19 or regulated:

20 (a) Certified nursing assistants regulated under part
21 II of chapter 464 s. 400.211.

22 Section 37. Section 455.677, Florida Statutes, is
23 amended to read:

24 455.677 Disposition of records of deceased
25 practitioners or practitioners relocating or terminating
26 practice.--Each board created under the provisions of chapter
27 457, chapter 458, chapter 459, chapter 460, chapter 461,
28 chapter 463, part I of chapter 464, chapter 465, chapter 466,
29 part I of chapter 484, chapter 486, chapter 490, or chapter
30 491, and the department under the provisions of chapter 462,
31 shall provide by rule for the disposition, under that chapter,

1 of the medical records or records of a psychological nature of
2 practitioners which are in existence at the time the
3 practitioner dies, terminates practice, or relocates and is no
4 longer available to patients and which records pertain to the
5 practitioner's patients. The rules shall provide that the
6 records be retained for at least 2 years after the
7 practitioner's death, termination of practice, or relocation.
8 In the case of the death of the practitioner, the rules shall
9 provide for the disposition of such records by the estate of
10 the practitioner.

11 Section 38. Subsection (1) of section 455.687, Florida
12 Statutes, is amended to read:

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

15 (1) The department shall issue an emergency order
16 suspending the license of any person licensed under chapter
17 458, chapter 459, chapter 460, chapter 461, chapter 462,
18 chapter 463, part I of chapter 464, chapter 465, chapter 466,
19 or chapter 484 who pleads guilty to, is convicted or found
20 guilty of, or who enters a plea of nolo contendere to,
21 regardless of adjudication, a felony under chapter 409 or
22 chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C.
23 ss. 1395-1396.

24 Section 39. Paragraph (b) of subsection (2) of section
25 455.694, Florida Statutes, is amended to read:

26 455.694 Financial responsibility requirements for
27 certain health care practitioners.--

28 (2) The board or department may grant exemptions upon
29 application by practitioners meeting any of the following
30 criteria:

31

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

14 Section 40. Subsection (2) of section 455.707, Florida
15 Statutes, is amended to read:

16 455.707 Treatment programs for impaired
17 practitioners.--

18 (2) The department shall retain one or more impaired
19 practitioner consultants as recommended by the committee. A
20 consultant shall be a licensee or recovered licensee under the
21 jurisdiction of the Division of Medical Quality Assurance
22 within the department, and at least one consultant must be a
23 practitioner or recovered practitioner licensed under chapter
24 458, chapter 459, or part I of chapter 464. The consultant
25 shall assist the probable cause panel and department in
26 carrying out the responsibilities of this section. This shall
27 include working with department investigators to determine
28 whether a practitioner is, in fact, impaired.

29 Section 41. Subsection (2) of section 458.348, Florida
30 Statutes, is amended to read:

31

1 458.348 Formal supervisory relationships, standing
2 orders, and established protocols; notice; standards.--
3 (2) ESTABLISHMENT OF STANDARDS BY JOINT
4 COMMITTEE.--The joint committee created by s. 464.003(3)(c)
5 shall determine minimum standards for the content of
6 established protocols pursuant to which an advanced registered
7 nurse practitioner may perform medical acts identified and
8 approved by the joint committee pursuant to s. 464.003(3)(c)
9 or acts set forth in s. 464.012(3) and (4) and shall determine
10 minimum standards for supervision of such acts by the
11 physician, unless the joint committee determines that any act
12 set forth in s. 464.012(3) or (4) is not a medical act. Such
13 standards shall be based on risk to the patient and acceptable
14 standards of medical care and shall take into account the
15 special problems of medically underserved areas. The standards
16 developed by the joint committee shall be adopted as rules by
17 the Board of Nursing and the Board of Medicine for purposes of
18 carrying out their responsibilities pursuant to part I of
19 chapter 464 and this chapter, respectively, but neither board
20 shall have disciplinary powers over the licensees of the other
21 board.

22 Section 42. Section 464.001, Florida Statutes, is
23 amended to read:

24 464.001 Short title.--This part may be cited ~~chapter~~
25 ~~shall be known~~ as the "Nurse Practice Act."

26 Section 43. Section 464.002, Florida Statutes, is
27 amended to read:

28 464.002 Purpose.--The sole legislative purpose in
29 enacting this part ~~chapter~~ is to ensure that every nurse
30 practicing in this state meets minimum requirements for safe
31 practice. It is the legislative intent that nurses who fall

1 below minimum competency or who otherwise present a danger to
2 the public shall be prohibited from practicing in this state.

3 Section 44. Section 464.003, Florida Statutes, is
4 amended to read:

5 464.003 Definitions.--As used in this part ~~chapter~~:

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

7 (2) "Board" means the Board of Nursing ~~as created in~~
8 ~~this chapter~~.

9 (3)(a) "Practice of professional nursing" means the
10 performance of those acts requiring substantial specialized
11 knowledge, judgment, and nursing skill based upon applied
12 principles of psychological, biological, physical, and social
13 sciences which shall include, but not be limited to:

14 1. The observation, assessment, nursing diagnosis,
15 planning, intervention, and evaluation of care; health
16 teaching and counseling of the ill, injured, or infirm; and
17 the promotion of wellness, maintenance of health, and
18 prevention of illness of others.

19 2. The administration of medications and treatments as
20 prescribed or authorized by a duly licensed practitioner
21 authorized by the laws of this state to prescribe such
22 medications and treatments.

23 3. The supervision and teaching of other personnel in
24 the theory and performance of any of the above acts.

25 (b) "Practice of practical nursing" means the
26 performance of selected acts, including the administration of
27 treatments and medications, in the care of the ill, injured,
28 or infirm and the promotion of wellness, maintenance of
29 health, and prevention of illness of others under the
30 direction of a registered nurse, a licensed physician, a
31

1 licensed osteopathic physician, a licensed podiatric
2 physician, or a licensed dentist.

3

4 The professional nurse and the practical nurse shall be
5 responsible and accountable for making decisions that are
6 based upon the individual's educational preparation and
7 experience in nursing.

