

By the Committee on Health, Aging and Long-Term Care; and
Senator Saunders

317-1932-02

1 A bill to be entitled
2 An act relating to responsiveness to
3 emergencies and disasters; amending s.
4 381.0034, F.S.; providing a requirement for
5 instruction of certain health care licensees on
6 conditions caused by nuclear, biological, and
7 chemical terrorism, as a condition of initial
8 licensure, and, in lieu of the requirement for
9 instruction on HIV and AIDS, as a condition of
10 relicensure; amending s. 381.0035, F.S.;
11 providing a requirement for instruction of
12 employees at certain health care facilities on
13 conditions caused by nuclear, biological, and
14 chemical terrorism, upon initial employment,
15 and, in lieu of the requirement of instruction
16 on HIV and AIDS, as biennial continuing
17 education; amending s. 401.23, F.S.; redefining
18 the terms "advanced life support" and "basic
19 life support"; defining the term "emergency
20 medical conditions"; amending s. 401.27, F.S.;
21 providing that the course on conditions caused
22 by nuclear, biological, and chemical terrorism
23 shall count toward the total required hours for
24 biennial recertification of emergency medical
25 technicians and paramedics; amending s.
26 456.033, F.S.; providing a requirement for
27 instruction of certain health care
28 practitioners on conditions caused by nuclear,
29 biological, and chemical terrorism, as a
30 condition of initial licensure, and, in lieu of
31 the requirement for instruction on HIV and

1 AIDS, as part of biennial relicensure; creating
2 s. 456.0345, F.S.; providing continuing
3 education credits to health care practitioners
4 for certain life support training; amending s.
5 456.072, F.S.; conforming provisions relating
6 to grounds for disciplinary actions to changes
7 in health care practitioners' course
8 requirements; amending ss. 458.319 and 459.008,
9 F.S.; conforming provisions relating to
10 exceptions to continuing education requirements
11 for physicians and osteopathic physicians;
12 providing an effective date.

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

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16 Section 1. Section 381.0034, Florida Statutes, is
17 amended to read:

18 381.0034 Requirement for instruction on conditions
19 caused by nuclear, biological, and chemical terrorism and on
20 human immunodeficiency virus and acquired immune deficiency
21 syndrome.--

22 (1) ~~As of July 1, 1991,~~The Department of Health shall
23 require each person licensed or certified under chapter 401,
24 chapter 467, part IV of chapter 468, or chapter 483, as a
25 condition of biennial relicensure, to complete an educational
26 course approved by the department on conditions caused by
27 nuclear, biological, and chemical terrorism. The course shall
28 consist of education on diagnosis and treatment, the modes of
29 transmission, infection control procedures, and clinical
30 management. Such course shall also include information on
31 reporting suspected cases of conditions caused by nuclear,

1 biological, or chemical terrorism to the appropriate health
2 and law enforcement authorities, ~~and prevention of human~~
3 ~~immunodeficiency virus and acquired immune deficiency~~
4 ~~syndrome. Such course shall include information on current~~
5 ~~Florida law on acquired immune deficiency syndrome and its~~
6 ~~impact on testing, confidentiality of test results, and~~
7 ~~treatment of patients.~~ Each such licensee or certificateholder
8 shall submit confirmation of having completed said course, on
9 a form provided by the department, when submitting fees or
10 application for each biennial renewal.

11 (2) Failure to complete the requirements of this
12 section shall be grounds for disciplinary action contained in
13 the chapters specified in subsection (1). In addition to
14 discipline by the department, the licensee or
15 certificateholder shall be required to complete the required
16 said course or courses.

17 (3) The department shall require, as a condition of
18 granting a license under the chapters specified in subsection
19 (1), that an applicant making initial application for
20 licensure complete respective an educational courses course
21 acceptable to the department on conditions caused by nuclear,
22 biological, and chemical terrorism and on human
23 immunodeficiency virus and acquired immune deficiency
24 syndrome. An applicant who has not taken such courses a
25 course at the time of licensure shall, upon an affidavit
26 showing good cause, be allowed 6 months to complete this
27 requirement.

