

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Garcia offered the following:

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3 **Amendment (with title amendment)**

4 On page 61, between lines 19 and 20, insert:

5 Section 43. Section 458.3312, Florida Statutes, is amended
6 to read:

7 458.3312 Specialties.--A physician licensed under this
8 chapter may not hold himself or herself out as a board-certified
9 specialist unless the physician has received formal recognition
10 as a specialist from a specialty board of the American Board of
11 Medical Specialties, a board of certification of the American
12 Association of Physician Specialists, Inc., or another ~~other~~
13 recognizing agency approved by the board. The American Board of
14 Medical Specialties and the American Association of Physician
15 Specialists, Inc., may not lower their standards for board
16 certification. The board may act to rescind recognition of the

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17 American Board of Medical Specialties or the American
18 Association of Physician Specialists, Inc., as a specialty
19 certifying organization only if it establishes by clear and
20 convincing evidence that certification standards have been
21 adopted that affirmatively lower the requirements for specialty
22 certification by that organization. However, a physician may
23 indicate the services offered and may state that his or her
24 practice is limited to one or more types of services when this
25 accurately reflects the scope of practice of the physician.

26 Section 44. Paragraph (a) of subsection (1) of section
27 456.039, Florida Statutes, is amended to read:

28 456.039 Designated health care professionals; information
29 required for licensure.--

30 (1) Each person who applies for initial licensure as a
31 physician under chapter 458, chapter 459, chapter 460, or
32 chapter 461, except a person applying for registration pursuant
33 to ss. 458.345 and 459.021, must, at the time of application,
34 and each physician who applies for license renewal under chapter
35 458, chapter 459, chapter 460, or chapter 461, except a person
36 registered pursuant to ss. 458.345 and 459.021, must, in
37 conjunction with the renewal of such license and under
38 procedures adopted by the Department of Health, and in addition
39 to any other information that may be required from the
40 applicant, furnish the following information to the Department
41 of Health:

42 (a)1. The name of each medical school that the applicant
43 has attended, with the dates of attendance and the date of
44 graduation, and a description of all graduate medical education

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45 completed by the applicant, excluding any coursework taken to
46 satisfy medical licensure continuing education requirements.

47 2. The name of each hospital at which the applicant has
48 privileges.

49 3. The address at which the applicant will primarily
50 conduct his or her practice.

51 4. Any certification that the applicant has received from
52 a specialty board that is recognized by the board to which the
53 applicant is applying.

54 5. The year that the applicant began practicing medicine.

55 6. Any appointment to the faculty of a medical school
56 which the applicant currently holds and an indication as to
57 whether the applicant has had the responsibility for graduate
58 medical education within the most recent 10 years.

59 7. A description of any criminal offense of which the
60 applicant has been found guilty, regardless of whether
61 adjudication of guilt was withheld, or to which the applicant
62 has pled guilty or nolo contendere. A criminal offense committed
63 in another jurisdiction which would have been a felony or
64 misdemeanor if committed in this state must be reported. If the
65 applicant indicates that a criminal offense is under appeal and
66 submits a copy of the notice for appeal of that criminal
67 offense, the department must state that the criminal offense is
68 under appeal if the criminal offense is reported in the
69 applicant's profile. If the applicant indicates to the
70 department that a criminal offense is under appeal, the
71 applicant must, upon disposition of the appeal, submit to the
72 department a copy of the final written order of disposition.

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73 8. A description of any final disciplinary action taken
74 within the previous 10 years against the applicant by the agency
75 regulating the profession that the applicant is or has been
76 licensed to practice, whether in this state or in any other
77 jurisdiction, by a specialty board that is recognized by the
78 American Board of Medical Specialties, the American Association
79 of Physician Specialists, Inc., the American Osteopathic
80 Association, or a similar national organization, or by a
81 licensed hospital, health maintenance organization, prepaid
82 health clinic, ambulatory surgical center, or nursing home.
83 Disciplinary action includes resignation from or nonrenewal of
84 medical staff membership or the restriction of privileges at a
85 licensed hospital, health maintenance organization, prepaid
86 health clinic, ambulatory surgical center, or nursing home taken
87 in lieu of or in settlement of a pending disciplinary case
88 related to competence or character. If the applicant indicates
89 that the disciplinary action is under appeal and submits a copy
90 of the document initiating an appeal of the disciplinary action,
91 the department must state that the disciplinary action is under
92 appeal if the disciplinary action is reported in the applicant's
93 profile.

94 9. Relevant professional qualifications as defined by the
95 applicable board.

