

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

A bill to be entitled

An act relating to health professions regulation; amending ss. 381.00593, 395.0193, 395.7015, 440.13, 456.039, 458.303, 458.3124, 458.319, 458.320, 458.345, 464.0205, 465.0075, 465.0251, and 766.314, F.S.; correcting, conforming, or removing references; amending ss. 395.0197, 400.147, and 400.423, F.S.; requiring copies of adverse incident reports to be forwarded to the Division of Medical Quality Assurance of the Department of Health; providing for costs of copying such records; amending s. 395.3025, F.S.; clarifying access to patient records for patient treatment and professional disciplinary purposes; providing access for research purposes; providing for costs of copying records; revising the use of patient information for marketing purposes; amending s. 397.311, F.S.; providing that advanced registered nurse practitioners are qualified professionals; amending s. 400.141, F.S.; requiring copies of records relating to nursing home residents to be provided to the department upon subpoena; amending s. 400.145, F.S.; requiring certification of copies of resident care and treatment records requested pursuant to subpoena or patient release; amending s. 400.211, F.S.; reducing inservice training hours for nursing assistants; creating s. 400.455, F.S.; requiring a certified copy of subpoenaed records of assisted living facilities under certain circumstances; amending s. 456.005, F.S.; providing for licensee input to long-range plans for regulation of health professions; amending s. 456.011, F.S.; providing procedures to resolve

HB 1921

2004

30 differences in interpretation of practice acts by
31 different boards; amending s. 456.012, F.S.; protecting
32 board declaratory statements from challenge by another
33 board; amending s. 456.013, F.S.; requiring temporary
34 licenses to be issued according to rules; removing certain
35 requirements for content of continuing education; amending
36 s. 456.017, F.S.; providing for electronic posting of
37 examination scores; creating s. 456.020, F.S.; providing
38 for content of continuing education to include domestic
39 violence, HIV/AIDS, and prevention of medical errors;
40 providing requirements for completion of continuing
41 education courses; amending s. 456.025, F.S.; conforming a
42 cross reference; requiring management reports on revenue
43 and expenditures if needed; amending s. 456.031, F.S.;
44 requiring continuing education on domestic violence to be
45 skills based; amending ss. 456.036 and 456.037, F.S.;
46 providing for rule to require display of license; amending
47 s. 456.057, F.S.; providing for costs of copying records;
48 amending s. 456.063, F.S.; providing rulemaking authority
49 for reporting allegations of sexual misconduct; amending
50 s. 456.072, F.S.; clarifying grounds for discipline for
51 performing or attempting to perform health care services
52 on the wrong patient or that are otherwise wrong or
53 unnecessary or leaving a foreign body in the patient;
54 providing for discipline for prescribing, administering,
55 dispensing, or distributing certain medications without a
56 valid professional relationship; providing for additional
57 costs to be assessed as part of any penalty or other form
58 of discipline; amending s. 456.073, F.S.; correcting a

59 cross reference; extending the time to make a certain
 60 request; amending s. 457.105, F.S.; providing
 61 prerequisites for training requirements for licensure to
 62 practice acupuncture; providing time period for review of
 63 application for licensure; amending s. 457.109, F.S.;
 64 providing for a plea of nolo contendere to certain
 65 offenses relating to the practice of acupuncture as
 66 grounds for discipline; amending ss. 458.311 and 458.315,
 67 F.S.; consolidating and revising provisions relating to
 68 requirements for licensure of physicians; amending ss.
 69 458.331, 459.015, 460.413, and 461.013, F.S.; reducing the
 70 time period for certain physicians to respond to
 71 information contained in a complaint; amending ss. 458.347
 72 and 468.711, F.S.; deleting obsolete provisions for
 73 licensure; amending s. 459.008, F.S.; providing for rules
 74 regarding continuing education for osteopathic physicians;
 75 deleting a cross reference; amending s. 459.021, F.S.;
 76 providing limit on fees for renewal of registration of
 77 resident physicians, interns, and fellows; revising
 78 elements of a crime relating to employment and reporting
 79 of such persons; amending ss. 460.406, 463.006, 467.009,
 80 468.1155, 468.509, 486.031, 490.005, 817.567, and
 81 1009.992, F.S.; revising the name of an accrediting
 82 agency; amending s. 464.201, F.S.; defining the scope of
 83 practice of certified nursing assistants; amending s.
 84 464.202, F.S.; providing for rules to establish scope of
 85 practice and level of supervision for certified nursing
 86 assistants; amending s. 464.203, F.S.; clarifying
 87 requirements for criminal history checks of certified

88 nursing assistants; reducing the hours of inservice
 89 training required each year; providing for biennial
 90 renewal of certification, including fees; amending s.
 91 464.204, F.S.; revising a ground for disciplinary action
 92 for specificity and removal of the requirement of
 93 intentionality; amending s. 465.018, F.S.; providing
 94 additional requirements for a community pharmacy permit;
 95 prohibiting issuance of permits to persons with a related
 96 criminal conviction; providing grounds for suspension,
 97 revocation, or denial of a permit; requiring background
 98 checks, including fingerprints; limiting number of persons
 99 fingerprinted for large corporations; amending s. 465.025,
 100 F.S.; removing requirement for each community pharmacy to
 101 have a generic drug substitution formulary; providing
 102 requirements for electronic prescriptions for brand name
 103 drugs; amending s. 465.0255, F.S.; revising requirements
 104 for expiration dates of medicinal drugs; amending s.
 105 465.0265, F.S.; prohibiting certain pharmacies from
 106 filling prescriptions directly to a patient or provider;
 107 amending s. 466.007, F.S.; requiring 4 years of
 108 postsecondary dental education to qualify to take the
 109 examinations to practice dental hygiene; amending s.
 110 466.0135, F.S.; allowing for course in practice
 111 management; amending s. 466.021, F.S.; increasing the time
 112 that records of work orders for unlicensed persons must be
 113 retained; amending s. 467.013, F.S.; providing for
 114 inactive licensure status for midwives pursuant to rule;
 115 deleting certain provisions to conform; amending s.
 116 467.0135, F.S.; revising midwifery licensure status and

HB 1921

2004

117 fees; amending s. 467.017, F.S.; requiring a midwife's
 118 emergency care plan to be available to the department upon
 119 request; amending s. 468.352, F.S.; revising and providing
 120 definitions applicable to the regulation of respiratory
 121 therapy; amending s. 468.355, F.S.; revising provisions
 122 relating to respiratory therapy licensure and testing
 123 requirements; amending s. 468.368, F.S.; revising
 124 exemptions from respiratory therapy licensure
 125 requirements; amending s. 468.707, F.S.; revising name of
 126 accrediting agency; deleting a provision relating to a
 127 continuing education course on HIV/AIDS for initial
 128 licensure as an athletic trainer; amending s. 468.711,
 129 F.S.; deleting certain course requirements; amending s.
 130 468.717, F.S.; revising requirements for athletic
 131 trainers; amending s. 468.723, F.S.; eliminating teacher
 132 trainer exemption; amending s. 480.033, F.S.; amending
 133 definitions relations to massage therapy; amending s.
 134 480.034, F.S.; exempting certain massage therapists from
 135 premises licensure; amending s. 480.041, F.S.; revising
 136 requirements for licensure of massage therapists; removing
 137 provisions relating to apprentices; amending s. 480.043,
 138 F.S.; providing additional requirements for licensure as a
 139 massage establishment; prohibiting issuance of massage
 140 establishment licenses to persons with criminal
 141 conviction; requiring background checks; prohibiting
 142 license transfer, with exceptions; amending ss. 480.044
 143 and 486.021, F.S., to conform; amending s. 480.046, F.S.;
 144 providing conditions for suspension or revocation of a
 145 massage establishment license; amending s. 486.051, F.S.;

