

By Representative Flanagan

1                   A bill to be entitled  
2           An act relating to health care practitioners;  
3           amending s. 456.072, F.S.; providing that  
4           failure to disclose medical training in  
5           advertisements or to patients in informed  
6           consent forms constitutes a ground for  
7           discipline of a health care practitioner;  
8           providing penalties; amending s. 458.309, F.S.;  
9           providing requirements for approval of boards  
10          granting medical specialty certification;  
11          amending s. 458.331, F.S.; including failure to  
12          disclose medical training in advertisements and  
13          informed consent forms within the disciplinary  
14          ground of false, deceptive, or misleading  
15          advertising applicable to physicians; providing  
16          penalties; amending s. 459.005, F.S.; providing  
17          requirements for approval of boards granting  
18          osteopathic medical specialty certification;  
19          amending s. 459.015, F.S.; including failure to  
20          disclose medical training in advertisements and  
21          informed consent forms within the disciplinary  
22          ground of false, deceptive, or misleading  
23          advertising applicable to osteopathic  
24          physicians; providing penalties; providing an  
25          effective date.

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

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29           Section 1. Paragraph (aa) is added to subsection (1)  
30 of section 456.072, Florida Statutes, to read:

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1           456.072 Grounds for discipline; penalties;  
2 enforcement.--

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

6           (aa) Failing to provide, in any advertisement or to  
7 any patient no later than at the time of initiation of the  
8 professional relationship as evidenced by the execution of an  
9 informed consent form, at a minimum, the type of license under  
10 which the practitioner is operating, whether the practitioner  
11 is board certified by a board recognized and approved by the  
12 practitioner's licensing agency, the name of any such board,  
13 and all fields in which the practitioner has completed  
14 postgraduate training.

15           Section 2. Paragraph (d) is added to subsection (2) of  
16 section 458.309, Florida Statutes, to read:

17           458.309 Authority to make rules.--

18           (2)

19           (d) In any rules which the board adopts relating to  
20 board certification, "board" shall mean a board approved by  
21 the American Board of Medical Specialties or the Board of  
22 Medicine. The Board of Medicine may only approve those boards  
23 that provide evidence that their criteria for board  
24 certification is comparable to the criteria established by the  
25 American Board of Medical Specialties.

26           Section 3. Paragraph (d) of subsection (1) of section  
27 458.331, Florida Statutes, is amended to read:

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

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

4           (d) False, deceptive, or misleading advertising, which  
5 shall include, but not be limited to, the dissemination of any  
6 advertisement or informed consent form that does not include,  
7 at a minimum, whether the physician is board certified by a  
8 board approved by the American Board of Medical Specialties or  
9 the Board of Medicine, the name of any such board, and all  
10 fields in which the physician has completed a postgraduate  
11 training program approved by the American Council on Graduate  
12 Medical Education.

13           Section 4. Subsection (2) of section 459.005, Florida  
14 Statutes, is renumbered as subsection (3), and a new  
15 subsection (2) is added to said section to read:

16           459.005 Rulemaking authority.--

17           (2) In any rules which the board adopts relating to  
18 board certification, "board" shall mean a board approved by  
19 the American Board of Osteopathic Medical Specialties or the  
20 Board of Osteopathic Medicine. The Board of Osteopathic  
21 Medicine may only approve those boards that provide evidence  
22 that their criteria for board certification is comparable to  
23 the criteria established by the American Board of Osteopathic  
24 Medical Specialties.

25           Section 5. Paragraph (d) of subsection (1) of section  
26 459.015, Florida Statutes, is amended to read:

27           459.015 Grounds for disciplinary action; action by the  
28 board and department.--

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

1           (d) False, deceptive, or misleading advertising, which  
2 shall include, but not be limited to, the dissemination of any  
3 advertisement or informed consent form that does not include,  
4 at a minimum, whether the osteopathic physician is board  
5 certified by a board approved by the American Board of  
6 Osteopathic Medical Specialties or the Board of Osteopathic  
7 Medicine, the name of any such board, and all fields in which  
8 the osteopathic physician has completed a postgraduate  
9 training program approved by the American Osteopathic  
10 Association.

11           Section 6. This act shall take effect October 1, 2001.

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HOUSE SUMMARY

Provides that failure to disclose medical training in advertisements and to patients in informed consent forms constitutes a ground for discipline of a health care practitioner. Includes such provision within the disciplinary ground of false, deceptive, or misleading advertising applicable to physicians and osteopathic physicians. Provides requirements for approval of boards granting medical specialty certification to physicians and osteopathic physicians.