28 (4) The department shall have the authority to adopt
29 rules to carry out the provisions of this section.

30 (5) Any professional holding two or more licenses or
31 certificates subject to the provisions of this section shall

1 be permitted to show proof of having taken one
2 department-approved course on conditions caused by nuclear,
3 biological, and chemical terrorism ~~human immunodeficiency~~
4 ~~virus and acquired immune deficiency syndrome~~, for purposes of
5 relicensure or recertification for the additional licenses.

6 (6) As used in this section, the term "terrorism" has
7 the same meaning as in s. 775.30.

8 Section 2. Section 381.0035, Florida Statutes, is
9 amended to read:

10 381.0035 Educational courses ~~course~~ on human
11 immunodeficiency virus and acquired immune deficiency syndrome
12 and on conditions caused by nuclear, biological, and chemical
13 terrorism; employees and clients of certain health care
14 facilities.--

15 (1)(a) The Department of Health shall require all
16 ~~employees and~~ clients of facilities licensed under chapters
17 393, 394, and 397 ~~and employees of facilities licensed under~~
18 ~~chapter 395 and parts II, III, IV, and VI of chapter 400~~ to
19 complete, biennially, a continuing educational course on the
20 modes of transmission, infection control procedures, clinical
21 management, and prevention of human immunodeficiency virus and
22 acquired immune deficiency syndrome with an emphasis on
23 appropriate behavior and attitude change. Such instruction
24 shall include information on current Florida law and its
25 impact on testing, confidentiality of test results, and
26 treatment of patients and any protocols and procedures
27 applicable to human immunodeficiency counseling and testing,
28 reporting, the offering of HIV testing to pregnant women, and
29 partner notification issues pursuant to ss. 381.004 and
30 384.25.

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1 (b) The department shall require all employees of
2 facilities licensed under chapters 393, 394, 395, and 397 and
3 parts II, III, IV, and VI of chapter 400 to complete,
4 biennially, a continuing educational course on conditions
5 caused by nuclear, biological, and chemical terrorism. The
6 course shall consist of education on diagnosis and treatment,
7 modes of transmission, infection control procedures, and
8 clinical management. Such course shall also include
9 information on reporting suspected cases of conditions caused
10 by nuclear, biological, or chemical terrorism to the
11 appropriate health and law enforcement authorities.

12 (2) New employees of facilities licensed under
13 chapters 393, 394, 395, and 397 and parts II, III, IV, and VI
14 of chapter 400 shall be required to complete a course on human
15 immunodeficiency virus and acquired immune deficiency
16 syndrome, with instruction to include information on current
17 Florida law and its impact on testing, confidentiality of test
18 results, and treatment of patients. New employees of such
19 facilities shall also be required to complete a course on
20 conditions caused by nuclear, biological, and chemical
21 terrorism, with instruction to include information on
22 reporting suspected cases to the appropriate health and law
23 enforcement authorities.

24 (3) Facilities licensed under chapters 393, 394, 395,
25 and 397, and parts II, III, IV, and VI of chapter 400 shall
26 maintain a record of employees and dates of attendance at
27 ~~human immunodeficiency virus and acquired immune deficiency~~
28 ~~syndrome~~ educational courses on human immunodeficiency virus
29 and acquired immune deficiency syndrome and on conditions
30 caused by nuclear, biological, and chemical terrorism.

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1 (4) The department shall have the authority to review
2 the records of each facility to determine compliance with the
3 requirements of this section. The department may adopt rules
4 to carry out the provisions of this section.

5 (5) As used in this section, the term "terrorism" has
6 the same meaning as in s. 775.30.