96
97 ===== T I T L E A M E N D M E N T =====

98 Remove page 1, line 2 through page 8, line 15 and insert:
99 An act relating to health care; creating s. 400.0712, F.S.;
100 authorizing the Agency for Health Care Administration to issue

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101 inactive licenses to nursing homes for all or a portion of their
102 beds under certain circumstances; providing requirements for
103 application for and issuance of such licenses; providing
104 rulemaking authority; amending s. 400.071, F.S.; deleting a
105 provision relating to issuance of inactive licenses, to conform;
106 amending s. 400.021, F.S.; redefining the term "resident care
107 plan," as used in part II of ch. 400, F.S.; amending s. 400.23,
108 F.S.; providing that certain information from the agency must be
109 promptly updated to reflect the most current agency actions;
110 amending s. 400.211, F.S.; revising inservice training
111 requirements for persons employed as nursing assistants in a
112 nursing home facility; amending s. 464.203, F.S.; providing that
113 a person must pass the required background screening as a part
114 of the certification process for certified nursing assistants;
115 revising the requirements for conducting the background
116 screening; requiring the Agency for Health Care Administration
117 to post information relating to background screening in its
118 database, after January 1, 2005; requiring that the database be
119 available to employers and prospective employers; amending s.
120 400.215, F.S.; providing that a person who has been screened
121 under certain provisions of law is not required to be rescreened
122 to be employed in a nursing home; amending s. 400.441, F.S.;
123 requiring facilities to conduct a minimum number of resident
124 elopement prevention and response drills annually; amending s.
125 400.619, F.S.; removing the requirement that moneys collected by
126 the Department of Elderly Affairs be used for training and
127 education of adult family-care home providers; amending s.
128 408.034, F.S.; requiring the nursing-home-bed-need methodology

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129 established by the agency by rule to include a goal of
130 maintaining a specified subdistrict average occupancy rate;
131 amending s. 408.036, F.S., relating to health-care-related
132 projects subject to review for a certificate of need; subjecting
133 certain projects relating to replacement of a nursing home and
134 relocation of nursing home beds to expedited review; revising
135 requirements for certain projects relating to the addition of
136 nursing home beds which are exempt from review; exempting from
137 review certain projects relating to replacement of a licensed
138 nursing home bed on the same site or nearby and consolidation or
139 combination of licensed nursing homes or transfer of beds
140 between licensed nursing homes within the same planning
141 subdistrict; providing rulemaking authority; providing for
142 assessment of exemption-request fees; amending s. 52, ch. 2001-
143 45, Laws of Florida; specifying nonapplication of a moratorium
144 on certificates of need and authorizing approval of certain
145 certificates of need for certain counties under certain
146 circumstances; providing review requirements and bed
147 limitations; amending s. 651.118, F.S.; revising provisions
148 relating to use of sheltered nursing home beds at a continuing
149 care facility by persons who are not residents of the continuing
150 care facility; amending s. 395.003, F.S.; requiring a report by
151 the Agency for Health Care Administration regarding the
152 licensure of emergency departments located off the premises of
153 hospitals; prohibiting the issuance of licenses for such
154 departments before July 1, 2005; amending s. 430.701, F.S.;
155 authorizing the agency to seek federal approval to limit new
156 enrollment to the diversion provider network under certain

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157 | circumstances; providing that the Department of Elderly Affairs
158 | is not constrained from approving certain service expansion by
159 | an approved provider; amending s. 400.9935, F.S.; providing for
160 | posting of signs in health care facilities relating to rewards
161 | for information concerning specified crimes investigated by the
162 | Division of Insurance Fraud; providing for inspections by an
163 | employee of the division; creating s. 395.1053, F.S.; providing
164 | for posting of signs in hospitals relating to rewards for
165 | information concerning specified crimes investigated by the
166 | Division of Insurance Fraud; providing for inspections by an
167 | employee of the division; providing for posting of signs in
168 | physician-operated walk-in clinics relating to rewards for
169 | information concerning specified crimes investigated by the
170 | Division of Insurance Fraud; providing for inspections by an
171 | employee of the division; amending s. 400.9905, F.S.; revising
172 | the definitions of "clinic" and "medical director" and defining
173 | "mobile clinic" and "portable equipment provider" for purposes
174 | of the Health Care Clinic Act; providing that certain entities
175 | providing oncology or radiation therapy services are exempt from
176 | the licensure requirements of part XIII of ch. 400, F.S.;
177 | providing legislative intent with respect to such exemption;
178 | providing for retroactive application; amending s. 400.991,
179 | F.S.; requiring each mobile clinic to obtain a health care
180 | clinic license; requiring a portable equipment provider to
181 | obtain a health care clinic license for a single office and
182 | exempting such a provider from submitting certain information to
183 | the Agency for Health Care Administration; revising the date by
184 | which an initial application for a health care clinic license

