

By Senator Silver

38-1436-01

1 A bill to be entitled
2 An act relating to health care; amending s.
3 456.072, F.S.; requiring disclosure of training
4 in health care advertisements and
5 relationships; amending s. 458.309, F.S.;
6 establishing criteria for approved board
7 certification; amending s. 458.331, F.S.;
8 requiring disclosure of training in
9 advertisements and informed-consent forms;
10 amending s. 459.005, F.S.; establishing
11 criteria for approved board certification;
12 amending s. 459.015, F.S.; requiring disclosure
13 of training in advertisements and
14 informed-consent forms; providing an effective
15 date.

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

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

21 456.072 Grounds for discipline; penalties;
22 enforcement.--

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

26 (aa) In any advertisement, and no later than at the
27 time of the initiation of the professional relationship as
28 evidenced by the execution of an informed-consent form,
29 failing to provide, at a minimum, the type of license under
30 which the provider is operating, whether the provider is
31 board-certified by a board recognized and approved by the

1 provider's licensing agency, the name of any such board, and
2 all fields in which the provider has completed postgraduate
3 training.

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

6 458.309 Authority to make rules.--

7 (2)

8 (d) In any rules relating to board certification which
9 the board adopts, the term "board" means a board approved by
10 the American Board of Medical Specialties or the Florida Board
11 of Medicine or by both. The board shall approve only those
12 boards that provide evidence that their criteria for board
13 certification are comparable to those established by the
14 American Board of Medical Specialties.

15 Section 3. Paragraph (d) of subsection (1) of section
16 458.331, Florida Statutes, is amended to read:

17 458.331 Grounds for disciplinary action; action by the
18 board and department.--

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

22 (d) False, deceptive, or misleading advertising, which
23 includes, but is not limited to, the dissemination of any
24 advertisement or informed-consent form that does not include,
25 at a minimum, whether the physician is board-certified by a
26 board approved by the American Board of Medical Specialties or
27 the Florida Board of Medicine or by both, the name of any such
28 board, and all fields in which the physician has completed a
29 postgraduate training program approved by the American Council
30 on Graduate Medical Education.

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1 Section 4. Subsection (1) of section 459.005, Florida
2 Statutes, is amended to read:

3 459.005 Rulemaking authority.--

4 (1) The board has authority to adopt rules pursuant to
5 ss. 120.536(1) and 120.54 to implement the provisions of this
6 chapter conferring duties upon it. In any rules relating to
7 board certification which the board adopts, the term "board"
8 means a board approved by the American Board of Osteopathic
9 Medical Specialties or the Florida Board of Osteopathic
10 Medicine or by both. The board shall approve only those boards
11 that provide evidence that their criteria for board
12 certification are comparable to those established by the
13 American Board of Osteopathic Medical Specialties.

14 Section 5. Paragraph (d) of subsection (1) of section
15 459.015, Florida Statutes, is amended to read:

16 459.015 Grounds for disciplinary action; action by the
17 board and department.--

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

21 (d) False, deceptive, or misleading advertising, which
22 includes, but is not limited to, the dissemination of any
23 advertisement or informed-consent form that does not include,
24 at a minimum, whether the physician is board-certified by a
25 board approved by the American Board of Osteopathic Medical
26 Specialties or the Florida Board of Osteopathic Medicine or by
27 both, the name of any such board, and all fields in which the
28 physician has completed a postgraduate training program
29 approved by the American Osteopathic Association.

30 Section 6. This act shall take effect upon becoming a
31 law.

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SENATE SUMMARY

Requires health care professionals regulated under ch. 456 or ch. 458, F.S., and osteopathic physicians, who are regulated under ch. 459, F.S., to disclose their training in health care advertisements and relationships.
Establishes criteria for approved board certification.
Requires disclosure of training in advertisements and informed-consent forms.