8 (c) "Advanced or specialized nursing practice" means,
9 in addition to the practice of professional nursing, the
10 performance of advanced-level nursing acts approved by the
11 board which, by virtue of postbasic specialized education,
12 training, and experience, are proper to be performed by an
13 advanced registered nurse practitioner. Within the context of
14 advanced or specialized nursing practice, the advanced
15 registered nurse practitioner may perform acts of nursing
16 diagnosis and nursing treatment of alterations of the health
17 status. The advanced registered nurse practitioner may also
18 perform acts of medical diagnosis and treatment, prescription,
19 and operation which are identified and approved by a joint
20 committee composed of three members appointed by the Board of
21 Nursing, two of whom shall be advanced registered nurse
22 practitioners; three members appointed by the Board of
23 Medicine, two of whom shall have had work experience with
24 advanced registered nurse practitioners; and the secretary of
25 the department or the secretary's designee. Each committee
26 member appointed by a board shall be appointed to a term of 4
27 years unless a shorter term is required to establish or
28 maintain staggered terms. The Board of Nursing shall adopt
29 rules authorizing the performance of any such acts approved by
30 the joint committee. Unless otherwise specified by the joint
31 committee, such acts shall be performed under the general

1 supervision of a practitioner licensed under chapter 458,
2 chapter 459, or chapter 466 within the framework of standing
3 protocols which identify the medical acts to be performed and
4 the conditions for their performance. The department may, by
5 rule, require that a copy of the protocol be filed with the
6 department along with the notice required by s. 458.348.

7 (d) "Nursing diagnosis" means the observation and
8 evaluation of physical or mental conditions, behaviors, signs
9 and symptoms of illness, and reactions to treatment and the
10 determination as to whether such conditions, signs, symptoms,
11 and reactions represent a deviation from normal.

12 (e) "Nursing treatment" means the establishment and
13 implementation of a nursing regimen for the care and comfort
14 of individuals, the prevention of illness, and the education,
15 restoration, and maintenance of health.

16 (4) "Registered nurse" means any person licensed in
17 this state to practice professional nursing.

18 (5) "Licensed practical nurse" means any person
19 licensed in this state to practice practical nursing.

20 (6) "Advanced registered nurse practitioner" means any
21 person licensed in this state to practice professional nursing
22 and certified in advanced or specialized nursing practice.

23 (7) "Approved program" means a nursing program
24 conducted in a school, college, or university which is
25 approved by the board pursuant to s. 464.019 for the education
26 of nurses.

27 Section 45. Section 464.006, Florida Statutes, is
28 amended to read:

29 464.006 Authority to make rules.--The board ~~of Nursing~~
30 has authority to adopt rules pursuant to ss. 120.536(1) and
31

1 120.54 to implement the provisions of this part ~~chapter~~
2 conferring duties upon it.

3 Section 46. Subsection (3) of section 464.009, Florida
4 Statutes, is amended to read:

5 464.009 Licensure by endorsement.--

6 (3) The department shall not issue a license by
7 endorsement to any applicant who is under investigation in
8 another state for an act which would constitute a violation of
9 this part ~~chapter~~ until such time as the investigation is
10 complete, at which time the provisions of s. 464.018 shall
11 apply.

12 Section 47. Paragraphs (a) and (d) of subsection (1)
13 and paragraph (b) of subsection (2) of section 464.016,
14 Florida Statutes, are amended to read:

15 464.016 Violations and penalties.--

16 (1) Each of the following acts constitutes a felony of
17 the third degree, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084:

19 (a) Practicing advanced or specialized, professional
20 or practical nursing, as defined in this part ~~chapter~~, unless
21 holding an active license or certificate to do so.

22 (d) Obtaining or attempting to obtain a license or
23 certificate under this part ~~chapter~~ by misleading statements
24 or knowing misrepresentation.

25 (2) Each of the following acts constitutes a
26 misdemeanor of the first degree, punishable as provided in s.
27 775.082 or s. 775.083:

28 (b) Knowingly concealing information relating to
29 violations of this part ~~chapter~~.
30
31

1 Section 48. Paragraphs (i), (k), and (l) of subsection
2 (1) and subsection (4) of section 464.018, Florida Statutes,
3 are amended to read:

4 464.018 Disciplinary actions.--

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

7 (i) Engaging or attempting to engage in the
8 possession, sale, or distribution of controlled substances as
9 set forth in chapter 893, for any other than legitimate
10 purposes authorized by this part ~~chapter~~.

11 (k) Failing to report to the department any person who
12 the licensee knows is in violation of this part ~~chapter~~ or of
13 the rules of the department or the board; however, if the
14 licensee verifies that such person is actively participating
15 in a board-approved program for the treatment of a physical or
16 mental condition, the licensee is required to report such
17 person only to an impaired professionals consultant.

18 (l) Knowingly violating any provision of this part
19 ~~chapter~~, a rule of the board or the department, or a lawful
20 order of the board or department previously entered in a
21 disciplinary proceeding or failing to comply with a lawfully
22 issued subpoena of the department.

23 (4) The board shall not reinstate the license of a
24 nurse who has been found guilty by the board on three separate
25 occasions of violations of this part ~~chapter~~ relating to the
26 use of drugs or narcotics, which offenses involved the
27 diversion of drugs or narcotics from patients to personal use
28 or sale.

29 Section 49. Subsections (1), (2), and (3) of section
30 464.019, Florida Statutes, are amended to read:

31 464.019 Approval of nursing programs.--

1 (1) An institution desiring to conduct an approved
2 program for the education of professional or practical nurses
3 shall apply to the department and submit such evidence as may
4 be required to show that it complies with the provisions of
5 this part ~~chapter~~ and with the rules of the board. The
6 application shall include a program review fee, as set by the
7 board, not to exceed \$1,000.

8 (2) The board shall adopt rules regarding educational
9 objectives, faculty qualifications, curriculum guidelines,
10 administrative procedures, and clinical training as are
11 necessary to ensure that approved programs graduate nurses
12 capable of competent practice under this part ~~act~~.

13 (3) The department shall survey each institution
14 applying for approval and submit its findings to the board.
15 If the board is satisfied that the program meets the
16 requirements of this part ~~chapter~~ and rules pursuant thereto,
17 it shall certify the program for approval and the department
18 shall approve the program.

19 Section 50. Section 464.022, Florida Statutes, is
20 amended to read:

21 464.022 Exceptions.--No provision of this part ~~chapter~~
22 shall be construed to prohibit:

23 (1) The care of the sick by friends or members of the
24 family without compensation, the incidental care of the sick
25 by domestic servants, or the incidental care of
26 noninstitutionalized persons by a surrogate family.

27 (2) Assistance by anyone in the case of an emergency.

28 (3) The practice of nursing by students enrolled in
29 approved schools of nursing.

30 (4) The practice of nursing by graduates of approved
31 programs or the equivalent, pending the result of the first

1 licensing examination for which they are eligible following
2 graduation, provided they practice under direct supervision of
3 a registered professional nurse. The board shall by rule
4 define what constitutes direct supervision.

5 (5) The rendering of services by nursing assistants
6 acting under the direct supervision of a registered
7 professional nurse.

8 (6) Any nurse practicing in accordance with the
9 practices and principles of the body known as the Church of
10 Christ Scientist; nor shall any rule of the board apply to any
11 sanitarium, nursing home, or rest home operated in accordance
12 with the practices and principles of the body known as the
13 Church of Christ Scientist.

