

By Representative Fasano

1 A bill to be entitled
2 An act relating to responsiveness to
3 emergencies and disasters; providing
4 legislative findings; creating s. 381.00316,
5 F.S.; authorizing the State Health Officer to
6 take specified emergency actions to protect the
7 public health; amending s. 381.0034, F.S.;
8 providing a requirement for instruction of
9 certain health care licensees on conditions
10 caused by nuclear, biological, and chemical
11 terrorism, as a condition of initial licensure,
12 and, in lieu of the requirement for instruction
13 on HIV and AIDS, as a condition of relicensure;
14 amending s. 381.0035, F.S.; providing a
15 requirement for instruction of employees at
16 certain health care facilities on conditions
17 caused by nuclear, biological, and chemical
18 terrorism, upon initial employment, and, in
19 lieu of the requirement of instruction on HIV
20 and AIDS, as biennial continuing education;
21 amending s. 401.27, F.S.; providing that the
22 course on conditions caused by nuclear,
23 biological, and chemical terrorism shall count
24 toward the total required hours for biennial
25 recertification of emergency medical
26 technicians and paramedics; amending s.
27 456.033, F.S.; providing a requirement for
28 instruction of certain health care
29 practitioners on conditions caused by nuclear,
30 biological, and chemical terrorism, as a
31 condition of initial licensure, and, in lieu of

1 the requirement for instruction on HIV and
2 AIDS, as part of biennial relicensure; creating
3 s. 456.0345, F.S.; providing continuing
4 education credits to health care practitioners
5 for certain life support training; amending s.
6 456.072, F.S.; conforming provisions relating
7 to grounds for disciplinary actions to changes
8 in health care practitioners' course
9 requirements; amending s. 456.38, F.S.;
10 revising provisions relating to the health care
11 practitioner registry for disasters and
12 emergencies; prohibiting certain termination of
13 or discrimination against a practitioner
14 providing disaster medical assistance; amending
15 ss. 458.319 and 459.008, F.S.; conforming
16 provisions relating to exceptions to continuing
17 education requirements for physicians and
18 osteopathic physicians; providing an effective
19 date.

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

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23 Section 1. Legislative findings.--The Legislature
24 finds that it is critical that Florida be prepared to respond
25 appropriately to a health crisis and injuries in the event of
26 an emergency or disaster. The Legislature finds that there is
27 a need to better educate health care practitioners on diseases
28 and conditions that might be caused by nuclear, biological,
29 and chemical terrorism so that health care practitioners can
30 more effectively care for patients and better educate patients
31 as to prevention and treatment. Additionally, the Legislature

1 finds that not all health care practitioners have been
2 recently trained in life support and first aid and should be
3 encouraged to obtain such training. The Legislature finds that
4 health care practitioners who are willing to respond in
5 emergencies or disasters should not be penalized for providing
6 their assistance.

7 Section 2. Section 381.00316, Florida Statutes, is
8 created to read:

9 381.00316 State Health Officer; emergency actions to
10 protect the public health.--

11 (1) Notwithstanding chapters 465 and 499 and rules
12 promulgated thereunder, the State Health Officer may direct
13 pharmacists employed by the department to compound
14 prescription drugs and provide these bulk prescription drugs
15 to county health department physicians and nurses for
16 administration to persons as part of a prophylactic or
17 treatment regimen when there is a significant risk to the
18 public health from a disease, an environmental contaminant, or
19 a suspected act of nuclear, biological, or chemical terrorism.

20 (2) The State Health Officer, upon issuance of a
21 public health advisory pursuant to s. 381.00315, may take such
22 actions as are necessary to protect the public health. Such
23 actions shall include, but are not limited to:

24 (a) Directing Florida manufacturers and wholesalers of
25 prescription and over-the-counter drugs permitted under
26 chapter 499 to give priority to shipping such drugs to
27 pharmacies and health care providers located in geographic
28 areas identified by the State Health Officer. Florida
29 manufacturers and wholesalers must respond to the State Health
30 Officer's priority shipping directive before shipping the
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1 specified drugs to other pharmacies or health care providers
2 in Florida.