HB 1921

2004

146 reducing opportunities to retake the physical therapist
 147 licensure examination; amending s. 486.081, F.S.; revising
 148 provisions for physical therapist licensure by endorsement
 149 and reactivating such a license; amending s. 486.102,
 150 F.S.; revising licensing requirements for physical
 151 therapist assistants; revising name of accrediting agency;
 152 amending s. 486.104, F.S.; reducing opportunities to
 153 retake physical therapist assistant licensure examination;
 154 amending s. 486.107, F.S.; revising provisions for
 155 physical therapist assistant licensure by endorsement and
 156 reactivating such a license; amending s. 486.109, F.S.;
 157 revising continuing education requirements; amending s.
 158 486.161, F.S.; exempting out-of-state licensed physical
 159 therapists from Florida licensure when in the state
 160 temporarily serving athletes; amending s. 491.005, F.S.;
 161 revising names of accrediting agencies; requiring direct
 162 supervision of clinical experience for licensure;
 163 requiring completion of clinical experience prior to
 164 written examination; permitting teaching of a certain
 165 course to count for successful completion; amending s.
 166 491.006, F.S.; providing for substitution of certain
 167 experience for required course; amending s. 491.009, F.S.;
 168 providing for discipline of certified master social
 169 workers by the department; amending s. 491.0145, F.S.;
 170 prohibiting the licensure of a certified master social
 171 worker if not licensed before a certain date; creating s.
 172 491.0146, F.S.; providing a saving clause for certified
 173 master social workers licensed from a certain date;
 174 amending s. 491.0147, F.S.; providing protection for

HB 1921

2004

175 disclosure; amending s. 817.505, F.S.; adding certain
 176 entities licensed by the department to those prohibited
 177 from patient brokering; amending s. 1012.46, F.S.;
 178 eliminating provisions for teacher athletic trainers;
 179 allowing for certain relicensure; repealing ss. 456.033,
 180 456.034, 458.313, 458.3147, 458.316, 458.3165, and
 181 458.317, F.S., relating to requirements for instruction on
 182 HIV/AIDS, licensure by endorsement, temporary certificate
 183 for visiting physicians, public health certificates,
 184 public psychiatry certificates, and limited licenses,
 185 respectively; repealing s. 468.356, F.S., relating to the
 186 approval of educational programs; repealing s. 468.357,
 187 F.S., relating to licensure by examination; providing
 188 effective dates.

189
 190 Be It Enacted by the Legislature of the State of Florida:

191
 192 Section 1. Paragraph (a) of subsection (4) of section
 193 381.00593, Florida Statutes, is amended to read:

194 381.00593 Public school volunteer health care practitioner
 195 program.--

196 (4)(a) Notwithstanding any provision of chapter 458,
 197 chapter 459, chapter 460, chapter 461, chapter 463, part I of
 198 chapter 464, chapter 465, chapter 466, chapter 467, part I of
 199 chapter 468, or chapter 486 to the contrary, any health care
 200 practitioner who participates in the program established in this
 201 section and thereby agrees to provide his or her services,
 202 without compensation, in a public school for at least 80 hours a
 203 year for each school year during the biennial licensure period,

HB 1921

2004

204 or, if the health care practitioner is retired, for at least 400
 205 hours a year for each school year during the licensure period,
 206 upon providing sufficient proof from the applicable school
 207 district that the health care practitioner has completed such
 208 hours at the time of license renewal under procedures specified
 209 by the Department of Health, shall be eligible for the
 210 following:

211 1. Waiver of the biennial license renewal fee for an
 212 active license; and

213 2. Fulfillment of a maximum of 25 percent of the
 214 continuing education hours required for license renewal,
 215 pursuant to s. 456.013 (7) ~~(9)~~.

216
 217 The school district may establish a schedule for health care
 218 practitioners who participate in the program.

219 Section 2. Subsection (4) of section 395.0193, Florida
 220 Statutes, is amended to read:

221 395.0193 Licensed facilities; peer review; disciplinary
 222 powers; agency or partnership with physicians.--

223 (4) Pursuant to ss. 458.337 and 459.016, any disciplinary
 224 actions taken under subsection (3) shall be reported in writing
 225 to the Division of Medical Health ~~Health~~ Quality Assurance of the
 226 Department of Health ~~agency~~ within 30 working days after its
 227 initial occurrence, regardless of the pendency of appeals to the
 228 governing board of the hospital. The notification shall identify
 229 the disciplined practitioner, the action taken, and the reason
 230 for such action. All final disciplinary actions taken under
 231 subsection (3), if different from those which were reported to
 232 the agency within 30 days after the initial occurrence, shall be

HB 1921

2004

233 reported within 10 working days to the Division of Medical
 234 ~~Health~~ Quality Assurance of the department ~~agency~~ in writing and
 235 shall specify the disciplinary action taken and the specific
 236 grounds therefor. The division shall review each report and
 237 determine whether it potentially involved conduct by the
 238 licensee that is subject to disciplinary action, in which case
 239 s. 456.073 shall apply. The reports are not subject to
 240 inspection under s. 119.07(1) even if the division's
 241 investigation results in a finding of probable cause.

242 Section 3. Subsection (7) of section 395.0197, Florida
 243 Statutes, is amended to read:

244 395.0197 Internal risk management program.--

245 (7) Any of the following adverse incidents, whether
 246 occurring in the licensed facility or arising from health care
 247 prior to admission in the licensed facility, shall be reported
 248 by the facility to the agency within 15 calendar days after its
 249 occurrence:

250 (a) The death of a patient;

251 (b) Brain or spinal damage to a patient;

252 (c) The performance of a surgical procedure on the wrong
 253 patient;

254 (d) The performance of a wrong-site surgical procedure;

255 (e) The performance of a wrong surgical procedure;

256 (f) The performance of a surgical procedure that is
 257 medically unnecessary or otherwise unrelated to the patient's
 258 diagnosis or medical condition;

259 (g) The surgical repair of damage resulting to a patient
 260 from a planned surgical procedure, where the damage is not a

HB 1921

2004

261 recognized specific risk, as disclosed to the patient and
 262 documented through the informed-consent process; or

263 (h) The performance of procedures to remove unplanned
 264 foreign objects remaining from a surgical procedure.

265
 266 The agency may grant extensions to this reporting requirement
 267 for more than 15 days upon justification submitted in writing by
 268 the facility administrator to the agency. The agency may require
 269 an additional, final report. These reports shall not be
 270 available to the public pursuant to s. 119.07(1) or any other
 271 law providing access to public records, nor be discoverable or
 272 admissible in any civil or administrative action, except in
 273 disciplinary proceedings by the agency or the appropriate
 274 regulatory board, nor shall they be available to the public as
 275 part of the record of investigation for and prosecution in
 276 disciplinary proceedings made available to the public by the
 277 agency or the appropriate regulatory board. However, the agency
 278 or the appropriate regulatory board shall make available, upon
 279 written request by a health care professional against whom
 280 probable cause has been found, any such records which form the
 281 basis of the determination of probable cause. The agency may
 282 investigate, as it deems appropriate, any such incident and
 283 prescribe measures that must or may be taken in response to the
 284 incident. The agency shall forward a copy of a report of ~~review~~
 285 each incident to the Division of Medical Quality Assurance of
 286 the Department of Health to ~~and~~ determine whether it potentially
 287 involved conduct by the health care professional who is subject
 288 to disciplinary action, in which case the provisions of s.
 289 456.073 shall apply.

HB 1921

2004

290 Section 4. Paragraphs (a) and (e) of subsection (4) and
 291 paragraph (b) of subsection (7) of section 395.3025, Florida
 292 Statutes, are amended, and paragraph (1) is added to subsection
 293 (4) of said section, to read:

294 395.3025 Patient and personnel records; copies;
 295 examination.--

296 (4) Patient records are confidential and must not be
 297 disclosed without the consent of the person to whom they
 298 pertain, but appropriate disclosure may be made without such
 299 consent to:

300 (a) ~~Licensed~~ Facility personnel and all other licensed
 301 health care practitioners attending physicians for use in
 302 connection with the treatment of the patient.

