

Amendment No. \_\_\_\_ (for drafter's use only)

|   | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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ORIGINAL STAMP BELOW

Representative(s) Farkas and Fasano offered the following:

**Amendment to Amendment (121137)**

In the title, on page 106, line 4, through page 116, line 7,

remove: all of said lines

and insert:

A bill to be entitled

An act relating to health care and health professional responsibility; transferring to the Department of Health the powers, duties, functions, and assets that relate to the consumer complaint services, investigations, and prosecutorial services performed by the Agency for Health Care Administration under contract with the department; transferring full-time equivalent positions and the practitioner regulation component from the agency to the department; amending s. 20.43, F.S.; deleting the provision authorizing the

Amendment No. \_\_\_\_ (for drafter's use only)

1 department to enter into such contract with the  
2 agency, to conform; updating a reference to  
3 provide the name of a regulatory board under  
4 the Division of Medical Quality Assurance;  
5 requiring the Office of Legislative Services to  
6 contract for an outsourcing feasibility study  
7 relating to the regulatory responsibilities of  
8 the Board of Dentistry; providing an  
9 appropriation; requiring a report to the  
10 Governor and Legislature; requiring the  
11 Department of Health to contract for the  
12 implementation of the electronic continuing  
13 education tracking system and requiring said  
14 system to be compatible and integrated with the  
15 department's licensure and renewal system;  
16 amending s. 456.057, F.S.; authorizing  
17 specified persons to release certain medical  
18 records to a custodian upon board order;  
19 exempting such persons from liability for the  
20 release of such records; amending s. 456.072,  
21 F.S.; providing additional penalties to be  
22 imposed on certain health care practitioners  
23 relating to notice to patients concerning  
24 availability and access to medical records;  
25 amending s. 456.076, F.S.; providing additional  
26 conditions for impaired practitioners to enroll  
27 in a treatment program as an alternative to  
28 discipline; amending s. 456.0375, F.S.;  
29 revising the definition of "clinic" to exempt  
30 public college and university clinics from  
31 medical clinic registration, to restrict the

Amendment No. \_\_\_\_ (for drafter's use only)

1 exemption for massage establishments, and to  
2 clarify when a health care practitioner may  
3 supervise another health care practitioner;  
4 amending s. 456.072, F.S.; revising grounds for  
5 disciplinary action relating to performing  
6 health care services improperly and to leaving  
7 foreign bodies in patients; amending s. 631.57,  
8 F.S.; exempting medical malpractice insurance  
9 premiums from an assessment; amending s.  
10 395.002, F.S.; defining "medically unnecessary  
11 procedure"; amending s. 394.4787, F.S.;  
12 conforming a cross reference; amending s.  
13 395.0161, F.S.; providing rulemaking authority  
14 relating to inspections and investigations of  
15 facilities; amending s. 395.0197, F.S.;  
16 revising requirements for internal risk  
17 management programs; amending s. 465.019, F.S.;  
18 revising the definition of "class II  
19 institutional pharmacies" to allow dispensing  
20 and consulting services to hospice patients  
21 under certain circumstances; providing  
22 legislative findings relating to responsiveness  
23 to emergencies and disasters; amending s.  
24 381.0011, F.S.; revising duties of the  
25 Department of Health; authorizing the State  
26 Health Officer to take specified emergency  
27 actions to protect the public health; amending  
28 s. 381.0034, F.S.; providing a requirement for  
29 instruction of certain health care licensees on  
30 conditions caused by nuclear, biological, and  
31 chemical terrorism, as a condition of initial

Amendment No. \_\_\_\_ (for drafter's use only)