7 Section 3. Section 401.23, Florida Statutes, is
8 amended to read:

9 401.23 Definitions.--As used in this part, the term:

10 (1) "Advanced life support" means the use of skills
11 and techniques described in the most recent U.S. DOT National
12 Standard Paramedic Curriculum by a paramedic under the
13 supervision of a licensee's medical director as required by
14 rules of the department. The term "advanced life support" also
15 includes other techniques which have been approved and are
16 performed under conditions specified by rules of the
17 department. The term "advanced life support" also includes
18 provision of care by a paramedic under the supervision of a
19 licensee's medical director to one experiencing an emergency
20 medical condition as defined herein.~~"Advanced life support"~~
21 ~~means treatment of life-threatening medical emergencies~~
22 ~~through the use of techniques such as endotracheal intubation,~~
23 ~~the administration of drugs or intravenous fluids, telemetry,~~
24 ~~cardiac monitoring, and cardiac defibrillation by a qualified~~
25 ~~person, pursuant to rules of the department.~~

26 (2) "Advanced life support service" means any
27 emergency medical transport or nontransport service which uses
28 advanced life support techniques.

29 (3) "Air ambulance" means any fixed-wing or
30 rotary-wing aircraft used for, or intended to be used for, air
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1 transportation of sick or injured persons requiring or likely
2 to require medical attention during transport.

3 (4) "Air ambulance service" means any publicly or
4 privately owned service, licensed in accordance with the
5 provisions of this part, which operates air ambulances to
6 transport persons requiring or likely to require medical
7 attention during transport.

8 (5) "Ambulance" or "emergency medical services
9 vehicle" means any privately or publicly owned land or water
10 vehicle that is designed, constructed, reconstructed,
11 maintained, equipped, or operated for, and is used for, or
12 intended to be used for, land or water transportation of sick
13 or injured persons requiring or likely to require medical
14 attention during transport.

15 (6) "Ambulance driver" means any person who meets the
16 requirements of s. 401.281.

17 (7) "Basic life support" means the use of skills and
18 techniques described in the most recent U.S. DOT National
19 Standard EMT-Basic Curriculum by an emergency medical
20 technician or paramedic under the supervision of a licensee's
21 medical director as required by rules of the department. The
22 term "basic life support" also includes other techniques which
23 have been approved and are performed under conditions
24 specified by rules of the department. The term "basic life
25 support" also includes provision of care by a paramedic or
26 emergency medical technician under the supervision of a
27 licensee's medical director to one experiencing an emergency
28 medical condition as defined herein. ~~"Basic life support"~~
29 ~~means treatment of medical emergencies by a qualified person~~
30 ~~through the use of techniques such as patient assessment,~~
31 ~~cardiopulmonary resuscitation (CPR), splinting, obstetrical~~

1 ~~assistance, bandaging, administration of oxygen, application~~
2 ~~of medical antishock trousers, administration of a~~
3 ~~subcutaneous injection using a premeasured autoinjector of~~
4 ~~epinephrine to a person suffering an anaphylactic reaction,~~
5 ~~and other techniques described in the Emergency Medical~~
6 ~~Technician Basic Training Course Curriculum of the United~~
7 ~~States Department of Transportation. The term "basic life~~
8 ~~support" also includes other techniques which have been~~
9 ~~approved and are performed under conditions specified by rules~~
10 ~~of the department.~~

11 (8) "Basic life support service" means any emergency
12 medical service which uses only basic life support techniques.

13 (9) "Certification" means any authorization issued
14 pursuant to this part to a person to act as an emergency
15 medical technician or a paramedic.

16 (10) "Department" means the Department of Health.

17 (11) "Emergency medical condition" means:

18 (a) A medical condition manifesting itself by acute
19 symptoms of sufficient severity, which may include severe
20 pain, psychiatric disturbances, symptoms of substance abuse,
21 or other acute symptoms, such that the absence of immediate
22 medical attention could reasonably be expected to result in
23 any of the following:

24 1. Serious jeopardy to patient health, including a
25 pregnant woman or fetus.

26 2. Serious impairment to bodily functions.

27 3. Serious dysfunction of any bodily organ or part.