303 (e) The Department of Health ~~agency~~ upon subpoena issued
 304 pursuant to s. 456.071, but the records obtained thereby must be
 305 used solely for the purpose of the department ~~agency~~ and the
 306 appropriate professional board in its investigation,
 307 prosecution, and appeal of disciplinary proceedings. The
 308 administrator or records custodian in a facility licensed under
 309 this chapter shall certify that a true and complete copy of the
 310 records requested pursuant to a subpoena or patient release has
 311 been provided to the department or shall otherwise identify
 312 those documents that have not been provided. If the department
 313 ~~agency~~ requests copies of the records, the facility may charge
 314 the department the reasonable costs of reproducing the records
 315 ~~shall charge no more than its actual copying costs, including~~
 316 ~~reasonable staff time.~~ The records must be sealed and must not
 317 be available to the public pursuant to s. 119.07(1) or any other
 318 statute providing access to records, nor may they be available

HB 1921

2004

319 to the public as part of the record of investigation for and
 320 prosecution in disciplinary proceedings made available to the
 321 public by the department ~~agency~~ or the appropriate regulatory
 322 board. However, the department ~~agency~~ must make available, upon
 323 written request by a practitioner against whom probable cause
 324 has been found, any such records that form the basis of the
 325 determination of probable cause.

326 1. The reasonable cost charged for reproducing copies of
 327 written or typed documents or reports shall not exceed:

328 a. For the first 25 pages, \$1 per page.

329 b. For each page in excess of 25 pages, 25 cents.

330 2. The reasonable cost charged for reproducing x-rays and
 331 such other special kinds of records shall not exceed the actual
 332 cost. "Actual costs" means the cost of the material and supplies
 333 used to duplicate the record, as well as the labor costs
 334 associated with such duplication.

335 (1) Researchers or facility personnel for research
 336 purposes, provided that such researchers or facility personnel
 337 demonstrate compliance with the requirements of 45 C.F.R. s.
 338 164.512(i).

339 (7)

340 (b) Absent a specific written release or authorization
 341 permitting utilization of patient information for ~~solicitation~~
 342 ~~or~~ marketing the sale of goods or services, any use of such that
 343 information for such purpose ~~those purposes~~ is prohibited. For
 344 purposes of this paragraph, "marketing" has the same meaning as
 345 set forth in 45 C.F.R. s. 164.501.

346 Section 5. Paragraph (b) of subsection (2) of section
 347 395.7015, Florida Statutes, is amended to read:

HB 1921

2004

348 395.7015 Annual assessment on health care entities.--

349 (2) There is imposed an annual assessment against certain
 350 health care entities as described in this section:

351 (b) For the purpose of this section, "health care
 352 entities" include the following:

353 1. Ambulatory surgical centers and mobile surgical
 354 facilities licensed under s. 395.003. This subsection shall only
 355 apply to mobile surgical facilities operating under contracts
 356 entered into on or after July 1, 1998.

357 2. Clinical laboratories licensed under s. 483.091,
 358 excluding any hospital laboratory defined under s. 483.041(6),
 359 any clinical laboratory operated by the state or a political
 360 subdivision of the state, any clinical laboratory which
 361 qualifies as an exempt organization under s. 501(c)(3) of the
 362 Internal Revenue Code of 1986, as amended, and which receives 70
 363 percent or more of its gross revenues from services to charity
 364 patients or Medicaid patients, and any blood, plasma, or tissue
 365 bank procuring, storing, or distributing blood, plasma, or
 366 tissue either for future manufacture or research or distributed
 367 on a nonprofit basis, and further excluding any clinical
 368 laboratory which is wholly owned and operated by 6 or fewer
 369 physicians who are licensed pursuant to chapter 458 or chapter
 370 459 and who practice in the same group practice, and at which no
 371 clinical laboratory work is performed for patients referred by
 372 any health care provider who is not a member of the same group.

373 3. Diagnostic-imaging centers that are freestanding
 374 outpatient facilities that provide specialized services for the
 375 identification or determination of a disease through examination
 376 and also provide sophisticated radiological services, and in

HB 1921

2004

377 which services are rendered by a physician licensed by the Board
 378 of Medicine under s. 458.311 or s. 458.315, ~~s. 458.313~~, ~~or s.~~
 379 ~~458.317~~, or by an osteopathic physician licensed by the Board of
 380 Osteopathic Medicine under s. 459.006, s. 459.007, or s.
 381 459.0075. For purposes of this paragraph, "sophisticated
 382 radiological services" means the following: magnetic resonance
 383 imaging; nuclear medicine; angiography; arteriography; computed
 384 tomography; positron emission tomography; digital vascular
 385 imaging; bronchography; lymphangiography; splenography;
 386 ultrasound, excluding ultrasound providers that are part of a
 387 private physician's office practice or when ultrasound is
 388 provided by two or more physicians licensed under chapter 458 or
 389 chapter 459 who are members of the same professional association
 390 and who practice in the same medical specialties; and such other
 391 sophisticated radiological services, excluding mammography, as
 392 adopted in rule by the board.

393 Section 6. Subsection (24) of section 397.311, Florida
 394 Statutes, is amended to read:

395 397.311 Definitions.--As used in this chapter, except part
 396 VIII:

397 (24) "Qualified professional" means a physician licensed
 398 under chapter 458 or chapter 459; a professional licensed under
 399 chapter 490 or chapter 491; an advanced registered nurse
 400 practitioner licensed under part I of chapter 464; or a person
 401 who is certified through a department-recognized certification
 402 process for substance abuse treatment services and who holds, at
 403 a minimum, a bachelor's degree. A person who is certified in
 404 substance abuse treatment services by a state-recognized
 405 certification process in another state at the time of employment

HB 1921

2004

406 with a licensed substance abuse provider in this state may
 407 perform the functions of a qualified professional as defined in
 408 this chapter but must meet certification requirements contained
 409 in this subsection no later than 1 year after his or her date of
 410 employment.

411 Section 7. Subsection (10) of section 400.141, Florida
 412 Statutes, is amended to read:

413 400.141 Administration and management of nursing home
 414 facilities.--Every licensed facility shall comply with all
 415 applicable standards and rules of the agency and shall:

416 (10) Keep full records of resident admissions and
 417 discharges; medical and general health status, including medical
 418 records, personal and social history, and identity and address
 419 of next of kin or other persons who may have responsibility for
 420 the affairs of the residents; and individual resident care plans
 421 including, but not limited to, prescribed services, service
 422 frequency and duration, and service goals. The records shall be
 423 open to inspection by the agency. A certified true and complete
 424 copy of the records shall be provided to the Department of
 425 Health upon subpoena issued pursuant to s. 456.057 or s.
 426 456.071.

427
 428 Facilities that have been awarded a Gold Seal under the program
 429 established in s. 400.235 may develop a plan to provide
 430 certified nursing assistant training as prescribed by federal
 431 regulations and state rules and may apply to the agency for
 432 approval of their program.

433 Section 8. Subsection (3) is added to section 400.145,
 434 Florida Statutes, to read:

HB 1921

2004

435 400.145 Records of care and treatment of resident; copies
436 to be furnished.--

437 (3) The administrator or records custodian in a facility
438 licensed under this chapter shall certify that a true and
439 complete copy of the records requested pursuant to a subpoena or
440 patient release has been provided to the department or shall
441 identify those documents for which a copy has not been provided.