1 licensure, and, in lieu of the requirement for  
2 instruction on HIV and AIDS, as a condition of  
3 relicensure; amending s. 381.0035, F.S.;  
4 providing a requirement for instruction of  
5 employees at certain health care facilities on  
6 conditions caused by nuclear, biological, and  
7 chemical terrorism, upon initial employment,  
8 and, in lieu of the requirement of instruction  
9 on HIV and AIDS, as biennial continuing  
10 education; providing an exception; creating s.  
11 381.0421, F.S.; requiring postsecondary  
12 education institutions to provide information  
13 on meningococcal meningitis and hepatitis B;  
14 requiring individuals residing in on-campus  
15 housing to document vaccinations against  
16 meningococcal meningitis and hepatitis B or  
17 sign a waiver; amending ss. 395.1027 and  
18 401.245, F.S.; correcting cross references;  
19 amending s. 401.23, F.S.; revising definitions  
20 of "advanced life support" and "basic life  
21 support" and defining "emergency medical  
22 condition"; amending s. 401.252, F.S.;  
23 authorizing physician assistants to conduct  
24 interfacility transfers in a permitted  
25 ambulance under certain circumstances; amending  
26 s. 401.27, F.S.; providing that the course on  
27 conditions caused by nuclear, biological, and  
28 chemical terrorism shall count toward the total  
29 required hours for biennial recertification of  
30 emergency medical technicians and paramedics;  
31 amending s. 456.033, F.S.; providing a

Amendment No. \_\_\_\_ (for drafter's use only)

1 requirement for instruction of certain health  
2 care practitioners on conditions caused by  
3 nuclear, biological, and chemical terrorism, as  
4 a condition of initial licensure, and, in lieu  
5 of the requirement for instruction on HIV and  
6 AIDS, as part of biennial relicensure; creating  
7 s. 456.0345, F.S.; providing continuing  
8 education credits to health care practitioners  
9 for certain life support training; amending s.  
10 456.072, F.S.; conforming provisions relating  
11 to grounds for disciplinary actions to changes  
12 in health care practitioners' course  
13 requirements; amending s. 456.38, F.S.;  
14 revising provisions relating to the health care  
15 practitioner registry for disasters and  
16 emergencies; prohibiting certain termination of  
17 or discrimination against a practitioner  
18 providing disaster medical assistance; amending  
19 ss. 458.319 and 459.008, F.S.; conforming  
20 provisions relating to exceptions to continuing  
21 education requirements for physicians and  
22 osteopathic physicians; amending s. 765.512,  
23 F.S., relating to anatomical gifts; prohibiting  
24 modification of a donor's intent; providing  
25 that a donor document is legally binding;  
26 authorizing specified persons to furnish  
27 donors' medical records upon request; amending  
28 s. 765.516, F.S.; revising procedures by which  
29 the terms of an anatomical gift may be amended  
30 or the gift may be revoked; amending s.  
31 456.073, F.S.; revising procedures and

Amendment No. \_\_\_\_ (for drafter's use only)

1           timeframes for formal hearings of health care  
2           practitioner disciplinary cases; requiring a  
3           joint audit of hearings and their billing  
4           formulas and a report to the Legislature;  
5           amending s. 456.076, F.S.; requiring each  
6           impaired practitioner to pay a portion of the  
7           cost of the consultant and impaired  
8           practitioner program and the full cost of the  
9           required treatment program or plan; providing  
10          certain exceptions; repealing s. 456.047, F.S.,  
11          to terminate the standardized credentialing  
12          program for health care practitioners;  
13          prohibiting the refund of moneys collected  
14          through the credentialing program; amending ss.  
15          456.039, 456.0391, 456.072, and 456.077, F.S.;  
16          removing references, to conform; amending s.  
17          458.309, F.S.; requiring accreditation of  
18          physician offices in which surgery is  
19          performed; amending s. 459.005, F.S.; requiring  
20          accreditation of osteopathic physician offices  
21          in which surgery is performed; amending s.  
22          456.004, F.S., relating to powers and duties of  
23          the department; requiring performance measures  
24          for certain entities; providing procedures for  
25          considering board requests to privatize  
26          regulatory functions; amending s. 456.009,  
27          F.S.; requiring performance measures for  
28          certain legal and investigative services and  
29          annual review of such services to determine  
30          whether such performance measures are being  
31          met; amending s. 456.011, F.S.; requiring

Amendment No. \_\_\_\_ (for drafter's use only)