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185 must be filed with the agency; revising the definition of
186 "applicant"; amending s. 400.9935, F.S.; providing that an
187 exemption from licensure is not transferable; providing that the
188 agency may charge a fee of applicants for certificates of
189 exemption; providing that the agency may deny an application or
190 revoke a license under certain circumstances; amending s.
191 400.995, F.S.; providing that the agency may deny, revoke, or
192 suspend specified licenses and impose fines for certain
193 violations; providing that a temporary license expires after a
194 notice of intent to deny an application is issued by the agency;
195 providing that persons or entities made exempt under the act and
196 which have paid the clinic licensure fee to the agency are
197 entitled to a partial refund from the agency; providing that
198 certain persons or entities are not in violation of part XIII of
199 ch. 400, F.S., due to failure to apply for a clinic license by a
200 specified date; providing that certain payments may not be
201 denied to such persons or entities for failure to apply for or
202 obtain a clinic license before a specified date; providing a
203 short title; requiring the Agency for Workforce Innovation to
204 establish a pilot program for delivery of certified geriatric
205 specialty nursing education; specifying eligibility requirements
206 for certified nursing assistants to obtain certified geriatric
207 specialty nursing education; specifying requirements for the
208 education of certified nursing assistants to prepare for
209 certification as a certified geriatric specialist; creating a
210 Certified Geriatric Specialty Nursing Initiative Steering
211 Committee; providing for the composition of and manner of
212 appointment to the Certified Geriatric Specialty Nursing

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213 Initiative Steering Committee; providing responsibilities of the
214 steering committee; providing for reimbursement for per diem and
215 travel expenses; requiring the Agency for Workforce Innovation
216 to conduct or contract for an evaluation of the pilot program
217 for delivery of certified geriatric specialty nursing education;
218 requiring the evaluation to include recommendations regarding
219 the expansion of the delivery of certified geriatric specialty
220 nursing education in nursing homes; requiring the Agency for
221 Workforce Innovation to report to the Governor and Legislature
222 regarding the status and evaluation of the pilot program;
223 creating s. 464.0125, F.S.; providing definitions; providing
224 requirements for persons to become certified geriatric
225 specialists; specifying fees; providing for articulation of
226 geriatric specialty nursing coursework and practical nursing
227 coursework; providing practice standards and grounds for which
228 certified geriatric specialists may be subject to discipline by
229 the Board of Nursing; creating restrictions on the use of
230 professional nursing titles; prohibiting the use of certain
231 professional titles; providing penalties; authorizing approved
232 nursing programs to provide education for the preparation of
233 certified geriatric specialists without further board approval;
234 authorizing certified geriatric specialists to supervise the
235 activities of others in nursing home facilities according to
236 rules by the Board of Nursing; revising terminology relating to
237 nursing to conform to the certification of geriatric
238 specialists; amending s. 381.00315, F.S.; revising requirements
239 for the reactivation of the licenses of specified health care
240 practitioners in the event of a public health emergency to

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241 include certified geriatric specialists; amending s. 400.021,
242 F.S.; including services provided by a certified geriatric
243 specialist within the definition of nursing service; amending s.
244 400.211, F.S.; revising requirements for persons employed as
245 nursing assistants to conform to the certification of certified
246 geriatric specialists; amending s. 400.23, F.S.; specifying that
247 certified geriatric specialists shall be considered licensed
248 nursing staff; authorizing licensed practical nurses to
249 supervise the activities of certified geriatric specialists in
250 nursing home facilities according to rules adopted by the Board
251 of Nursing; amending s. 409.908, F.S.; revising the methodology
252 for reimbursement of Medicaid program providers to include
253 services of certified geriatric specialists; amending s.
254 458.303, F.S.; revising exceptions to the practice of medicine
255 to include services delegated to a certified geriatric
256 specialist under specified circumstances; amending s. 1009.65,
257 F.S.; revising eligibility for the Medical Education
258 Reimbursement and Loan Repayment Program to include certified
259 geriatric specialists; amending s. 1009.66, F.S.; revising
260 eligibility requirements for the Nursing Student Loan
261 Forgiveness Program to include certified geriatric specialists;
262 providing an appropriation; amending s. 464.201, F.S.; defining
263 terms; amending s. 464.202, F.S.; authorizing the Board of
264 Nursing to adopt rules regarding the practice and supervision of
265 certified nursing assistants; amending s. 458.3312, F.S.;
266 authorizing physicians to be certified as specialists by a board
267 of certification of the American Association of Physician
268 Specialists, Inc.; prohibiting lowering of certification

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269 | standards; providing for rescinding of certification authority
270 | under certain circumstances; amending s. 456.039, F.S., to
271 | conform; providing an effective date.

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