442 Section 9. Subsection (7) and paragraph (b) of subsection
443 (8) of section 400.147, Florida Statutes, are amended to read:

444 400.147 Internal risk management and quality assurance
445 program.--

446 (7) The facility shall initiate an investigation and shall
447 notify the agency within 1 business day after the risk manager
448 or his or her designee has received a report pursuant to
449 paragraph (1)(d). The notification must be made in writing and
450 be provided electronically, by facsimile device or overnight
451 mail delivery. The notification must include information
452 regarding the identity of the affected resident, the type of
453 adverse incident, the initiation of an investigation by the
454 facility, and whether the events causing or resulting in the
455 adverse incident represent a potential risk to any other
456 resident. The notification is confidential as provided by law
457 and is not discoverable or admissible in any civil or
458 administrative action, except in disciplinary proceedings by the
459 Department of Health ~~agency~~ or the appropriate regulatory board.
460 The department ~~agency~~ may investigate, as it deems appropriate,
461 any such incident and prescribe measures that must or may be
462 taken in response to the incident. The agency shall review each
463 incident and determine whether it potentially involved conduct

HB 1921

2004

464 by the health care professional who is subject to disciplinary
 465 action, in which case the provisions of s. 456.073 shall apply.

466 (8)

467 (b) A copy of the report submitted ~~The information~~
 468 ~~reported~~ to the agency pursuant to paragraph (a) which relates
 469 to health care practitioners as defined in s. 456.001 shall be
 470 forwarded to the Division of Medical Quality Assurance of the
 471 Department of Health for review ~~persons licensed under chapter~~
 472 ~~458, chapter 459, chapter 461, or chapter 466 shall be reviewed~~
 473 ~~by the agency.~~ The division agency shall determine whether any
 474 of the incidents potentially involved conduct by a health care
 475 professional who is subject to disciplinary action, in which
 476 case the provisions of s. 456.073 shall apply.

477 Section 10. Paragraph (a) of subsection (4) of section
 478 400.211, Florida Statutes, is amended to read:

479 400.211 Persons employed as nursing assistants;
 480 certification requirement.--

481 (4) When employed by a nursing home facility for a 12-
 482 month period or longer, a nursing assistant, to maintain
 483 certification, shall submit to a performance review every 12
 484 months and must receive regular inservice education based on the
 485 outcome of such reviews. The inservice training must:

486 (a) Be sufficient to ensure the continuing competence of
 487 nursing assistants, must be at least 12 ~~18~~ hours per year, and
 488 may include hours accrued under s. 464.203 (7) ~~(8)~~;

489
 490 Costs associated with this training may not be reimbursed from
 491 additional Medicaid funding through interim rate adjustments.

HB 1921

2004

492 Section 11. Subsection (7) of section 400.423, Florida
 493 Statutes, is amended to read:

494 400.423 Internal risk management and quality assurance
 495 program; adverse incidents and reporting requirements.--

496 (7) A copy of the report submitted ~~The information~~
 497 ~~reported~~ to the agency pursuant to subsection (3) which relates
 498 to health care practitioners as defined in s. 456.001 persons
 499 ~~licensed under chapter 458, chapter 459, chapter 461, chapter~~
 500 ~~464, or chapter 465~~ shall be forwarded to ~~reviewed by~~ the
 501 Division of Medical Quality Assurance of the Department of
 502 Health for review ~~agency~~. The agency shall determine whether any
 503 of the incidents potentially involved conduct by a health care
 504 professional who is subject to disciplinary action, in which
 505 case the provisions of s. 456.073 apply. The agency may
 506 investigate, as it deems appropriate, any such incident and
 507 prescribe measures that must or may be taken in response to the
 508 incident. The division ~~agency~~ shall review each incident and
 509 determine whether it potentially involved conduct by a health
 510 care professional who is subject to disciplinary action, in
 511 which case the provisions of s. 456.073 apply.

512 Section 12. Section 400.455, Florida Statutes, is created
 513 to read:

514 400.455 Certified copy of subpoenaed records.--Upon a
 515 subpoena being issued by the Department of Health pursuant to s.
 516 456.057 or s. 456.071, a certified true and complete copy of the
 517 requested records shall be provided.

518 Section 13. Paragraph (m) of subsection (1) of section
 519 440.13, Florida Statutes, is amended to read:

HB 1921

2004

520 440.13 Medical services and supplies; penalty for
 521 violations; limitations.--

522 (1) DEFINITIONS.--As used in this section, the term:

523 (m) "Medicine" means a drug prescribed by an authorized
 524 health care provider and includes only generic drugs or single-
 525 source patented drugs for which there is no generic equivalent,
 526 unless the authorized health care provider writes or states that
 527 the brand-name drug as defined in s. 465.025 is medically
 528 necessary, or is a drug appearing on the schedule of drugs
 529 created pursuant to s. 465.025(5)~~(6)~~, or is available at a cost
 530 lower than its generic equivalent.

531 Section 14. Section 456.005, Florida Statutes, is amended
 532 to read:

533 456.005 Long-range policy planning; plans, reports, and
 534 recommendations.--To facilitate efficient and cost-effective
 535 regulation, the department and the board, where appropriate,
 536 shall develop and implement a long-range policy planning and
 537 monitoring process to include recommendations specific to each
 538 profession. Such process shall include estimates of revenues,
 539 expenditures, cash balances, and performance statistics for each
 540 profession. The period covered shall not be less than 5 years.
 541 The department, with input from the boards and licensees, shall
 542 develop the long-range plan and must obtain the approval of the
 543 secretary. The department shall monitor compliance with the
 544 approved long-range plan and, with input from the boards, shall
 545 annually update the plans for approval by the secretary. The
 546 department shall provide concise management reports to the
 547 boards quarterly. As part of the review process, the department
 548 shall evaluate:

HB 1921

2004

549 (1) Whether the department, including the boards and the
 550 various functions performed by the department, is operating
 551 efficiently and effectively and if there is a need for a board
 552 or council to assist in cost-effective regulation.

553 (2) How and why the various professions are regulated.

554 (3) Whether there is a need to continue regulation, and to
 555 what degree.

556 (4) Whether or not consumer protection is adequate, and
 557 how it can be improved.

558 (5) Whether there is consistency between the various
 559 practice acts.

560 (6) Whether unlicensed activity is adequately enforced.

561

562 Such plans should include conclusions and recommendations on
 563 these and other issues as appropriate. Such plans shall be
 564 provided to the Governor and the Legislature by November 1 of
 565 each year.

566 Section 15. Subsection (5) of section 456.011, Florida
 567 Statutes, is amended to read:

568 456.011 Boards; organization; meetings; compensation and
 569 travel expenses.--

570 (5) Notwithstanding the provisions of chapter 120, when
 571 two or more boards have identified a conflict in the
 572 interpretation or application of their respective practice acts
 573 differences between them, the following administrative remedies
 574 shall be employed:

575 (a) One board ~~boards may elect to,~~ or the secretary shall
 576 ~~may~~ request that the boards, establish a special committee to
 577 resolve the conflict ~~settle those differences.~~ The special

HB 1921

2004

578 committee shall consist of two ~~three~~ members designated by each
 579 board, who may be members of the designating board or other
 580 experts designated by the board, and of three ~~one~~ additional
 581 persons appointed by the secretary who are not members of either
 582 profession and who do not have an interest in either profession
 583 ~~person designated and agreed to by the members of the special~~
 584 ~~committee. In the event the special committee cannot agree on~~
 585 ~~the additional designee, upon request of the special committee,~~
 586 ~~the secretary may select the designee.~~ The committee shall, by
 587 majority vote, make such recommendations as the committee deems
 588 necessary, including, but not limited to, rules ~~recomm~~~~end~~ ~~rules~~
 589 ~~necessary~~ to resolve the differences.

590 (b) Matters that cannot be resolved through the special
 591 committee may be resolved by the department or agent of the
 592 department through informal mediation. If the committee reaches
 593 a resolution of their differences during mediation, the mediator
 594 shall notify the department of the terms of the resolution. The
 595 committee shall be provided the opportunity to record with the
 596 department an acknowledgment of satisfaction of the terms of
 597 mediation within 60 days after such notification. A mediated
 598 settlement shall be binding on the two applicable boards as a
 599 decision of the special committee.