28 (b) With respect to a pregnant woman, that there is
29 evidence of the onset and persistence of uterine contractions
30 or rupture of the membranes.

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1 (c) With respect to a person exhibiting acute
2 psychiatric disturbance or substance abuse, that the absence
3 of immediate medical attention could reasonably be expected to
4 result in:

5 1. Serious jeopardy to the health of a patient; or

6 2. Serious jeopardy to the health of others.

7 ~~(12)(11)~~ "Emergency medical technician" means a person
8 who is certified by the department to perform basic life
9 support pursuant to this part.

10 ~~(13)(12)~~ "Interfacility transfer" means the
11 transportation by ambulance of a patient between two
12 facilities licensed under chapter 393, chapter 395, or chapter
13 400, pursuant to this part.

14 ~~(14)(13)~~ "Licensee" means any basic life support
15 service, advanced life support service, or air ambulance
16 service licensed pursuant to this part.

17 ~~(15)(14)~~ "Medical direction" means direct supervision
18 by a physician through two-way voice communication or, when
19 such voice communication is unavailable, through established
20 standing orders, pursuant to rules of the department.

21 ~~(16)(15)~~ "Medical director" means a physician who is
22 employed or contracted by a licensee and who provides medical
23 supervision, including appropriate quality assurance but not
24 including administrative and managerial functions, for daily
25 operations and training pursuant to this part.

26 ~~(17)(16)~~ "Mutual aid agreement" means a written
27 agreement between two or more entities whereby the signing
28 parties agree to lend aid to one another under conditions
29 specified in the agreement and as sanctioned by the governing
30 body of each affected county.

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1 (18)~~(17)~~ "Paramedic" means a person who is certified
2 by the department to perform basic and advanced life support
3 pursuant to this part.

4 (19)~~(18)~~ "Permit" means any authorization issued
5 pursuant to this part for a vehicle to be operated as a basic
6 life support or advanced life support transport vehicle or an
7 advanced life support nontransport vehicle providing basic or
8 advanced life support.

9 (20)~~(19)~~ "Physician" means a practitioner who is
10 licensed under the provisions of chapter 458 or chapter 459.
11 For the purpose of providing "medical direction" as defined in
12 subsection (14) for the treatment of patients immediately
13 prior to or during transportation to a United States
14 Department of Veterans Affairs medical facility, "physician"
15 also means a practitioner employed by the United States
16 Department of Veterans Affairs.

17 (21)~~(20)~~ "Registered nurse" means a practitioner who
18 is licensed to practice professional nursing pursuant to part
19 I of chapter 464.

20 (22)~~(21)~~ "Secretary" means the Secretary of Health.

21 (23)~~(22)~~ "Service location" means any permanent
22 location in or from which a licensee solicits, accepts, or
23 conducts business under this part.

24 Section 4. Subsection (6) of section 401.27, Florida
25 Statutes, is amended to read:

26 401.27 Personnel; standards and certification.--

27 (6)(a) The department shall establish by rule a
28 procedure for biennial renewal certification of emergency
29 medical technicians. Such rules must require a United States
30 Department of Transportation refresher training program of at
31 least 30 hours as approved by the department every 2 years.

1 Completion of the course required by s. 381.0034(1) shall
2 count toward the 30 hours.The refresher program may be
3 offered in multiple presentations spread over the 2-year
4 period. The rules must also provide that the refresher course
5 requirement may be satisfied by passing a challenge
6 examination.

7 (b) The department shall establish by rule a procedure
8 for biennial renewal certification of paramedics. Such rules
9 must require candidates for renewal to have taken at least 30
10 hours of continuing education units during the 2-year period.
11 Completion of the course required by s. 381.0034(1) shall
12 count toward the 30 hours.The rules must provide that the
13 continuing education requirement may be satisfied by passing a
14 challenge examination.

