

By Representative Fasano

1 A bill to be entitled
2 An act relating to responsiveness to
3 emergencies and disasters; providing
4 legislative findings; amending s. 322.1615,
5 F.S.; requiring completion of a course in basic
6 first aid and cardiopulmonary resuscitation
7 prior to issuance of a learner's driver's
8 license; amending s. 322.18, F.S.; requiring
9 completion of a course in basic first aid and
10 cardiopulmonary resuscitation prior to issuance
11 of an original or renewed driver's license;
12 amending s. 456.033, F.S.; providing a
13 requirement for the instruction of certain
14 health care practitioners on conditions caused
15 by bioterrorism, in lieu of the requirement for
16 instruction on HIV and AIDS, as part of
17 biennial relicensure; creating s. 456.0345,
18 F.S.; requiring certain health care
19 practitioners to be trained in basic life
20 support or advanced life support; amending s.
21 456.072, F.S.; conforming provisions relating
22 to grounds for disciplinary actions to changes
23 in practitioners' course requirements; amending
24 s. 456.38, F.S.; revising provisions relating
25 to the health care practitioner registry for
26 disasters and emergencies; prohibiting certain
27 termination of or discrimination against a
28 practitioner providing disaster medical
29 assistance; amending ss. 458.319 and 459.008,
30 F.S.; conforming provisions relating to
31 exceptions to continuing education requirements

1 for physicians and osteopathic physicians;
2 amending s. 464.013, F.S.; requiring nurses to
3 provide evidence of recent active teaching or
4 clinical practice of nursing and certain pro
5 bono nursing care, as a condition of license
6 renewal; providing an effective date.
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8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Legislative findings.--The Legislature
11 finds that it is critical that Florida be prepared to respond
12 appropriately to a health crisis and injuries in the event of
13 an emergency or disaster.

14 (1) The Legislature finds that all Floridians can help
15 care for persons with minor injuries in lieu of or in advance
16 of such persons receiving medical care in an emergency room,
17 and that the best way to educate and train the largest
18 population of Floridians is by educating and training
19 Florida's licensed drivers. By training Florida's drivers, not
20 only will the state be better prepared in the event of an
21 emergency or disaster, the state will be better prepared to
22 assist persons injured under any circumstance, including those
23 injured in motor vehicle accidents.

24 (2) The Legislature finds that there is a need to
25 better educate health care practitioners on diseases and
26 conditions that might be caused by bioterrorism, so that
27 health care practitioners can more effectively care for
28 patients and better educate patients as to prevention and
29 treatment. Additionally, the Legislature finds that not all
30 health care practitioners have been recently trained in life
31 support and first aid. The Legislature finds that health care

1 practitioners who are willing to respond in emergencies or
2 disasters should not be penalized for providing their
3 assistance.

4 (3) The Legislature finds that there is a significant
5 need for enhanced community-based care in the locations where
6 Florida's most vulnerable children and senior citizens
7 congregate, including those schools and senior centers that
8 are used in times of emergency or disaster as special needs
9 shelters. Although there is not enough money available to
10 hire a full-time nurse for every school and every senior
11 center, the Legislature finds that there is an important state
12 interest in ensuring that nurses are available to provide care
13 and education to our students and seniors relating to
14 conditions caused by bioterrorism and other diseases and
15 conditions, that there is a large pool of nurses licensed in
16 this state who could provide such care and education without
17 creating full-time positions, and that the nurses would
18 benefit by becoming familiar with the people and community
19 resources necessary to respond to an emergency or disaster.

20 Section 2. Subsection (1) of section 322.1615, Florida
21 Statutes, is amended to read:

22 322.1615 Learner's driver's license.--

23 (1) The department may issue a learner's driver's
24 license to a person who is at least 15 years of age and who:

25 (a) Has passed the written examination for a learner's
26 driver's license;

27 (b) Has passed the vision and hearing examination
28 administered under s. 322.12;

29 (c) Has completed the traffic law and substance abuse
30 education course prescribed in s. 322.095; ~~and~~

31

1 (d) Has completed a course in basic first aid and
2 cardiopulmonary resuscitation; and

3 ~~(e)~~ ~~(d)~~ Meets all other requirements set forth in law
4 and by rule of the department.

5 Section 3. Subsection (10) is added to section 322.18,
6 Florida Statutes, to read:

7 322.18 Original applications, licenses, and renewals;
8 expiration of licenses; delinquent licenses.--

9 (10) As a condition of licensing and licensure
10 renewal, all applicants shall provide evidence of completion
11 of a course in basic first aid and cardiopulmonary
12 resuscitation within the last 4 years.