1 regulatory board committee meetings, including  
2 probable cause panels, to be held  
3 electronically unless certain conditions are  
4 met; providing for determination of location of  
5 in-person meetings; amending s. 456.026, F.S.;  
6 requiring inclusion of performance measures for  
7 certain entities in the department's annual  
8 report to the Legislature; creating s.  
9 458.3093, F.S.; requiring submission of  
10 credentials for initial physician licensure to  
11 a national licensure verification service;  
12 requiring verification of such credentials by  
13 that service or an equivalent program; creating  
14 s. 459.0053, F.S.; requiring submission of  
15 credentials for initial osteopathic physician  
16 licensure to a national licensure verification  
17 service; requiring verification of such  
18 credentials by that service, a specified  
19 association, or an equivalent program; amending  
20 ss. 458.331, 459.015, and 627.912, F.S.;  
21 raising the malpractice closed claims reporting  
22 requirement amount; amending s. 456.073, F.S.;  
23 requiring health care practitioner licensees to  
24 pay certain costs of investigation and  
25 prosecution under certain circumstances;  
26 requiring cases in which no probable cause has  
27 been found to be closed within a specified  
28 period of time; requiring a study of the field  
29 office structure and organization of the Agency  
30 for Health Care Administration and a report to  
31 the Legislature; amending s. 456.025, F.S.;

Amendment No. \_\_\_\_ (for drafter's use only)

1 eliminating certain restrictions on the setting  
2 of licensure renewal fees for health care  
3 practitioners; creating s. 456.0165, F.S.;  
4 restricting the costs that may be charged by  
5 educational institutions hosting health care  
6 practitioner licensure examinations; requiring  
7 health care practitioner licensure and  
8 licensure renewal fees to be set at graduated  
9 levels of the statutory fee cap or actual  
10 regulatory costs, whichever is less; amending  
11 s. 468.301, F.S.; revising the definition of  
12 "direct supervision" applicable to the  
13 regulation of radiologic technology; amending  
14 s. 468.302, F.S.; authorizing certified nuclear  
15 medicine technologists to administer X  
16 radiation from certain devices under certain  
17 circumstances; exempting certain persons from  
18 radiologic technologist certification and  
19 providing certain training requirements for  
20 such exemption; amending s. 468.352, F.S.;  
21 revising and providing definitions applicable  
22 to the regulation of respiratory therapy;  
23 amending s. 468.355, F.S.; revising provisions  
24 relating to respiratory therapy licensure and  
25 testing requirements; amending s. 468.368,  
26 F.S.; revising exemptions from respiratory  
27 therapy licensure requirements; repealing s.  
28 468.356, F.S., relating to the approval of  
29 educational programs; repealing s. 468.357,  
30 F.S., relating to licensure by examination;  
31 requiring applications for health care



Amendment No. \_\_\_\_ (for drafter's use only)

1 practitioner licensure and licensure renewal to  
2 be submitted electronically beginning July 1,  
3 2003, with certain exceptions; annually  
4 adjusting by 2.5 percent the statutory fee caps  
5 applicable to regulation of health care  
6 practitioners; renumbering ss. 381.0602,  
7 381.6021, 381.6022, 381.6023, 381.6024, and  
8 381.6026, F.S., and renumbering and amending  
9 ss. 381.60225 and 381.6025, F.S., to move  
10 provisions relating to organ and tissue  
11 procurement, donation, and transplantation to  
12 part V, ch. 765, F.S., relating to anatomical  
13 gifts; revising cross references, to conform;  
14 amending ss. 395.2050, 409.815, 765.5216, and  
15 765.522, F.S.; revising cross references, to  
16 conform; providing coverage for certain organ  
17 transplant services; amending s. 409.915, F.S.;  
18 exempting counties from contributions for such  
19 services; amending s. 456.074, F.S.; providing  
20 for an emergency order suspending the license  
21 of any health care practitioner who has  
22 defaulted on a student loan issued or  
23 guaranteed by the state or the Federal  
24 Government; amending s. 456.072, F.S., and  
25 reenacting subsection (2), relating to  
26 disciplinary actions; clarifying the ground for  
27 disciplinary action for failing to perform a  
28 statutory or legal obligation to include  
29 failing to repay a student loan issued or  
30 guaranteed by the state or the Federal  
31 Government in accordance with the terms of the