600 (c) In the event the boards cannot resolve their conflict
 601 through the means established in paragraphs (a) and (b), the
 602 secretary shall have the authority to resolve the differences
 603 through rulemaking or, in the case of a declaratory statement,
 604 the boards shall have standing to petition the department to
 605 issue an order ~~If a rule adopted pursuant to this provision is~~
 606 ~~challenged, the participating boards shall share the costs~~

HB 1921

2004

607 ~~associated with defending the rule or rules. The department~~
 608 ~~shall provide legal representation for any special committee~~
 609 ~~established pursuant to this section.~~

610 Section 16. Subsection (3) of section 456.012, Florida
 611 Statutes, is amended to read:

612 456.012 Board rules; final agency action; challenges.--

613 (3) No board created within the department shall have
 614 standing to challenge a rule, ~~or~~ proposed rule, or declaratory
 615 statement of another board. However, if there is a dispute
 616 between boards concerning a rule, ~~or~~ proposed rule, or
 617 declaratory statement, the boards may avail themselves of the
 618 provisions of s. 456.011(5).

619 Section 17. Section 456.013, Florida Statutes, is amended
 620 to read:

621 456.013 Department; general licensing provisions.--

622 (1)(a) Any person desiring to be licensed in a profession
 623 within the jurisdiction of the department shall apply to the
 624 department in writing to take the licensure examination. The
 625 application shall be made on a form prepared and furnished by
 626 the department. The application form must be available on the
 627 World Wide Web and the department may accept electronically
 628 submitted applications beginning July 1, 2001. The application
 629 shall require the social security number of the applicant,
 630 except as provided in paragraph (b). The form shall be
 631 supplemented as needed to reflect any material change in any
 632 circumstance or condition stated in the application which takes
 633 place between the initial filing of the application and the
 634 final grant or denial of the license and which might affect the
 635 decision of the department. If an application is submitted

HB 1921

2004

636 electronically, the department may require supplemental
 637 materials, including an original signature of the applicant and
 638 verification of credentials, to be submitted in a nonelectronic
 639 format. An incomplete application shall expire 1 year after
 640 initial filing. In order to further the economic development
 641 goals of the state, and notwithstanding any law to the contrary,
 642 the department may enter into an agreement with the county tax
 643 collector for the purpose of appointing the county tax collector
 644 as the department's agent to accept applications for licenses
 645 and applications for renewals of licenses. The agreement must
 646 specify the time within which the tax collector must forward any
 647 applications and accompanying application fees to the
 648 department.

649 (b) If an applicant has not been issued a social security
 650 number by the Federal Government at the time of application
 651 because the applicant is not a citizen or resident of this
 652 country, the department may process the application using a
 653 unique personal identification number. If such an applicant is
 654 otherwise eligible for licensure, the board, or the department
 655 when there is no board, may issue a temporary license, as
 656 established by rule of the board or the department, if there is
 657 no board, to the applicant, which shall expire 90 ~~30~~ days after
 658 issuance unless a social security number is obtained and
 659 submitted in writing to the department. Upon receipt of the
 660 applicant's social security number, the department shall issue a
 661 new license, which shall expire at the end of the current
 662 biennium.

663 (2) The board or the department, if there is no board, may
 664 adopt a rule allowing an applicant for licensure to complete the

HB 1921

2004

665 coursework requirements for licensure by completing successfully
 666 the required courses as a student, or by teaching the required
 667 graduate course as an instructor or professor in an accredited
 668 institution.

669 (3)(2) Before the issuance of any license, the department
 670 shall charge an initial license fee as determined by the
 671 applicable board or, if no such board exists, by rule of the
 672 department. Upon receipt of the appropriate license fee, the
 673 department shall issue a license to any person certified by the
 674 appropriate board, or its designee, as having met the licensure
 675 requirements imposed by law or rule. The license shall consist
 676 of a wallet-size identification card and a wall card measuring
 677 6¹/₂ inches by 5 inches. In addition to the two-part license, the
 678 department, at the time of initial licensure, if the board has a
 679 positive cash balance and if specified by board rule, or
 680 department rule if there is no board, shall issue a wall
 681 certificate suitable for conspicuous display, ~~which shall be no~~
 682 ~~smaller than 8¹/₂ inches by 14 inches.~~ The licensee shall
 683 surrender to the department the wallet-size identification card,
 684 the wall card, and the wall certificate, if one has been issued
 685 by the department, if the licensee's license was issued in error
 686 or is revoked.

687 (4)(3)(a) The board, or the department when there is no
 688 board, may refuse to issue an initial license to any applicant
 689 who is under investigation or prosecution in any jurisdiction
 690 for an action that would constitute a violation of this chapter
 691 or the professional practice acts administered by the department
 692 and the boards, until such time as the investigation or
 693 prosecution is complete, and the time period in which the

HB 1921

2004

694 licensure application must be granted or denied shall be tolled
 695 until 15 days after the receipt of the final results of the
 696 investigation or prosecution.

697 (b) If an applicant has been convicted of a felony related
 698 to the practice or ability to practice any health care
 699 profession, the board, or the department when there is no board,
 700 may require the applicant to prove that his or her civil rights
 701 have been restored.

702 (c) In considering applications for licensure, the board,
 703 or the department when there is no board, may require a personal
 704 appearance of the applicant. If the applicant is required to
 705 appear, the time period in which a licensure application must be
 706 granted or denied shall be tolled until such time as the
 707 applicant appears. However, if the applicant fails to appear
 708 before the board at either of the next two regularly scheduled
 709 board meetings, or fails to appear before the department within
 710 30 days if there is no board, the application for licensure
 711 shall be denied.

712 ~~(5)~~(4) When any administrative law judge conducts a
 713 hearing pursuant to the provisions of chapter 120 with respect
 714 to the issuance of a license by the department, the
 715 administrative law judge shall submit his or her recommended
 716 order to the appropriate board, which shall thereupon issue a
 717 final order. The applicant for licensure may appeal the final
 718 order of the board in accordance with the provisions of chapter
 719 120.

720 ~~(6)~~(5) A privilege against civil liability is hereby
 721 granted to any witness for any information furnished by the
 722 witness in any proceeding pursuant to this section, unless the

HB 1921

2004

723 witness acted in bad faith or with malice in providing such
724 information.

725 ~~(6) As a condition of renewal of a license, the Board of~~
726 ~~Medicine, the Board of Osteopathic Medicine, the Board of~~
727 ~~Chiropractic Medicine, and the Board of Podiatric Medicine shall~~
728 ~~each require licensees which they respectively regulate to~~
729 ~~periodically demonstrate their professional competency by~~
730 ~~completing at least 40 hours of continuing education every 2~~
731 ~~years. The boards may require by rule that up to 1 hour of the~~
732 ~~required 40 or more hours be in the area of risk management or~~
733 ~~cost containment. This provision shall not be construed to limit~~
734 ~~the number of hours that a licensee may obtain in risk~~
735 ~~management or cost containment to be credited toward satisfying~~
736 ~~the 40 or more required hours. This provision shall not be~~
737 ~~construed to require the boards to impose any requirement on~~
738 ~~licensees except for the completion of at least 40 hours of~~
739 ~~continuing education every 2 years. Each of such boards shall~~
740 ~~determine whether any specific continuing education requirements~~
741 ~~not otherwise mandated by law shall be mandated and shall~~
742 ~~approve criteria for, and the content of, any continuing~~
743 ~~education mandated by such board. Notwithstanding any other~~
744 ~~provision of law, the board, or the department when there is no~~
745 ~~board, may approve by rule alternative methods of obtaining~~
746 ~~continuing education credits in risk management. The alternative~~
747 ~~methods may include attending a board meeting at which another~~
748 ~~licensee is disciplined, serving as a volunteer expert witness~~
749 ~~for the department in a disciplinary case, or serving as a~~
750 ~~member of a probable cause panel following the expiration of a~~
751 ~~board member's term. Other boards within the Division of Medical~~