13 Section 4. Section 456.033, Florida Statutes, is
14 amended to read:

15 456.033 Requirement for instruction for certain
16 licensees on conditions caused by bioterrorism and on HIV and
17 AIDS.--

18 (1) The appropriate board shall require each person
19 licensed or certified under chapter 457; chapter 458; chapter
20 459; chapter 460; chapter 461; chapter 463; part I of chapter
21 464; chapter 465; chapter 466; part II, part III, part V, or
22 part X of chapter 468; or chapter 486 to complete a continuing
23 educational course, approved by the board, on conditions
24 caused by bioterrorism ~~human immunodeficiency virus and~~
25 ~~acquired immune deficiency syndrome~~ as part of biennial
26 relicensure or recertification. The course shall consist of
27 education on diagnosis and treatment, ~~the~~ modes of
28 transmission, infection control procedures, and clinical
29 management. Such course shall also include information on
30 reporting suspected cases of conditions caused by bioterrorism
31 to the appropriate health and law enforcement authorities, ~~and~~

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

10 (2) Each such licensee or certificateholder shall
11 submit confirmation of having completed said course, on a form
12 as provided by the board, when submitting fees for each
13 biennial renewal.

14 (3) The board shall have the authority to approve
15 additional equivalent courses that may be used to satisfy the
16 requirements in subsection (1). Each licensing board that
17 requires a licensee to complete an educational course pursuant
18 to this section may count the hours required for completion of
19 the course included in the total continuing educational
20 requirements as required by law.

21 (4) Any person holding two or more licenses subject to
22 the provisions of this section shall be permitted to show
23 proof of having taken one board-approved course on conditions
24 caused by bioterrorism ~~human immunodeficiency virus and~~
25 ~~acquired immune deficiency syndrome~~, for purposes of
26 relicensure or recertification for additional licenses.

27 (5) Failure to comply with the ~~above~~ requirements of
28 this section shall constitute grounds for disciplinary action
29 under each respective licensing chapter and s. 456.072(1)(e).
30 In addition to discipline by the board, the licensee shall be
31 required to complete the required course or courses.

1 (6) The board shall require as a condition of granting
2 a license under the chapters and parts specified in subsection
3 (1) that an applicant making initial application for licensure
4 complete respective an educational courses ~~course~~ acceptable
5 to the board on conditions caused by bioterrorism and on human
6 immunodeficiency virus and acquired immune deficiency
7 syndrome. An applicant who has not taken such courses ~~a course~~
8 at the time of licensure shall, upon an affidavit showing good
9 cause, be allowed 6 months to complete this requirement.

10 (7) The board shall have the authority to adopt rules
11 to carry out the provisions of this section.

12 (8) The board shall report to the Legislature by March
13 1 of each year as to the implementation and compliance with
14 the requirements of this section.

15 (9)(a) In lieu of completing a course as required in
16 subsection (1), the licensee may complete a course in
17 end-of-life care and palliative health care, so long as the
18 licensee completed an approved ~~AIDS/HIV~~ course on conditions
19 caused by bioterrorism in the immediately preceding biennium.

20 (b) In lieu of completing a course as required by
21 subsection (1), a person licensed under chapter 466 ~~who has~~
22 ~~completed an approved AIDS/HIV course in the immediately~~
23 ~~preceding 2 years~~ may complete a course approved by the Board
24 of Dentistry.

25 Section 5. Section 456.0345, Florida Statutes, is
26 created to read:

27 456.0345 Life support training.--As a condition of
28 licensure and license renewal:

29 (1) All health care practitioners shall be trained in
30 basic life support, cardiopulmonary resuscitation, and basic
31 first aid.

1 (2) All allopathic physicians, osteopathic physicians,
2 advanced registered nurse practitioners, registered nurses,
3 physician assistants, and respiratory therapists shall be
4 trained in advanced life support.

5 Section 6. Paragraph (e) of subsection (1) of section
6 456.072, Florida Statutes, is amended to read:

7 456.072 Grounds for discipline; penalties;
8 enforcement.--

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

12 (e) Failing to comply with the educational course
13 requirements for conditions caused by bioterrorism or for
14 human immunodeficiency virus and acquired immune deficiency
15 syndrome.