15 Section 5. Section 456.033, Florida Statutes, is
16 amended to read:

17 456.033 Requirement for instruction for certain
18 licensees on conditions caused by nuclear, biological, and
19 chemical terrorism and on HIV and AIDS.--

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

1 information on reporting suspected cases of conditions caused
2 by nuclear, biological, or chemical terrorism to the
3 appropriate health and law enforcement authorities, and
4 ~~prevention of human immunodeficiency virus and acquired immune~~
5 ~~deficiency syndrome. Such course shall include information on~~
6 ~~current Florida law on acquired immune deficiency syndrome and~~
7 ~~its impact on testing, confidentiality of test results,~~
8 ~~treatment of patients, and any protocols and procedures~~
9 ~~applicable to human immunodeficiency virus counseling and~~
10 ~~testing, reporting, the offering of HIV testing to pregnant~~
11 ~~women, and partner notification issues pursuant to ss. 381.004~~
12 ~~and 384.25.~~

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

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

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

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

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

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

18 (8) The board shall report to the Legislature by March
19 1 of each year as to the implementation and compliance with
20 the requirements of this section.

21 (9)(a) In lieu of completing a course as required in
22 subsection (1), the licensee may complete a course on in
23 end-of-life care and palliative health care or a course on
24 HIV/AIDS, so long as the licensee completed an approved
25 AIDS/HIV course on conditions caused by nuclear, biological,
26 and chemical terrorism in the immediately preceding biennium.

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

1 (10) As used in this section, the term "terrorism" has
2 the same meaning as in s. 775.30.

3 Section 6. Section 456.0345, Florida Statutes, is
4 created to read:

5 456.0345 Life support training.--Health care
6 practitioners who obtain training in advanced cardiac life
7 support, cardiopulmonary resuscitation, or emergency first aid
8 shall receive an equivalent number of continuing education
9 course credits which may be applied toward licensure renewal
10 requirements.

11 Section 7. Paragraph (e) of subsection (1) of section
12 456.072, Florida Statutes, is amended to read:

13 456.072 Grounds for discipline; penalties;
14 enforcement.--

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

18 (e) Failing to comply with the educational course
19 requirements for conditions caused by nuclear, biological, and
20 chemical terrorism or for human immunodeficiency virus and
21 acquired immune deficiency syndrome. As used in this
22 paragraph, the term "terrorism" has the same meaning as in s.
23 775.30.

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

26 458.319 Renewal of license.--

27 (4) Notwithstanding the provisions of s. 456.033, a
28 physician may complete continuing education on end-of-life
29 care and palliative care in lieu of continuing education in
30 conditions caused by nuclear, biological, and chemical
31 terrorism ~~AIDS/HIV~~, if that physician has completed the

1 ~~AIDS/HIV~~ continuing education in conditions caused by nuclear,
2 biological, and chemical terrorism in the immediately
3 preceding biennium. As used in this subsection, the term
4 "terrorism" has the same meaning as in s. 775.30.

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

7 459.008 Renewal of licenses and certificates.--

8 (5) Notwithstanding the provisions of s. 456.033, an
9 osteopathic physician may complete continuing education on
10 end-of-life and palliative care in lieu of continuing
11 education in conditions caused by nuclear, biological, and
12 chemical terrorism ~~AIDS/HIV~~, if that physician has completed
13 the ~~AIDS/HIV~~ continuing education in conditions caused by
14 nuclear, biological, and chemical terrorism in the immediately
15 preceding biennium. As used in this subsection, the term
16 "terrorism" has the same meaning as in s. 775.30.

17 Section 10. This act shall take effect upon becoming a
18 law.

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 1216

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24 The CS for SB 1216 revises definitions of "advanced life
25 support" and "basic life support" for purposes of the
26 regulation of emergency medical services and creates a
27 definition of "emergency medical condition." The bill deletes
28 provisions that granted additional powers to the State Health
29 Officer during a public health emergency or public health
30 advisory. The bill also eliminates revisions to requirements
31 for a health care practitioner registry for disasters and
emergencies. The bill takes effect upon becoming a law.

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