3 (b) Notwithstanding s. 456.036, temporarily
4 reactivating the inactive licenses of physicians licensed
5 under chapter 458 or chapter 459; physician assistants
6 licensed under chapter 458 or chapter 459; licensed practical
7 nurses, registered nurses, and advanced registered nurse
8 practitioners licensed under chapter 464; respiratory
9 therapists licensed under part V of chapter 468; and emergency
10 medical technicians and paramedics licensed under chapter 401,
11 when such practitioners are needed to respond to the public
12 health emergency. Only those health care practitioners
13 referenced in this paragraph who request reactivation and have
14 an unencumbered inactive license are eligible for
15 reactivation. Any inactive license reactivated pursuant to
16 this subsection shall return to inactive status when the
17 public health emergency ends or prior to the end of the public
18 health emergency if the State Health Officer determines that
19 the health care practitioner is no longer needed to provide
20 services during the emergency. The license may only be
21 reactivated for a period not to exceed 90 days without meeting
22 the requirements of s. 456.036.

23 (3) Notwithstanding part III of chapter 401, the State
24 Health Officer, upon issuance of a public health advisory
25 pursuant to s. 381.00315, may determine the scope of practice
26 of paramedics and emergency medical technicians necessary to
27 protect the public health during the emergency.

28 Section 3. Section 381.0034, Florida Statutes, is
29 amended to read:

30 381.0034 Requirement for instruction on conditions
31 caused by nuclear, biological, and chemical terrorism and on

1 human immunodeficiency virus and acquired immune deficiency
2 syndrome.--

3 (1) ~~As of July 1, 1991,~~The Department of Health shall
4 require each person licensed or certified under chapter 401,
5 chapter 467, part IV of chapter 468, or chapter 483, as a
6 condition of biennial relicensure, to complete an educational
7 course approved by the department on conditions caused by
8 nuclear, biological, and chemical terrorism. The course shall
9 consist of education on diagnosis and treatment, the modes of
10 transmission, infection control procedures, and clinical
11 management. Such course shall also include information on
12 reporting suspected cases of conditions caused by nuclear,
13 biological, or chemical terrorism to the appropriate health
14 and law enforcement authorities, and prevention of human
15 immunodeficiency virus and acquired immune deficiency
16 syndrome. Such course shall include information on current
17 Florida law on acquired immune deficiency syndrome and its
18 impact on testing, confidentiality of test results, and
19 treatment of patients. Each such licensee or certificateholder
20 shall submit confirmation of having completed said course, on
21 a form provided by the department, when submitting fees or
22 application for each biennial renewal.

23 (2) Failure to complete the requirements of this
24 section shall be grounds for disciplinary action contained in
25 the chapters specified in subsection (1). In addition to
26 discipline by the department, the licensee or
27 certificateholder shall be required to complete the required
28 ~~said~~ course or courses.

29 (3) The department shall require, as a condition of
30 granting a license under the chapters specified in subsection
31 (1), that an applicant making initial application for

1 licensure complete respective ~~an~~ educational courses ~~course~~
2 acceptable to the department on conditions caused by nuclear,
3 biological, and chemical terrorism and on human
4 immunodeficiency virus and acquired immune deficiency
5 syndrome. An applicant who has not taken such courses ~~a~~
6 ~~course~~ at the time of licensure shall, upon an affidavit
7 showing good cause, be allowed 6 months to complete this
8 requirement.

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

11 (5) Any professional holding two or more licenses or
12 certificates subject to the provisions of this section shall
13 be permitted to show proof of having taken one
14 department-approved course on conditions caused by nuclear,
15 biological, and chemical terrorism ~~human immunodeficiency~~
16 ~~virus and acquired immune deficiency syndrome~~, for purposes of
17 relicensure or recertification for the additional licenses.