14 (7) The practice of any legally qualified nurse or
15 licensed attendant of another state who is employed by the
16 United States Government, or any bureau, division, or agency
17 thereof, while in the discharge of official duties.

18 (8) Any nurse currently licensed in another state from
19 performing nursing services in this state for a period of 60
20 days after furnishing to the employer satisfactory evidence of
21 current licensure in another state and having submitted proper
22 application and fees to the board for licensure prior to
23 employment. The board may extend this time for administrative
24 purposes when necessary.

25 (9) The rendering of nursing services on a
26 fee-for-service basis, or the reimbursement for nursing
27 services directly to a nurse rendering such services by any
28 government program, commercial insurance company, hospital or
29 medical services plan, or any other third-party payor.

30
31

1 (10) The establishment of an independent practice by
2 one or more nurses for the purpose of rendering to patients
3 nursing services within the scope of the nursing license.

4 (11) The furnishing of hemodialysis treatments in a
5 patient's home, using an assistant chosen by the patient,
6 provided that the assistant is properly trained, as defined by
7 the board by rule, and has immediate telephonic access to a
8 registered nurse who is licensed pursuant to this part ~~chapter~~
9 and who has dialysis training and experience.

10 (12) The practice of nursing by any legally qualified
11 nurse of another state whose employment requires the nurse to
12 accompany and care for a patient temporarily residing in this
13 state for not more than 30 consecutive days, provided the
14 patient is not in an inpatient setting, the board is notified
15 prior to arrival of the patient and nurse, the nurse has the
16 standing physician orders and current medical status of the
17 patient available, and prearrangements with the appropriate
18 licensed health care providers in this state have been made in
19 case the patient needs placement in an inpatient setting.

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

22 Section 51. Section 464.023, Florida Statutes, is
23 amended to read:

24 464.023 Saving clauses.--

25 (1) No judicial or administrative proceeding pending
26 on July 1, 1979, shall be abated as a result of the repeal and
27 reenactment of this part ~~chapter~~.

28 (2) Each licensee or holder of a certificate who was
29 duly licensed or certified on June 30, 1979, shall be entitled
30 to hold such license or certificate. Henceforth, such license
31

1 or certificate shall be renewed in accordance with the
2 provisions of this part act.

3 Section 52. Paragraph (a) of subsection (3) of section
4 464.027, Florida Statutes, is amended to read:

5 464.027 Registered nurse first assistant.--

6 (3) QUALIFICATIONS.--A registered nurse first
7 assistant is any person who:

8 (a) Is licensed as a registered nurse under this part
9 chapter;

10 Section 53. Subsection (6) of section 466.003, Florida
11 Statutes, is amended to read:

12 466.003 Definitions.--As used in this chapter:

13 (6) "Dental assistant" means a person, other than a
14 dental hygienist, who, under the supervision and authorization
15 of a dentist, provides dental care services directly to a
16 patient. This term shall not include a certified registered
17 nurse anesthetist licensed under part I of chapter 464.

18 Section 54. Subsection (2) of section 467.003, Florida
19 Statutes, is amended to read:

20 467.003 Definitions.--As used in this chapter, unless
21 the context otherwise requires:

22 (2) "Certified nurse midwife" means a person who is
23 licensed as an advanced registered nurse practitioner under
24 part I of chapter 464 and who is certified to practice
25 midwifery by the American College of Nurse Midwives.

26 Section 55. Paragraph (a) of subsection (2) of section
27 467.0125, Florida Statutes, is amended to read:

28 467.0125 Licensure by endorsement.--

29 (2) The department may issue a temporary certificate
30 to practice in areas of critical need to any midwife who is
31

1 qualifying for licensure by endorsement under subsection (1),
2 with the following restrictions:

3 (a) The Department of Health shall determine the areas
4 of critical need, and the midwife so certified shall practice
5 only in those specific areas, under the auspices of a
6 physician licensed pursuant to chapter 458 or chapter 459, a
7 certified nurse midwife licensed pursuant to part I of chapter
8 464, or a midwife licensed under this chapter, who has a
9 minimum of 3 years' professional experience. Such areas shall
10 include, but not be limited to, health professional shortage
11 areas designated by the United States Department of Health and
12 Human Services.

13 Section 56. Paragraph (e) of subsection (2) of section
14 467.203, Florida Statutes, is amended to read:

15 467.203 Disciplinary actions; penalties.--

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

19 (e) Placement of the midwife on probation for such
20 period of time and subject to such conditions as the
21 department may specify, including requiring the midwife to
22 submit to treatment; undertake further relevant education or
23 training; take an examination; or work under the supervision
24 of another licensed midwife, a physician, or a nurse midwife
25 licensed under part I of chapter 464.

26 Section 57. Paragraph (a) of subsection (1) of section
27 468.505, Florida Statutes, is amended to read:

28 468.505 Exemptions; exceptions.--

29 (1) Nothing in this part may be construed as
30 prohibiting or restricting the practice, services, or
31 activities of:

1 (a) A person licensed in this state under chapter 457,
2 chapter 458, chapter 459, chapter 460, chapter 461, chapter
3 462, chapter 463, part I of chapter 464, chapter 465, chapter
4 466, chapter 480, chapter 490, or chapter 491, when engaging
5 in the profession or occupation for which he or she is
6 licensed, or of any person employed by and under the
7 supervision of the licensee when rendering services within the
8 scope of the profession or occupation of the licensee.

9 Section 58. Subsection (7) of section 483.041, Florida
10 Statutes, is amended to read:

11 483.041 Definitions.--As used in this part, the term:

12 (7) "Licensed practitioner" means a physician licensed
13 under chapter 458, chapter 459, chapter 460, or chapter 461; a
14 dentist licensed under chapter 466; a person licensed under
15 chapter 462; or an advanced registered nurse practitioner
16 licensed under part I of chapter 464; or a duly licensed
17 practitioner from another state licensed under similar
18 statutes who orders examinations on materials or specimens for
19 nonresidents of the State of Florida, but who reside in the
20 same state as the requesting licensed practitioner.

21 Section 59. Subsection (5) of section 483.801, Florida
22 Statutes, is amended to read:

23 483.801 Exemptions.--This part applies to all clinical
24 laboratories and clinical laboratory personnel within this
25 state, except:

26 (5) Advanced registered nurse practitioners licensed
27 under part I of chapter 464 who perform provider-performed
28 microscopy procedures (PPMP) in an exclusive-use laboratory
29 setting.