HB 1921

2004

752 ~~Quality Assurance, or the department if there is no board, may~~
 753 ~~adopt rules granting continuing education hours in risk~~
 754 ~~management for attending a board meeting at which another~~
 755 ~~licensee is disciplined, for serving as a volunteer expert~~
 756 ~~witness for the department in a disciplinary case, or for~~
 757 ~~serving as a member of a probable cause panel following the~~
 758 ~~expiration of a board member's term.~~

759 ~~(7) The boards, or the department when there is no board,~~
 760 ~~shall require the completion of a 2-hour course relating to~~
 761 ~~prevention of medical errors as part of the licensure and~~
 762 ~~renewal process. The 2-hour course shall count towards the total~~
 763 ~~number of continuing education hours required for the~~
 764 ~~profession. The course shall be approved by the board or~~
 765 ~~department, as appropriate, and shall include a study of root-~~
 766 ~~cause analysis, error reduction and prevention, and patient~~
 767 ~~safety. In addition, the course approved by the Board of~~
 768 ~~Medicine and the Board of Osteopathic Medicine shall include~~
 769 ~~information relating to the five most misdiagnosed conditions~~
 770 ~~during the previous biennium, as determined by the board. If the~~
 771 ~~course is being offered by a facility licensed pursuant to~~
 772 ~~chapter 395 for its employees, the board may approve up to 1~~
 773 ~~hour of the 2-hour course to be specifically related to error~~
 774 ~~reduction and prevention methods used in that facility.~~

775 ~~(8) The respective boards within the jurisdiction of the~~
 776 ~~department, or the department when there is no board, may adopt~~
 777 ~~rules to provide for the use of approved videocassette courses,~~
 778 ~~not to exceed 5 hours per subject, to fulfill the continuing~~
 779 ~~education requirements of the professions they regulate. Such~~
 780 ~~rules shall provide for prior approval of the board, or the~~

HB 1921

2004

781 ~~department when there is no board, of the criteria for and~~
 782 ~~content of such courses and shall provide for a videocassette~~
 783 ~~course validation form to be signed by the vendor and the~~
 784 ~~licensee and submitted to the department, along with the license~~
 785 ~~renewal application, for continuing education credit.~~

786 (7)~~(9)~~ Any board that currently requires continuing
 787 education for renewal of a license, or the department if there
 788 is no board, shall adopt rules to establish the criteria for
 789 continuing education courses. The rules may provide that up to a
 790 maximum of 25 percent of the required continuing education hours
 791 can be fulfilled by the performance of pro bono services to the
 792 indigent or to underserved populations or in areas of critical
 793 need within the state where the licensee practices. The board,
 794 or the department if there is no board, must require that any
 795 pro bono services be approved in advance in order to receive
 796 credit for continuing education under this subsection. The
 797 standard for determining indigency shall be that recognized by
 798 the Federal Poverty Income Guidelines produced by the United
 799 States Department of Health and Human Services. The rules may
 800 provide for approval by the board, or the department if there is
 801 no board, that a part of the continuing education hours can be
 802 fulfilled by performing research in critical need areas or for
 803 training leading to advanced professional certification. The
 804 board, or the department if there is no board, may make rules to
 805 define underserved and critical need areas. The department shall
 806 adopt rules for administering continuing education requirements
 807 adopted by the boards or the department if there is no board.

808 (8)~~(10)~~ Notwithstanding any law to the contrary, an
 809 elected official who is licensed under a practice act

HB 1921

2004

810 administered by the Division of Medical Quality Assurance may
 811 hold employment for compensation with any public agency
 812 concurrent with such public service. Such dual service must be
 813 disclosed according to any disclosure required by applicable
 814 law.

815 (9)~~(11)~~ In any instance in which a licensee or applicant
 816 to the department is required to be in compliance with a
 817 particular provision by, on, or before a certain date, and if
 818 that date occurs on a Saturday, Sunday, or a legal holiday, then
 819 the licensee or applicant is deemed to be in compliance with the
 820 specific date requirement if the required action occurs on the
 821 first succeeding day which is not a Saturday, Sunday, or legal
 822 holiday.

823 (10)~~(12)~~ Pursuant to the federal Personal Responsibility
 824 and Work Opportunity Reconciliation Act of 1996, each party is
 825 required to provide his or her social security number in
 826 accordance with this section. Disclosure of social security
 827 numbers obtained through this requirement shall be limited to
 828 the purpose of administration of the Title IV-D program for
 829 child support enforcement.

830 Section 18. Paragraph (c) of subsection (1) and subsection
 831 (2) of section 456.017, Florida Statutes, are amended, and
 832 subsection (7) is added to said section, to read:

833 456.017 Examinations.--

834 (1)

835 (c)1. The board, or the department when there is no board,
 836 shall approve by rule the use of one or more national
 837 examinations which the department has certified as meeting
 838 requirements of national examinations and generally accepted

HB 1921

2004

839 testing standards pursuant to department rules. Providers of
 840 examinations seeking certification by the department shall pay
 841 the actual costs incurred by the department in making a
 842 determination regarding the certification. The name and number
 843 of a candidate may be provided to a national contractor for the
 844 limited purpose of preparing the grade tape and information to
 845 be returned to the board or department; or, to the extent
 846 otherwise specified by rule, the candidate may apply directly to
 847 the vendor of the national examination and supply test score
 848 information to the department. The department may delegate to
 849 the board the duty to provide and administer the examination.
 850 Any national examination approved by a board, or the department
 851 when there is no board, prior to October 1, 1997, is deemed
 852 certified under this paragraph.

853 2. The board, or the department when there is no board,
 854 shall approve and begin administering a national examination no
 855 later than December 31, 2001. Neither the board nor the
 856 department may administer a state-developed written examination
 857 after December 31, 2001, notwithstanding any other provision of
 858 law, provided a national examination has been certified by the
 859 department. The examination may be administered electronically
 860 if adequate security measures are used, as determined by rule of
 861 the department.

862 3. The board, or the department when there is no board,
 863 may administer a state-developed practical or clinical
 864 examination, as required by the applicable practice act, if all
 865 costs of development, purchase, validation, administration,
 866 review, and defense are paid by the examination candidate prior
 867 to the administration of the examination. If a national

HB 1921

2004

868 practical or clinical examination is available and certified by
 869 the department pursuant to this section, the board, or the
 870 department when there is no board, may administer the national
 871 examination.

872 4. It is the intent of the Legislature to reduce the costs
 873 associated with state examinations and to encourage the use of
 874 national examinations whenever possible.

875 (2) For each examination developed by the department or a
 876 contracted vendor, the board, or the department when there is no
 877 board, shall adopt rules providing for reexamination of any
 878 applicants who failed an examination developed by the department
 879 or a contracted vendor. If both a written and a practical
 880 examination are given, an applicant shall be required to retake
 881 only the portion of the examination on which the applicant
 882 failed to achieve a passing grade, if the applicant successfully
 883 passes that portion within a reasonable time, as determined by
 884 rule of the board, or the department when there is no board, of
 885 passing the other portion. Except for national examinations
 886 approved and administered pursuant to this section, the
 887 department shall provide procedures for applicants who fail an
 888 examination developed by the department or a contracted vendor
 889 to review their examination questions, answers, papers, grades,
 890 and grading key for the questions the candidate answered
 891 incorrectly or, if not feasible, the parts of the examination
 892 failed. Applicants shall bear the actual cost for the department
 893 to provide examination review pursuant to this subsection. An
 894 applicant may waive in writing the confidentiality of the
 895 applicant's examination grades. Notwithstanding any other
 896 provisions, only candidates who fail an examination with a score

HB 1921

2004

897 that is ~~by~~ less than 10 percent below the minimum score required
 898 to pass the examination shall be entitled to challenge the
 899 validity of the examination at hearing.