16 Section 7. Section 456.38, Florida Statutes, is
17 amended to read:

18 456.38 Practitioner registry for disasters and
19 emergencies.--The Department of Health shall ~~may~~ include on
20 its forms for the licensure or certification of health care
21 practitioners, as defined in s. 456.001, who could assist the
22 department in the event of a disaster a question asking if the
23 practitioner would be available to provide health care
24 services in special needs shelters or to help staff disaster
25 medical assistance teams during times of emergency or major
26 disaster. The names of practitioners who answer affirmatively
27 shall be maintained by the department as a health care
28 practitioner registry for disasters and emergencies. Health
29 care practitioners who volunteer their services in special
30 needs shelters or as part of a disaster medical assistance
31 team during times of emergency or disaster shall not be

1 terminated or discriminated against by their employer for such
2 volunteer work, provided that the health care practitioner
3 returns to his or her regular employment within 2 weeks or
4 within a longer period that has been previously approved by
5 the employer in writing.

6 Section 8. Subsection (4) of section 458.319, Florida
7 Statutes, is amended to read:

8 458.319 Renewal of license.--

9 (4) Notwithstanding the provisions of s. 456.033, a
10 physician may complete continuing education on end-of-life
11 care and palliative care in lieu of continuing education in
12 conditions caused by bioterrorism ~~AIDS/HIV~~, if that physician
13 has completed the ~~AIDS/HIV~~ continuing education in conditions
14 caused by bioterrorism in the immediately preceding biennium.

15 Section 9. Subsection (5) of section 459.008, Florida
16 Statutes, is amended to read:

17 459.008 Renewal of licenses and certificates.--

18 (5) Notwithstanding the provisions of s. 456.033, an
19 osteopathic physician may complete continuing education on
20 end-of-life and palliative care in lieu of continuing
21 education in conditions caused by bioterrorism ~~AIDS/HIV~~, if
22 that physician has completed the ~~AIDS/HIV~~ continuing education
23 in conditions caused by bioterrorism in the immediately
24 preceding biennium.

25 Section 10. Section 464.013, Florida Statutes, is
26 amended to read:

27 464.013 Renewal of license or certificate.--

28 (1) The department shall renew a license upon receipt
29 of the renewal application, ~~and fee,~~ and evidence that the
30 applicant has actively practiced nursing, or has been on the
31 active teaching faculty of an approved nursing school, for at

1 least 2 of the immediately preceding 4 years. For purposes of
2 this subsection:

3 (a) "Actively practiced nursing" means the clinical
4 practice of nursing in any setting, including in public
5 schools, hospitals, clinics, and offices and in governmental
6 agencies providing public health services or public health
7 administration. "Actively practiced nursing" may also mean the
8 practice of administrative nursing, so long as the nurse
9 practices clinical nursing at least 8 hours a month.

10 (b) "Clinical nursing" or "clinical practice of
11 nursing" means actual patient care delivered by the nurse
12 directly to the patient.

13 (2) The department shall adopt rules establishing a
14 procedure for the biennial renewal of licenses.

15 (3) The board shall by rule prescribe continuing
16 education not to exceed 30 hours biennially as a condition for
17 renewal of a license or certificate. The criteria for
18 programs shall be approved by the board.

19 (4) As a condition of renewal of a license, each
20 applicant for renewal shall provide evidence of completion of
21 40 hours annually of pro bono nursing service in a school or
22 senior center. The pro bono hours may be completed by
23 providing health screenings, health education, nursing
24 diagnosis and treatment, administration of medication, or
25 other nursing care within the scope of the license issued.

26 Section 11. This act shall take effect January 1,
27 2002.

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HOUSE SUMMARY

Provides various measures to enhance the responsiveness of Florida's citizens and health care practitioners to emergencies and disasters. Requires completion of a basic first aid and cardiopulmonary resuscitation course prior to issuance of a learner's driver's license, original driver's license, or renewal driver's license, beginning January 1, 2002. Requires certain health care practitioners to receive instruction on conditions caused by bioterrorism and to receive training in basic or advanced life support. Requires, rather than authorizes, the Department of Health to ask on its licensure and certification forms if the practitioner would be available to provide disaster medical assistance. Prohibits termination of or discrimination against practitioners providing disaster medical assistance for certain periods. Conditions renewal of a nursing license on the applicant's providing evidence of certain recent active clinical practice or teaching and having completed 40 hours annually of certain pro bono nursing service in a school or senior center.