30 Section 60. Paragraph (a) of subsection (4) of section
31 491.0112, Florida Statutes, is amended to read:

1 491.0112 Sexual misconduct by a psychotherapist;
2 penalties.--

3 (4) For the purposes of this section:

4 (a) The term "psychotherapist" means any person
5 licensed pursuant to chapter 458, chapter 459, part I of
6 chapter 464, chapter 490, or chapter 491, or any other person
7 who provides or purports to provide treatment, diagnosis,
8 assessment, evaluation, or counseling of mental or emotional
9 illness, symptom, or condition.

10 Section 61. Subsection (5) of section 550.24055,
11 Florida Statutes, is amended to read:

12 550.24055 Use of controlled substances or alcohol
13 prohibited; testing of certain occupational licensees;
14 penalty; evidence of test or action taken and admissibility
15 for criminal prosecution limited.--

16 (5) This section does not apply to the possession and
17 use of controlled or chemical substances that are prescribed
18 as part of the care and treatment of a disease or injury by a
19 practitioner licensed under chapter 458, chapter 459, part I
20 of chapter 464, or chapter 466.

21 Section 62. Paragraph (h) of subsection (4) of section
22 627.351, Florida Statutes, is amended to read:

23 627.351 Insurance risk apportionment plans.--

24 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.--

25 (h) As used in this subsection:

26 1. "Health care provider" means hospitals licensed
27 under chapter 395; physicians licensed under chapter 458;
28 osteopathic physicians licensed under chapter 459; podiatric
29 physicians licensed under chapter 461; dentists licensed under
30 chapter 466; chiropractic physicians licensed under chapter
31 460; naturopaths licensed under chapter 462; nurses licensed

1 under part I of chapter 464; midwives licensed under chapter
2 467; clinical laboratories registered under chapter 483;
3 physician assistants licensed under chapter 458 or chapter
4 459; physical therapists and physical therapist assistants
5 licensed under chapter 486; health maintenance organizations
6 certificated under part I of chapter 641; ambulatory surgical
7 centers licensed under chapter 395; other medical facilities
8 as defined in subparagraph 2.; blood banks, plasma centers,
9 industrial clinics, and renal dialysis facilities; or
10 professional associations, partnerships, corporations, joint
11 ventures, or other associations for professional activity by
12 health care providers.

13 2. "Other medical facility" means a facility the
14 primary purpose of which is to provide human medical
15 diagnostic services or a facility providing nonsurgical human
16 medical treatment, to which facility the patient is admitted
17 and from which facility the patient is discharged within the
18 same working day, and which facility is not part of a
19 hospital. However, a facility existing for the primary
20 purpose of performing terminations of pregnancy or an office
21 maintained by a physician or dentist for the practice of
22 medicine shall not be construed to be an "other medical
23 facility."

24 3. "Health care facility" means any hospital licensed
25 under chapter 395, health maintenance organization
26 certificated under part I of chapter 641, ambulatory surgical
27 center licensed under chapter 395, or other medical facility
28 as defined in subparagraph 2.

29 Section 63. Paragraph (b) of subsection (1) of section
30 627.357, Florida Statutes, is amended to read:

31 627.357 Medical malpractice self-insurance.--

- 1 (1) DEFINITIONS.--As used in this section, the term:
2 (b) "Health care provider" means any:
3 1. Hospital licensed under chapter 395.
4 2. Physician licensed, or physician assistant
5 licensed, under chapter 458.
6 3. Osteopathic physician or physician assistant
7 licensed under chapter 459.
8 4. Podiatric physician licensed under chapter 461.
9 5. Health maintenance organization certificated under
10 part I of chapter 641.
11 6. Ambulatory surgical center licensed under chapter
12 395.
13 7. Chiropractic physician licensed under chapter 460.
14 8. Psychologist licensed under chapter 490.
15 9. Optometrist licensed under chapter 463.
16 10. Dentist licensed under chapter 466.
17 11. Pharmacist licensed under chapter 465.
18 12. Registered nurse, licensed practical nurse, or
19 advanced registered nurse practitioner licensed or registered
20 under part I of chapter 464.
21 13. Other medical facility.
22 14. Professional association, partnership,
23 corporation, joint venture, or other association established
24 by the individuals set forth in subparagraphs 2., 3., 4., 7.,
25 8., 9., 10., 11., and 12. for professional activity.
26 Section 64. Subsection (6) of section 627.9404,
27 Florida Statutes, is amended to read:
28 627.9404 Definitions.--For the purposes of this part:
29 (6) "Licensed health care practitioner" means any
30 physician, nurse licensed under part I of chapter 464, or
31 psychotherapist licensed under chapter 490 or chapter 491, or

1 any individual who meets any requirements prescribed by rule
2 by the department.

3 Section 65. Subsection (21) of section 641.31, Florida
4 Statutes, is amended to read:

5 641.31 Health maintenance contracts.--

6 (21) Notwithstanding any other provision of law,
7 health maintenance policies or contracts which provide
8 anesthesia coverage, benefits, or services shall offer to the
9 subscriber, if requested and available, the services of a
10 certified registered nurse anesthetist licensed pursuant to
11 part I of chapter 464.

12 Section 66. Subsection (8) of section 766.101, Florida
13 Statutes, is amended to read:

14 766.101 Medical review committee, immunity from
15 liability.--

16 (8) No cause of action of any nature by a person
17 licensed pursuant to chapter 458, chapter 459, chapter 461,
18 chapter 463, part I of chapter 464, chapter 465, or chapter
19 466 shall arise against another person licensed pursuant to
20 chapter 458, chapter 459, chapter 461, chapter 463, part I of
21 chapter 464, chapter 465, or chapter 466 for furnishing
22 information to a duly appointed medical review committee, to
23 an internal risk management program established under s.
24 395.0197, to the Department of Business and Professional
25 Regulation, or to the appropriate regulatory board if the
26 information furnished concerns patient care at a facility
27 licensed pursuant to part I of chapter 395 where both persons
28 provide health care services, if the information is not
29 intentionally fraudulent, and if the information is within the
30 scope of the functions of the committee, department, or board.
31 However, if such information is otherwise available from

1 original sources, it is not immune from discovery or use in a
2 civil action merely because it was presented during a
3 proceeding of the committee, department, or board.