900 (7) The department may post examination scores
 901 electronically on the Internet in lieu of mailing the scores to
 902 each applicant. Such electronic posting of the examination
 903 scores meets the requirements of chapter 120 if the department
 904 also posts with the examination scores a notification of rights
 905 as set forth in chapter 120. The date of receipt for purposes of
 906 chapter 120 shall be the date the examination scores are posted
 907 electronically. The department shall also notify the examinee
 908 when scores are posted electronically of the availability of a
 909 postexamination review, if applicable.

910 Section 19. Section 456.020, Florida Statutes, is created
 911 to read:

912 456.020 Continuing education; instruction on domestic
 913 violence; instruction on HIV/AIDS; instruction on prevention of
 914 medical errors.--

915 (1) It is the declared purpose of this section to
 916 encourage the completion of continuing education courses in
 917 specified subject areas as a condition of license renewal, when
 918 applicable to the practice, by health care practitioners as
 919 defined in s. 456.001. The board or the department, when there
 920 is no board, may require the completion of courses, including,
 921 but not limited to, the following subject areas, as defined by
 922 board or department rule:

923 (a) Domestic violence as defined in s. 741.28. Such course
 924 shall include information on the number of patients in that
 925 professional's practice who are likely to be victims of domestic

HB 1921

2004

926 violence and the number who are likely to be perpetrators of
 927 domestic violence, screening procedures for determining whether
 928 a patient has any history of being either a victim or
 929 perpetrator of domestic violence, and instruction on how to
 930 provide such patients with information on, or how to refer such
 931 patients to resources in the local community that provide, legal
 932 aid, shelter, victim counseling, batterer counseling, or child
 933 protection services.

934 (b) HIV/AIDS. Such course shall consist of education on
 935 the modes of transmission, infection control procedures,
 936 clinical management, and prevention of HIV/AIDS. Such course
 937 shall include information on current state law on AIDS and its
 938 impact on testing, confidentiality of test results, treatment of
 939 patients, and any protocols and procedures applicable to HIV
 940 counseling and testing, reporting, the offering of testing to
 941 pregnant women, and partner notification issues pursuant to ss.
 942 381.004 and 384.25.

943 (c) Prevention of medical errors. Such course shall
 944 include a study of root-cause analysis, error reduction and
 945 prevention, and patient safety. If the course is being offered
 946 by a facility licensed pursuant to chapter 395 for its
 947 employees, the board may approve up to 1 hour of the 2-hour
 948 course to be specifically related to error reduction and
 949 prevention methods used in such facility.

950 (2) Proof of completion of continuing education courses
 951 shall be defined by board rule, or department rule if there is
 952 no board.

HB 1921

2004

953 (3) Courses completed in the specified subject areas shall
 954 count towards the total number of continuing education hours
 955 required for license renewal for the profession.

956 (4) Any person holding two or more licenses subject to the
 957 provisions of this section shall only be required to complete
 958 the requirement for one license.

959 (5) Failure to comply with courses required by the board
 960 or the department, if there is no board, shall constitute
 961 grounds for disciplinary action under each respective practice
 962 act and under s. 456.072(1)(k).

963 Section 20. Subsections (4) and (9) of section 456.025,
 964 Florida Statutes, are amended to read:

965 456.025 Fees; receipts; disposition.--

966 (4) Each board, or the department if there is no board,
 967 may charge a fee not to exceed \$25, as determined by rule, for
 968 the issuance of a wall certificate pursuant to s. 456.013(3)~~(2)~~
 969 requested by a licensee who was licensed prior to July 1, 1998,
 970 or for the issuance of a duplicate wall certificate requested by
 971 any licensee.

972 (9) The department shall provide a ~~condensed~~ management
 973 report of revenues and expenditures ~~budgets, finances,~~
 974 performance measures ~~statistics,~~ and necessary recommendations
 975 to each board at least once a quarter. ~~The department shall~~
 976 ~~identify and include in such presentations any changes, or~~
 977 ~~projected changes, made to the board's budget since the last~~
 978 ~~presentation.~~

979 Section 21. Section 456.031, Florida Statutes, is amended
 980 to read:

HB 1921

2004

981 456.031 Requirement for instruction on domestic
 982 violence.--

983 (1)(a) The appropriate board shall require each person
 984 licensed or certified under chapter 458, chapter 459, part I of
 985 chapter 464, chapter 466, chapter 467, chapter 490, or chapter
 986 491 to complete a ~~1-hour~~ continuing education course, approved
 987 by the board, on domestic violence, as defined in s. 741.28, as
 988 part of initial licensure, biennial relicensure, or
 989 recertification. The course shall consist of a skills-based
 990 curriculum that includes practice protocols for identifying and
 991 treating a victim of domestic violence consistent with the
 992 profession and instructions on practical applications. For
 993 purposes of this section, "skills-based curriculum" means a
 994 curriculum that details methods of practical applications to
 995 improve responses to domestic violence victims through
 996 culturally competent methods of routine screening, assessment,
 997 intervention, and health records documentation. Each licensee
 998 must complete continuing education on domestic violence as
 999 prescribed by board rule. Initial applicants for licensure shall
 1000 be allowed 1 year from the date of licensure to complete the
 1001 required course information on the number of patients in that
 1002 professional's practice who are likely to be victims of domestic
 1003 violence and the number who are likely to be perpetrators of
 1004 domestic violence, screening procedures for determining whether
 1005 a patient has any history of being either a victim or a
 1006 perpetrator of domestic violence, and instruction on how to
 1007 provide such patients with information on, or how to refer such
 1008 patients to, resources in the local community, such as domestic
 1009 violence centers and other advocacy groups, that provide legal

HB 1921

2004

1010 ~~aid, shelter, victim counseling, batterer counseling, or child~~
 1011 ~~protection services.~~

1012 ~~(b) Each such licensee or certificateholder shall submit~~
 1013 ~~confirmation of having completed such course, on a form provided~~
 1014 ~~by the board, when submitting fees for each biennial renewal.~~

1015 ~~(c) The board may approve additional equivalent courses~~
 1016 ~~that may be used to satisfy the requirements of paragraph (a).~~
 1017 ~~Each licensing board that requires a licensee to complete an~~
 1018 ~~educational course pursuant to this subsection may include the~~
 1019 ~~hour required for completion of the course in the total hours of~~
 1020 ~~continuing education required by law for such profession unless~~
 1021 ~~the continuing education requirements for such profession~~
 1022 ~~consist of fewer than 30 hours biennially.~~

1023 ~~(b)(d)~~ Any person holding two or more licenses subject to
 1024 the provisions of this subsection shall be permitted to show
 1025 proof of having taken one board-approved course on domestic
 1026 violence, for purposes of initial licensure, relicensure, or
 1027 recertification for additional licenses.

1028 ~~(c) Failure to comply with the requirements of this~~
 1029 ~~subsection shall constitute grounds for disciplinary action~~
 1030 ~~under each respective practice act and under s. 456.072(1)(k).~~
 1031 ~~In addition to discipline by the board, the licensee shall be~~
 1032 ~~required to complete such course.~~

1033 ~~(2) The board shall also require, as a condition of~~
 1034 ~~granting a license under any chapter specified in paragraph~~
 1035 ~~(1)(a), that each applicant for initial licensure under the~~
 1036 ~~appropriate chapter complete an educational course acceptable to~~
 1037 ~~the board on domestic violence which is substantially equivalent~~
 1038 ~~to the course required in subsection (1). An applicant who has~~

HB 1921

2004

1039 ~~not taken such course at the time of licensure shall, upon~~
 1040 ~~submission of an affidavit showing good cause, be allowed 6~~
 1041 ~~months to complete such requirement.~~

1042 ~~(3)(a) In lieu of completing a course as required in~~
 1043 ~~subsection (1), a licensee or certificateholder may complete a~~
 1044 ~~course in end-of-life care and palliative health care, if the~~
 1045 ~~licensee or certificateholder has completed an approved domestic~~
 1046 ~~violence course in the immediately preceding biennium.~~

1047 ~~(b) In lieu of completing a course as required by~~
 1048 ~~subsection (1), a person licensed under chapter 466 who has~~
 1049 ~~completed an approved domestic violence education course in the~~
 1050 ~~immediately preceding 2 years may complete a course approved by~~
 1051 ~~the Board of Dentistry.~~

1052 ~~(2)(4)~~ Each board may adopt rules to carry out the
 1053 provisions of this section.