18 Section 4. Section 381.0035, Florida Statutes, is
19 amended to read:

20 381.0035 Educational courses ~~course~~ on human
21 immunodeficiency virus and acquired immune deficiency syndrome
22 and on conditions caused by nuclear, biological, and chemical
23 terrorism; employees and clients of certain health care
24 facilities.--

25 (1)(a) The Department of Health shall require all
26 ~~employees and~~ clients of facilities licensed under chapters
27 393, 394, and 397 ~~and employees of facilities licensed under~~
28 ~~chapter 395 and parts II, III, IV, and VI of chapter 400~~ to
29 complete, biennially, a continuing educational course on the
30 modes of transmission, infection control procedures, clinical
31 management, and prevention of human immunodeficiency virus and

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

10 (b) The department shall require all employees of
11 facilities licensed under chapters 393, 394, 395, and 397 and
12 parts II, III, IV, and VI of chapter 400 to complete,
13 biennially, a continuing educational course on conditions
14 caused by nuclear, biological, and chemical terrorism. The
15 course shall consist of education on diagnosis and treatment,
16 modes of transmission, infection control procedures, and
17 clinical management. Such course shall also include
18 information on reporting suspected cases of conditions caused
19 by nuclear, biological, or chemical terrorism to the
20 appropriate health and law enforcement authorities.

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

3 (3) Facilities licensed under chapters 393, 394, 395,
4 and 397 and parts II, III, IV, and VI of chapter 400 shall
5 maintain a record of employees and dates of attendance at
6 ~~human immunodeficiency virus and acquired immune deficiency~~
7 ~~syndrome~~ educational courses on human immunodeficiency virus
8 and acquired immune deficiency syndrome and on conditions
9 caused by nuclear, biological, and chemical terrorism.

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

14 Section 5. Subsection (6) of section 401.27, Florida
15 Statutes, is amended to read:

16 401.27 Personnel; standards and certification.--

17 (6)(a) The department shall establish by rule a
18 procedure for biennial renewal certification of emergency
19 medical technicians. Such rules must require a United States
20 Department of Transportation refresher training program of at
21 least 30 hours as approved by the department every 2 years.
22 Completion of the course required by s. 381.0034(1) shall
23 count toward the 30 hours.The refresher program may be
24 offered in multiple presentations spread over the 2-year
25 period. The rules must also provide that the refresher course
26 requirement may be satisfied by passing a challenge
27 examination.

28 (b) The department shall establish by rule a procedure
29 for biennial renewal certification of paramedics. Such rules
30 must require candidates for renewal to have taken at least 30
31 hours of continuing education units during the 2-year period.

1 Completion of the course required by s. 381.0034(1) shall
2 count toward the 30 hours.The rules must provide that the
3 continuing education requirement may be satisfied by passing a
4 challenge examination.

5 Section 6. Section 456.033, Florida Statutes, is
6 amended to read:

7 456.033 Requirement for instruction for certain
8 licensees on conditions caused by nuclear, biological, and
9 chemical terrorism and on HIV and AIDS.--

10 (1) The appropriate board shall require each person
11 licensed or certified under chapter 457; chapter 458; chapter
12 459; chapter 460; chapter 461; chapter 463; part I of chapter
13 464; chapter 465; chapter 466; part II, part III, part V, or
14 part X of chapter 468; or chapter 486 to complete a continuing
15 educational course, approved by the board, on conditions
16 caused by nuclear, biological, and chemical terrorism ~~human~~
17 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
18 as part of biennial relicensure or recertification. The course
19 shall consist of education on diagnosis and treatment,the
20 modes of transmission, infection control procedures, and
21 clinical management. Such course shall also include
22 information on reporting suspected cases of conditions caused
23 by nuclear, biological, or chemical terrorism to the
24 appropriate health and law enforcement authorities,and
25 ~~prevention of human immunodeficiency virus and acquired immune~~
26 ~~deficiency syndrome. Such course shall include information on~~
27 ~~current Florida law on acquired immune deficiency syndrome and~~
28 ~~its impact on testing, confidentiality of test results,~~
29 ~~treatment of patients, and any protocols and procedures~~
30 ~~applicable to human immunodeficiency virus counseling and~~
31 ~~testing, reporting, the offering of HIV testing to pregnant~~

1 ~~women, and partner notification issues pursuant to ss. 381.004~~
2 ~~and 384.25.~~

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

7 (3) The board shall have the authority to approve
8 additional equivalent courses that may be used to satisfy the
9 requirements in subsection (1). Each licensing board that
10 requires a licensee to complete an educational course pursuant
11 to this section may count the hours required for completion of
12 the course included in the total continuing educational
13 requirements as required by law.