4 Section 67. Subsection (2) of section 766.110, Florida
5 Statutes, is amended to read:

6 766.110 Liability of health care facilities.--

7 (2) Every hospital licensed under chapter 395 may
8 carry liability insurance or adequately insure itself in an
9 amount of not less than \$1.5 million per claim, \$5 million
10 annual aggregate to cover all medical injuries to patients
11 resulting from negligent acts or omissions on the part of
12 those members of its medical staff who are covered thereby in
13 furtherance of the requirements of ss. 458.320 and 459.0085.
14 Self-insurance coverage extended hereunder to a member of a
15 hospital's medical staff meets the financial responsibility
16 requirements of ss. 458.320 and 459.0085 if the physician's
17 coverage limits are not less than the minimum limits
18 established in ss. 458.320 and 459.0085 and the hospital is a
19 verified trauma center as of July 1, 1990, that has extended
20 self-insurance coverage continuously to members of its medical
21 staff for activities both inside and outside of the hospital
22 since January 1, 1987. Any insurer authorized to write
23 casualty insurance may make available, but shall not be
24 required to write, such coverage. The hospital may assess on
25 an equitable and pro rata basis the following professional
26 health care providers for a portion of the total hospital
27 insurance cost for this coverage: physicians licensed under
28 chapter 458, osteopathic physicians licensed under chapter
29 459, podiatric physicians licensed under chapter 461, dentists
30 licensed under chapter 466, and nurses licensed under part I
31 of chapter 464. The hospital may provide for a deductible

1 amount to be applied against any individual health care
2 provider found liable in a law suit in tort or for breach of
3 contract. The legislative intent in providing for the
4 deductible to be applied to individual health care providers
5 found negligent or in breach of contract is to instill in each
6 individual health care provider the incentive to avoid the
7 risk of injury to the fullest extent and ensure that the
8 citizens of this state receive the highest quality health care
9 obtainable.

10 Section 68. Paragraph (d) of subsection (3) of section
11 766.1115, Florida Statutes, is amended to read:

12 766.1115 Health care providers; creation of agency
13 relationship with governmental contractors.--

14 (3) DEFINITIONS.--As used in this section, the term:

15 (d) "Health care provider" or "provider" means:

16 1. A birth center licensed under chapter 383.

17 2. An ambulatory surgical center licensed under
18 chapter 395.

19 3. A hospital licensed under chapter 395.

20 4. A physician or physician assistant licensed under
21 chapter 458.

22 5. An osteopathic physician or osteopathic physician
23 assistant licensed under chapter 459.

24 6. A chiropractic physician licensed under chapter
25 460.

26 7. A podiatric physician licensed under chapter 461.

27 8. A registered nurse, nurse midwife, licensed
28 practical nurse, or advanced registered nurse practitioner
29 licensed or registered under part I of chapter 464 or any
30 facility which employs nurses licensed or registered under
31

1 part I of chapter 464 to supply all or part of the care
2 delivered under this section.

3 9. A midwife licensed under chapter 467.

4 10. A health maintenance organization certificated
5 under part I of chapter 641.

6 11. A health care professional association and its
7 employees or a corporate medical group and its employees.

8 12. Any other medical facility the primary purpose of
9 which is to deliver human medical diagnostic services or which
10 delivers nonsurgical human medical treatment, and which
11 includes an office maintained by a provider.

12 13. A dentist or dental hygienist licensed under
13 chapter 466.

14 14. Any other health care professional, practitioner,
15 provider, or facility under contract with a governmental
16 contractor.

17

18 The term includes any nonprofit corporation qualified as
19 exempt from federal income taxation under s. 501(c) of the
20 Internal Revenue Code which delivers health care services
21 provided by licensed professionals listed in this paragraph,
22 any federally funded community health center, and any
23 volunteer corporation or volunteer health care provider that
24 delivers health care services.

25 Section 69. Subsection (1) of section 877.111, Florida
26 Statutes, is amended to read:

27 877.111 Inhalation, ingestion, possession, sale,
28 purchase, or transfer of harmful chemical substances;
29 penalties.--

30 (1) It is unlawful for any person to inhale or ingest,
31 or to possess with intent to breathe, inhale, or drink, any

1 compound, liquid, or chemical containing toluol, hexane,
2 trichloroethylene, acetone, toluene, ethyl acetate, methyl
3 ethyl ketone, trichloroethane, isopropanol, methyl isobutyl
4 ketone, ethylene glycol monomethyl ether acetate,
5 cyclohexanone, nitrous oxide, diethyl ether, alkyl nitrites
6 (butyl nitrite), or any similar substance for the purpose of
7 inducing a condition of intoxication or which distorts or
8 disturbs the auditory, visual, or mental processes. This
9 section does not apply to the possession and use of these
10 substances as part of the care or treatment of a disease or
11 injury by a practitioner licensed under chapter 458, chapter
12 459, part I of chapter 464, or chapter 466 or to beverages
13 controlled by the provisions of chapter 561, chapter 562,
14 chapter 563, chapter 564, or chapter 565.

15 Section 70. Subsection (6) of section 945.602, Florida
16 Statutes, is amended to read:

17 945.602 State of Florida Correctional Medical
18 Authority; creation; members.--

19 (6) At least one member of the authority must be a
20 nurse licensed under part I of chapter 464 and have at least 5
21 years' experience in the practice of nursing.

22 Section 71. Subsection (2) of section 960.28, Florida
23 Statutes, is amended to read:

24 960.28 Payment for victims' initial forensic physical
25 examinations.--

26 (2) The Crime Victims' Services Office of the
27 department shall pay for medical expenses connected with an
28 initial forensic physical examination of a victim who reports
29 a violation of chapter 794 or chapter 800 to a law enforcement
30 officer. Such payment shall be made regardless of whether or
31 not the victim is covered by health or disability insurance.

1 The payment shall be made only out of moneys allocated to the
2 Crime Victims' Services Office for the purposes of this
3 section, and the payment may not exceed \$250 with respect to
4 any violation. Payment may not be made for an initial forensic
5 physical examination unless the law enforcement officer
6 certifies in writing that the initial forensic physical
7 examination is needed to aid in the investigation of an
8 alleged sexual offense and that the claimant is the alleged
9 victim of the offense. The department shall develop and
10 maintain separate protocols for the initial forensic physical
11 examination of adults and children. Payment under this section
12 is limited to medical expenses connected with the initial
13 forensic physical examination, and payment may be made to a
14 medical provider using an examiner qualified under part I of
15 chapter 464, excluding s. 464.003(5); chapter 458; or chapter
16 459. Payment made to the medical provider by the department
17 shall be considered by the provider as payment in full for the
18 initial forensic physical examination associated with the
19 collection of evidence. The victim may not be required to pay,
20 directly or indirectly, the cost of an initial forensic
21 physical examination performed in accordance with this
22 section.

23 Section 72. Subsection (36) of section 984.03, Florida
24 Statutes, is amended to read:

25 984.03 Definitions.--When used in this chapter, the
26 term:

27 (36) "Licensed health care professional" means a
28 physician licensed under chapter 458, an osteopathic physician
29 licensed under chapter 459, a nurse licensed under part I of
30 chapter 464, a physician assistant licensed under chapter 458
31 or chapter 459, or a dentist licensed under chapter 466.