Amendment No. \_\_\_\_ (for drafter's use only)

1 loan and for failing to comply with service  
2 scholarship obligations; providing penalties;  
3 directing the Department of Health to obtain  
4 certain information from the United States  
5 Department of Health and Human Services on a  
6 monthly basis and to include certain  
7 information in its annual report to the  
8 Legislature; reenacting ss. 456.026 and  
9 456.073, F.S., relating to the annual report  
10 and disciplinary proceedings, respectively, to  
11 conform; providing applicability; amending s.  
12 400.925, F.S.; eliminating the regulation of  
13 certain home medical equipment by the Agency  
14 for Health Care Administration; amending s.  
15 409.91195, F.S.; revising provisions relating  
16 to the inclusion of drugs on the preferred drug  
17 formulary; providing for public testimony;  
18 amending s. 765.104, F.S.; authorizing a  
19 patient whose legal disability is removed to  
20 amend or revoke the recognition of a medical  
21 proxy and any uncompleted decision made by that  
22 proxy; specifying when the amendment or  
23 revocation takes effect; amending s. 765.401,  
24 F.S.; providing for health care decisions for  
25 persons having a developmental disability;  
26 amending s. 457.105, F.S.; revising licensure  
27 requirements to practice acupuncture; providing  
28 for denial of licensure for failure to pass the  
29 examination after a certain number of attempts;  
30 amending s. 457.1085, F.S.; removing obsolete  
31 dates relating to adoption of rules relating to

Amendment No. \_\_\_\_ (for drafter's use only)

1 infection control; amending s. 457.109, F.S.;  
2 prohibiting the use of certain titles relating  
3 to the practice of acupuncture unless properly  
4 licensed and certified; providing penalties;  
5 amending s. 457.116, F.S.; increasing the  
6 penalties applicable to prohibited acts  
7 relating to the practice of acupuncture;  
8 creating s. 457.119, F.S.; providing rulemaking  
9 authority for the approval of educational  
10 programs for practitioners of acupuncture;  
11 amending s. 408.036, F.S., to exempt satellite  
12 hospitals from certificate of need review;  
13 amending s. 395.002, F.S., to provide a  
14 definition of "surgical first assistant;"  
15 amending s. 395.0197, F.S., to allow an  
16 operating surgeon to choose the surgical first  
17 assistant under certain conditions; amending s.  
18 408.043, F.S.; specifying that certain  
19 hospitals in certain counties may add  
20 additional beds without agency review under  
21 certain circumstances; amending s. 768.13,  
22 F.S.; providing immunity from civil damages  
23 under the Good Samaritan Act for actions taken  
24 in response to situations during a declared  
25 public health emergency; revising the  
26 circumstances under which immunity from civil  
27 damages is extended to actions taken by persons  
28 licensed to practice medicine; amending s.  
29 381.0066, F.S.; authorizing the continuation of  
30 permit fees for system construction permits for  
31 onsite sewage treatment and disposal systems;

Amendment No. \_\_\_\_ (for drafter's use only)

1           creating part IV of chapter 489, F.S., relating  
2           to portable restroom contracting; providing  
3           definitions; requiring registration and  
4           providing requirements therefor, including an  
5           examination; providing for administration;  
6           providing rulemaking authority; providing for  
7           renewal of registration, including continuing  
8           education; providing for certification of  
9           partnerships and corporations; providing  
10          grounds for suspension or revocation of  
11          registration; providing fees; providing  
12          penalties and prohibitions; amending s.  
13          491.0057, F.S.; revising requirements relating  
14          to dual licensure as a marriage and family  
15          therapist; amending s. 627.638, F.S., to  
16          require direct payment of benefits for hospital  
17          or medical services under certain  
18          circumstances; amending s. 766.101, F.S.;  
19          expanding the definition of the term "medical  
20          review committee" for purposes of immunity from  
21          liability; amending s. 627.357, F.S., relating  
22          to medical malpractice insurance; providing  
23          requirements to apply to form a self-insurance  
24          fund; providing effective dates.

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