14 (4) Any person holding two or more licenses subject to
15 the provisions of this section shall be permitted to show
16 proof of having taken one board-approved course on conditions
17 caused by nuclear, biological, and chemical terrorism ~~human~~
18 ~~immunodeficiency virus and acquired immune deficiency~~
19 ~~syndrome~~, for purposes of relicensure or recertification for
20 additional licenses.

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

26 (6) The board shall require as a condition of granting
27 a license under the chapters and parts specified in subsection
28 (1) that an applicant making initial application for licensure
29 complete respective ~~an~~ educational courses ~~course~~ acceptable
30 to the board on conditions caused by nuclear, biological, and
31 chemical terrorism and on human immunodeficiency virus and

1 acquired immune deficiency syndrome. An applicant who has not
2 taken such courses ~~a course~~ at the time of licensure shall,
3 upon an affidavit showing good cause, be allowed 6 months to
4 complete this requirement.

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

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

10 (9)(a) In lieu of completing a course as required in
11 subsection (1), the licensee may complete a course on in
12 end-of-life care and palliative health care or a course on
13 HIV/AIDS, so long as the licensee completed an approved
14 ~~AIDS/HIV~~ course on conditions caused by nuclear, biological,
15 and chemical terrorism in the immediately preceding biennium.

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

21 Section 7. Section 456.0345, Florida Statutes, is
22 created to read:

23 456.0345 Life support training.--Health care
24 practitioners who obtain training in advanced cardiac life
25 support, cardiopulmonary resuscitation, or emergency first aid
26 shall receive an equivalent number of continuing education
27 course credits which may be applied toward licensure renewal
28 requirements.

29 Section 8. Paragraph (e) of subsection (1) of section
30 456.072, Florida Statutes, is amended 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 (e) Failing to comply with the educational course
7 requirements for conditions caused by nuclear, biological, and
8 chemical terrorism or for human immunodeficiency virus and
9 acquired immune deficiency syndrome.

10 Section 9. Section 456.38, Florida Statutes, is
11 amended to read:

12 456.38 Practitioner registry for disasters and
13 emergencies.--The Department of Health shall ~~may~~ include on
14 its application and renewal forms for the licensure or
15 certification of health care practitioners licensed pursuant
16 to chapter 458, chapter 459, chapter 464, or part V of chapter
17 468, as defined in s. 456.001,who could assist the department
18 in the event of a disaster a question asking if the
19 practitioner would be available to provide health care
20 services in special needs shelters or to help staff disaster
21 medical assistance teams during times of emergency or major
22 disaster. The names of practitioners who answer affirmatively
23 shall be maintained by the department as a health care
24 practitioner registry for disasters and emergencies. A health
25 care practitioner who volunteers his or her services in a
26 special needs shelter or as part of a disaster medical
27 assistance team during a time of emergency or disaster shall
28 not be terminated or discriminated against by his or her
29 employer for such volunteer work, provided that the health
30 care practitioner returns to his or her regular employment
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1 within 2 weeks or within a longer period that has been
2 previously approved by the employer in writing.

3 Section 10. Subsection (4) of section 458.319, Florida
4 Statutes, is amended to read:

5 458.319 Renewal of license.--

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

14 Section 11. Subsection (5) of section 459.008, Florida
15 Statutes, is amended to read:

16 459.008 Renewal of licenses and certificates.--

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

25 Section 12. This act shall take effect July 1, 2002.
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HOUSE SUMMARY

Authorizes the State Health Officer to take specified actions to assure the availability of drugs and medical personnel in the event of a public health emergency. Requires certain health care practitioners and licensees, upon initial licensure and as a condition for biennial relicensure, to receive instruction on conditions caused by nuclear, biological, and chemical terrorism. Requires employees of certain health care facilities to receive such instruction upon initial employment and as biennial continuing education. Provides that such instruction counts toward the total required hours for biennial recertification of emergency medical technicians and paramedics. Provides continuing education credits to health care practitioners who receive advanced cardiac life support, cardiopulmonary resuscitation, or emergency first aid training. Requires the Department of Health to ask on its physician, nurse, and respiratory therapist licensure application and renewal 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.