1 Section 73. Subsection (37) of section 985.03, Florida
2 Statutes, is amended to read:

3 985.03 Definitions.--When used in this chapter, the
4 term:

5 (37) "Licensed health care professional" means a
6 physician licensed under chapter 458, an osteopathic physician
7 licensed under chapter 459, a nurse licensed under part I of
8 chapter 464, a physician assistant licensed under chapter 458
9 or chapter 459, or a dentist licensed under chapter 466.

10 Section 74. In January of 2001, all hospitals, home
11 health agencies, and other health agencies in this state that
12 employ unlicensed persons to perform health care services
13 under the supervision of licensed nurses must submit the names
14 and work titles of those employees to the Board of Nursing.
15 This information may be submitted electronically to the
16 Internet site of the Department of Health.

17 Section 75. Section 455.557, Florida Statutes, is
18 amended to read:

19 455.557 Standardized credentialing for health care
20 practitioners.--

21 (1) INTENT.--The Legislature recognizes that an
22 efficient and effective health care practitioner credentialing
23 program helps to ensure access to quality health care and also
24 recognizes that health care practitioner credentialing
25 activities have increased significantly as a result of health
26 care reform and recent changes in health care delivery and
27 reimbursement systems. Moreover, the resulting duplication of
28 health care practitioner credentialing activities is
29 unnecessarily costly and cumbersome for both the practitioner
30 and the entity granting practice privileges. Therefore, it is
31 the intent of this section that a credentials collection

1 program be established which provides that, once a health care
2 practitioner's core credentials data are collected, they need
3 not be collected again, except for corrections, updates, and
4 modifications thereto. Participation under this section shall
5 ~~initially~~ include those individuals licensed under chapter
6 458, chapter 459, chapter 460, ~~or~~ chapter 461, or s. 464.012.
7 However, the department shall, with the approval of the
8 applicable board, include other professions under the
9 jurisdiction of the Division of Medical Quality Assurance in
10 this program, provided they meet the requirements of s.
11 455.565.

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

13 ~~(a) "Advisory council" or "council" means the~~
14 ~~Credentials Advisory Council.~~

15 (a)~~(b)~~ "Certified" or "accredited," as applicable,
16 means approved by a quality assessment program, from the
17 National Committee for Quality Assurance, the Joint Commission
18 on Accreditation of Healthcare Organizations, the American
19 Accreditation HealthCare Commission/URAC, or any such other
20 nationally recognized and accepted organization authorized by
21 the department, used to assess and certify any credentials
22 verification program, entity, or organization that verifies
23 the credentials of any health care practitioner.

24 (b)~~(c)~~ "Core credentials data" means the following
25 data: current name, any former name, and any alias, any
26 professional education, professional training, licensure,
27 current Drug Enforcement Administration certification, social
28 security number, specialty board certification, Educational
29 Commission for Foreign Medical Graduates certification,
30 hospital or other institutional affiliations, evidence of
31 professional liability coverage or evidence of financial

1 responsibility as required by s. 458.320, ~~or~~ s. 459.0085, or
2 s. 455.694, history of claims, suits, judgments, or
3 settlements, final disciplinary action reported pursuant to s.
4 455.565(1)(a)8., and Medicare or Medicaid sanctions.

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

9 (d)~~(e)~~ "Credentials verification organization" means
10 any organization certified or accredited as a credentials
11 verification organization.

12 (e)~~(f)~~ "Department" means the Department of Health,
13 Division of Medical Quality Assurance.

14 (f)~~(g)~~ "Designated credentials verification
15 organization" means the credentials verification organization
16 which is selected by the health care practitioner, if the
17 health care practitioner chooses to make such a designation.

18 (g)~~(h)~~ "Drug Enforcement Administration certification"
19 means certification issued by the Drug Enforcement
20 Administration for purposes of administration or prescription
21 of controlled substances. Submission of such certification
22 under this section must include evidence that the
23 certification is current and must also include all current
24 addresses to which the certificate is issued.

25 (h)~~(i)~~ "Health care entity" means:

26 1. Any health care facility or other health care
27 organization licensed or certified to provide approved medical
28 and allied health services in this state;

29 2. Any entity licensed by the Department of Insurance
30 as a prepaid health care plan or health maintenance
31

1 organization or as an insurer to provide coverage for health
2 care services through a network of providers; or
3 3. Any accredited medical school in this state.
4 (i)~~(j)~~ "Health care practitioner" means any person
5 licensed, or, for credentialing purposes only, any person
6 applying for licensure, under chapter 458, chapter 459,
7 chapter 460, ~~or~~ chapter 461, or s. 464.012 or any person
8 licensed or applying for licensure under a chapter
9 subsequently made subject to this section by the department
10 with the approval of the applicable board, except a person
11 registered or applying for registration pursuant to s. 458.345
12 or s. 459.021.
13 (j)~~(k)~~ "Hospital or other institutional affiliations"
14 means each hospital or other institution for which the health
15 care practitioner or applicant has provided medical services.
16 Submission of such information under this section must
17 include, for each hospital or other institution, the name and
18 address of the hospital or institution, the staff status of
19 the health care practitioner or applicant at that hospital or
20 institution, and the dates of affiliation with that hospital
21 or institution.
22 (k)~~(l)~~ "National accrediting organization" means an
23 organization that awards accreditation or certification to
24 hospitals, managed care organizations, credentials
25 verification organizations, or other health care
26 organizations, including, but not limited to, the Joint
27 Commission on Accreditation of Healthcare Organizations, the
28 American Accreditation HealthCare Commission/URAC, and the
29 National Committee for Quality Assurance.
30
31

1 (1)~~(m)~~ "Professional training" means any internship,
2 residency, or fellowship relating to the profession for which
3 the health care practitioner is licensed or seeking licensure.

4 (m)~~(n)~~ "Specialty board certification" means
5 certification in a specialty issued by a specialty board
6 recognized by the board in this state that regulates the
7 profession for which the health care practitioner is licensed
8 or seeking licensure.

9 (3) STANDARDIZED CREDENTIALS VERIFICATION PROGRAM.--

10 (a) Every health care practitioner shall:

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

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

23 (b) The department shall:

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

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

1 corrections, updates, and modifications thereto, if authorized
2 by the health care practitioner.

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

8 4. ~~Develop, in consultation with the advisory council,~~
9 standardized forms to be used by the health care practitioner
10 or designated credentials verification organization for the
11 initial reporting of core credentials data, for the health
12 care practitioner to authorize the release of core credentials
13 data, and for the subsequent reporting of corrections,
14 updates, and modifications thereto.

15 5. ~~Establish a Credentials Advisory Council,~~
16 ~~consisting of 13 members, to assist the department as provided~~
17 ~~in this section. The secretary, or his or her designee, shall~~
18 ~~serve as one member and chair of the council and shall appoint~~
19 ~~the remaining 12 members. Except for any initial lesser term~~
20 ~~required to achieve staggering, such appointments shall be for~~
21 ~~4-year staggered terms, with one 4-year reappointment, as~~
22 ~~applicable. Three members shall represent hospitals, and two~~
23 ~~members shall represent health maintenance organizations. One~~
24 ~~member shall represent health insurance entities. One member~~
25 ~~shall represent the credentials verification industry. Two~~
26 ~~members shall represent physicians licensed under chapter 458.~~
27 ~~One member shall represent osteopathic physicians licensed~~
28 ~~under chapter 459. One member shall represent chiropractic~~
29 ~~physicians licensed under chapter 460. One member shall~~
30 ~~represent podiatric physicians licensed under chapter 461.~~

31

1 (c) A registered credentials verification organization
2 may be designated by a health care practitioner to assist the
3 health care practitioner to comply with the requirements of
4 subparagraph (a)2. A designated credentials verification
5 organization shall:

6 1. Timely comply with the requirements of subparagraph
7 (a)2., pursuant to rules adopted by the department.

8 2. Not provide the health care practitioner's core
9 data, including all corrections, updates, and modifications,
10 without the authorization of the practitioner.

11 (d) This section shall not be construed to restrict in
12 any way the authority of the health care entity to credential
13 and to approve or deny an application for hospital staff
14 membership, clinical privileges, or managed care network
15 participation.

16 (4) DUPLICATION OF DATA PROHIBITED.--

17 (a) A health care entity or credentials verification
18 organization is prohibited from collecting or attempting to
19 collect duplicate core credentials data from any health care
20 practitioner if the information is available from the
21 department. This section shall not be construed to restrict
22 the right of any health care entity or credentials
23 verification organization to collect additional information
24 from the health care practitioner which is not included in the
25 core credentials data file. This section shall not be
26 construed to prohibit a health care entity or credentials
27 verification organization from obtaining all necessary
28 attestation and release form signatures and dates.

29 (b) Effective July 1, 2002, a state agency in this
30 state which credentials health care practitioners may not
31 collect or attempt to collect duplicate core credentials data

1 from any individual health care practitioner if the
2 information is already available from the department. This
3 section shall not be construed to restrict the right of any
4 such state agency to request additional information not
5 included in the core credential data file, but which is deemed
6 necessary for the agency's specific credentialing purposes.

7 (5) STANDARDS AND REGISTRATION.--Any credentials
8 verification organization that does business in this state
9 must be fully accredited or certified as a credentials
10 verification organization by a national accrediting
11 organization as specified in paragraph (2)(a)~~(b)~~ and must
12 register with the department. The department may charge a
13 reasonable registration fee, ~~set in consultation with the~~
14 ~~advisory council~~, not to exceed an amount sufficient to cover
15 its actual expenses in providing and enforcing such
16 registration. The department shall establish by rule for
17 biennial renewal of such registration. Failure by a registered
18 credentials verification organization to maintain full
19 accreditation or certification, to provide data as authorized
20 by the health care practitioner, to report to the department
21 changes, updates, and modifications to a health care
22 practitioner's records within the time period specified in
23 subparagraph (3)(a)2., or to comply with the prohibition
24 against collection of duplicate core credentials data from a
25 practitioner may result in denial of an application for
26 renewal of registration or in revocation or suspension of a
27 registration.

28 (6) LIABILITY.--No civil, criminal, or administrative
29 action may be instituted, and there shall be no liability,
30 against any registered credentials verification organization
31

1 or health care entity on account of its reliance on any data
2 obtained directly from the department.

3 (7) LIABILITY INSURANCE REQUIREMENTS.--Each
4 credentials verification organization doing business in this
5 state shall maintain liability insurance appropriate to meet
6 the certification or accreditation requirements established in
7 this section.

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

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

17 Section 76. Section 455.565, Florida Statutes, is
18 amended to read:

19 455.565 Designated health care professionals;
20 information required for licensure.--

21 (1) Each person who applies for initial licensure as a
22 physician or as an advanced registered nurse practitioner
23 under chapter 458, chapter 459, chapter 460, or chapter 461,
24 or s. 464.012, except a person applying for registration
25 pursuant to ss. 458.345 and 459.021, must, at the time of
26 application, and each physician or advanced registered nurse
27 practitioner who applies for license renewal under chapter
28 458, chapter 459, chapter 460, ~~or~~ chapter 461, or s. 464.012,
29 except a person registered pursuant to ss. 458.345 and
30 459.021, must, in conjunction with the renewal of such license
31 and under procedures adopted by the Department of Health, and

1 in addition to any other information that may be required from
2 the applicant, furnish the following information to the
3 Department of Health:

4 (a)1. The name of each medical or nursing school that
5 the applicant has attended, with the dates of attendance and
6 the date of graduation, and a description of all graduate
7 medical or nursing education completed by the applicant,
8 excluding any coursework taken to satisfy medical or nursing
9 licensure continuing education requirements.

10 2. The name of each hospital at which the applicant
11 has privileges.

12 3. The address at which the applicant will primarily
13 conduct his or her practice.

14 4. Any certification that the applicant has received
15 from a specialty board that is recognized by the board to
16 which the applicant is applying.

17 5. The year that the applicant began practicing
18 medicine or advanced or specialized nursing.

19 6. Any appointment to the faculty of a medical or
20 nursing school which the applicant currently holds and an
21 indication as to whether the applicant has had the
22 responsibility for graduate medical or nursing education
23 within the most recent 10 years.

24 7. A description of any criminal offense of which the
25 applicant has been found guilty, regardless of whether
26 adjudication of guilt was withheld, or to which the applicant
27 has pled guilty or nolo contendere. A criminal offense
28 committed in another jurisdiction which would have been a
29 felony or misdemeanor if committed in this state must be
30 reported. If the applicant indicates that a criminal offense
31 is under appeal and submits a copy of the notice for appeal of

1 that criminal offense, the department must state that the
2 criminal offense is under appeal if the criminal offense is
3 reported in the applicant's profile. If the applicant
4 indicates to the department that a criminal offense is under
5 appeal, the applicant must, upon disposition of the appeal,
6 submit to the department a copy of the final written order of
7 disposition.

8 8. A description of any final disciplinary action
9 taken within the previous 10 years against the applicant by
10 the agency regulating the profession that the applicant is or
11 has been licensed to practice, whether in this state or in any
12 other jurisdiction, by a specialty board that is recognized by
13 the American Board of Medical Specialities, the American
14 Osteopathic Association, or a similar national organization,
15 or by a licensed hospital, health maintenance organization,
16 prepaid health clinic, ambulatory surgical center, or nursing
17 home. Disciplinary action includes resignation from or
18 nonrenewal of medical staff membership or the restriction of
19 privileges at a licensed hospital, health maintenance
20 organization, prepaid health clinic, ambulatory surgical
21 center, or nursing home taken in lieu of or in settlement of a
22 pending disciplinary case related to competence or character.
23 If the applicant indicates that the disciplinary action is
24 under appeal and submits a copy of the document initiating an
25 appeal of the disciplinary action, the department must state
26 that the disciplinary action is under appeal if the
27 disciplinary action is reported in the applicant's profile.

28 (b) In addition to the information required under
29 paragraph (a), each applicant who seeks licensure under
30 chapter 458, chapter 459, or chapter 461, and who has
31 practiced previously in this state or in another jurisdiction

1 or a foreign country must provide the information required of
2 licensees under those chapters pursuant to s. 455.697. An
3 applicant for licensure under chapter 460 or s. 464.012 who
4 has practiced previously in this state or in another
5 jurisdiction or a foreign country must provide the same
6 information as is required of licensees under chapter 458,
7 pursuant to s. 455.697.

8 (2) Before the issuance of the licensure renewal
9 notice required by s. 455.714, the Department of Health shall
10 send a notice to each person licensed under chapter 458,
11 chapter 459, chapter 460, ~~or~~ chapter 461, or s. 464.012, at
12 the licensee's last known address of record with the
13 department, regarding the requirements for information to be
14 submitted by those practitioners pursuant to this section in
15 conjunction with the renewal of such license and under
16 procedures adopted by the department.

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

28 (a) Refuse to issue a license to any person applying
29 for initial licensure who fails to submit and update the
30 required information.

31

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

15 (4)(a) An applicant for initial licensure must submit
16 a set of fingerprints to the Department of Health in
17 accordance with s. 458.311, s. 458.3115, s. 458.3124, s.
18 458.313, s. 459.0055, s. 460.406, ~~or~~ s. 461.006, or s.
19 464.012.

20 (b) An applicant for renewed licensure must submit a
21 set of fingerprints for the initial renewal of his or her
22 license after January 1, 2000, to the agency regulating that
23 profession in accordance with procedures established under s.
24 458.319, s. 459.008, s. 460.407, ~~or~~ s. 461.007, or s. 464.012.

25 (c) The Department of Health shall submit the
26 fingerprints provided by an applicant for initial licensure to
27 the Florida Department of Law Enforcement for a statewide
28 criminal history check, and the Florida Department of Law
29 Enforcement shall forward the fingerprints to the Federal
30 Bureau of Investigation for a national criminal history check
31 of the applicant. The department shall submit the fingerprints

1 provided by an applicant for a renewed license to the Florida
2 Department of Law Enforcement for a statewide criminal history
3 check, and the Florida Department of Law Enforcement shall
4 forward the fingerprints to the Federal Bureau of
5 Investigation for a national criminal history check for the
6 initial renewal of the applicant's license after January 1,
7 2000; for any subsequent renewal of the applicant's license,
8 the department shall submit the required information for a
9 statewide criminal history check of the applicant.

10 (5) Each person who is required to submit information
11 pursuant to this section may submit additional information.
12 Such information may include, but is not limited to:

13 (a) Information regarding publications in
14 peer-reviewed medical literature within the previous 10 years.

15 (b) Information regarding professional or community
16 service activities or awards.

17 (c) Languages, other than English, used by the
18 applicant to communicate with patients and identification of
19 any translating service that may be available at the place
20 where the applicant primarily conducts his or her practice.

21 (d) An indication of whether the person participates
22 in the Medicaid program.

23 Section 77. Subsection (5) of section 464.012, Florida
24 Statutes, is renumbered as subsection (6) and a new subsection
25 (5) is added to said section to read:

26 464.012 Certification of advanced registered nurse
27 practitioners; fees.--

28 (5)(a) An applicant for certification under this
29 section must also submit to the department a set of
30 fingerprints on a form and under procedures specified by the
31 department, along with payment in an amount equal to the costs

1 incurred by the department for the criminal background check
2 of the applicant.

3 (b) An applicant for renewal of certification under
4 this section must also submit the information required under
5 s. 455.565 to the department on a form and under procedures
6 specified by the department, along with payment in an amount
7 equal to the costs incurred by the department for the
8 statewide criminal background check of the applicant. The
9 applicant must submit a set of fingerprints to the department
10 on a form and under procedures specified by the department,
11 along with payment in an amount equal to the costs incurred by
12 the department for a national criminal background check of the
13 applicant for the initial renewal of his or her license after
14 January 1, 2002. If the applicant fails to submit either the
15 information required under s. 455.565 or a set of fingerprints
16 to the department as required by this paragraph, the
17 department shall issue a notice of noncompliance, and the
18 applicant will be given 30 additional days to comply. If the
19 applicant fails to comply within 30 days after the notice of
20 noncompliance is issued, the department or board, as
21 appropriate, may issue a citation to the applicant and may
22 fine the applicant up to \$50 for each day that the applicant
23 is not in compliance with the requirements of s. 455.565. The
24 citation must clearly state that the applicant may choose, in
25 lieu of accepting the citation, to follow the procedure under
26 s. 455.621. If the applicant disputes the matter in the
27 citation, the procedures set forth in s. 455.621 must be
28 followed. However, if the applicant does not dispute the
29 matter in the citation with the department within 30 days
30 after the citation is served, the citation becomes a final
31 order and constitutes discipline. Service of a citation may be

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

8 Section 78. This act shall take effect July 1, 2000.

9
10 *****

11 HOUSE SUMMARY

12 Transfers pt. XV, ch. 468, F.S., relating to certified
13 nursing assistants, to ch. 464, F.S., relating to
14 nursing, to transfer from the Department of Health to the
15 Board of Nursing responsibility and rulemaking authority
16 for regulation of certified nursing assistants. Transfers
17 from the Department of Education to the board
18 responsibility for approval of training programs. Revises
19 grounds for which the board may impose certain penalties.
20 Requires hospitals, home health agencies, and other
21 health agencies to submit to the board in January of 2001
22 the names and work titles of all unlicensed persons
23 employed by them to perform health care services under
24 the supervision of licensed nurses.

25 Includes advanced registered nurse practitioners under
26 the practitioner profiling and credentialing programs.
27 Requires applicants for certification or renewal of
28 certification as an advanced registered nurse
29 practitioner to submit information, fingerprints, and
30 fees for such purposes. Provides for citations to, and
31 fines of, applicants failing to comply.