1054 ~~(5) Each board shall report to the President of the~~
 1055 ~~Senate, the Speaker of the House of Representatives, and the~~
 1056 ~~chairs of the appropriate substantive committees of the~~
 1057 ~~Legislature by March 1 of each year as to the implementation of~~
 1058 ~~and compliance with the requirements of this section.~~

1059 Section 22. Subsection (14) is added to section 456.036,
 1060 Florida Statutes, to read:

1061 456.036 Licenses; active and inactive status;
 1062 delinquency.--

1063 (14) The board or the department, if there is no board,
 1064 may require the display of a license.

1065 Section 23. Subsection (6) is added to section 456.037,
 1066 Florida Statutes, to read:

HB 1921

2004

1067 456.037 Business establishments; requirements for active
 1068 status licenses; delinquency; discipline; applicability.--

1069 (6) The board or the department, if there is no board, may
 1070 require the display of a license.

1071 Section 24. Paragraph (a) of subsection (4) of section
 1072 456.039, Florida Statutes, is amended to read:

1073 456.039 Designated health care professionals; information
 1074 required for licensure.--

1075 (4)(a) An applicant for initial licensure must submit a
 1076 set of fingerprints to the Department of Health in accordance
 1077 with s. 458.311, s. 458.3115, s. 458.3124, ~~s. 458.313~~, s.
 1078 459.0055, s. 460.406, or s. 461.006.

1079 Section 25. Present subsections (16) through (19) of
 1080 section 456.057, Florida Statutes, are renumbered as subsections
 1081 (17) through (20), respectively, and a new subsection (16) is
 1082 added to said section to read:

1083 456.057 Ownership and control of patient records; report
 1084 or copies of records to be furnished.--

1085 (16) A health care practitioner or records owner
 1086 furnishing copies of reports or records or making the reports or
 1087 records available for digital scanning pursuant to this section
 1088 may charge the department the reasonable costs of reproducing
 1089 the records.

1090 (a) Reasonable costs of reproducing copies of written or
 1091 typed documents or reports may not be more than:

- 1092 1. For the first 25 pages, \$1 per page.
- 1093 2. For each page in excess of 25 pages, 25 cents.

1094 (b) Reasonable costs of reproducing X rays and other
 1095 special kinds of records are the actual costs. The term "actual

HB 1921

2004

1096 costs" means the cost of the material and supplies used to
 1097 duplicate the record, as well as the labor costs associated with
 1098 the duplication.

1099 Section 26. Subsection (3) of section 456.063, Florida
 1100 Statutes, is amended to read:

1101 456.063 Sexual misconduct; disqualification for license,
 1102 certificate, or registration.--

1103 (3) Licensed health care practitioners shall report
 1104 allegations of sexual misconduct to the department, regardless
 1105 of the practice setting in which the alleged sexual misconduct
 1106 occurred. Each board or the department, if there is board, may
 1107 adopt rules to implement the requirements for reporting
 1108 allegations of sexual misconduct, including rules to determine
 1109 the sufficiency of the allegations.

1110 Section 27. Paragraphs (aa) and (bb) of subsection (1) of
 1111 section 456.072, Florida Statutes, are amended, paragraph (ff)
 1112 is added to said subsection, and subsection (7) is added to said
 1113 section, to read:

1114 456.072 Grounds for discipline; penalties; enforcement.--

1115 (1) The following acts shall constitute grounds for which
 1116 the disciplinary actions specified in subsection (2) may be
 1117 taken:

1118 (aa) Performing or attempting to perform health care
 1119 services on the wrong patient, a wrong-site procedure, a wrong
 1120 procedure, or an unauthorized procedure or a procedure that is
 1121 medically unnecessary or otherwise unrelated to the patient's
 1122 diagnosis or medical condition. For the purposes of this
 1123 paragraph, performing or attempting to perform health care
 1124 services includes invasive actions taken in furtherance of the

HB 1921

2004

1125 preparation of the patient, but does not include those
 1126 preparations that are noninvasive.

1127 (bb) Leaving a foreign body in a patient, such as a
 1128 sponge, clamp, forceps, surgical needle, or other paraphernalia
 1129 commonly used in surgical, examination, or other diagnostic
 1130 procedures. For the purposes of this paragraph, it shall be
 1131 legally presumed that retention of a foreign body is not in the
 1132 best interest of the patient and is not within the standard of
 1133 care of the profession, unless medically indicated and
 1134 documented in the patient record ~~regardless of the intent of the~~
 1135 ~~professional.~~

1136 (ff) Prescribing, administering, dispensing, or
 1137 distributing a legend drug, including a controlled substance,
 1138 when the practitioner knows or reasonably should know that the
 1139 receiving patient has not established a valid professional
 1140 relationship with the prescribing practitioner. A medical
 1141 questionnaire completed on the Internet or by telephone,
 1142 electronic transfer, or mail does not establish a valid
 1143 professional relationship.

1144 (7) In addition to any other discipline imposed by final
 1145 order entered on or after July 1, 2004, for violation of any
 1146 practice act pursuant to this section, the board or the
 1147 department, if there is no board, shall assess a nonrefundable
 1148 fee to defray the costs of monitoring the licensee's compliance
 1149 with the order in the amount of \$25 per month for each month or
 1150 portion of a month set forth in the final order to complete the
 1151 length of term of the probation, suspension, or practice
 1152 restrictions imposed by the final order. Such assessment shall
 1153 be included in the terms of the final order. The board or the

HB 1921

2004

1154 department, if there is no board, may elect to assess the same
 1155 fee to offset other costs of monitoring compliance with the
 1156 terms imposed by a final order which does not include probation,
 1157 suspension, or practice restrictions.

1158 Section 28. Subsection (1) of section 456.073, Florida
 1159 Statutes, is amended to read:

1160 456.073 Disciplinary proceedings.--Disciplinary
 1161 proceedings for each board shall be within the jurisdiction of
 1162 the department.

1163 (1) The department, for the boards under its jurisdiction,
 1164 shall cause to be investigated any complaint that is filed
 1165 before it if the complaint is in writing, signed by the
 1166 complainant, and legally sufficient. A complaint filed by a
 1167 state prisoner against a health care practitioner employed by or
 1168 otherwise providing health care services within a facility of
 1169 the Department of Corrections is not legally sufficient unless
 1170 there is a showing that the prisoner complainant has exhausted
 1171 all available administrative remedies within the state
 1172 correctional system before filing the complaint. However, if the
 1173 Department of Health determines after a preliminary inquiry of a
 1174 state prisoner's complaint that the practitioner may present a
 1175 serious threat to the health and safety of any individual who is
 1176 not a state prisoner, the Department of Health may determine
 1177 legal sufficiency and proceed with discipline. The Department of
 1178 Health shall be notified within 15 days after the Department of
 1179 Corrections disciplines or allows a health care practitioner to
 1180 resign for an offense related to the practice of his or her
 1181 profession. A complaint is legally sufficient if it contains
 1182 ultimate facts that show that a violation of this chapter, of

HB 1921

2004

1183 any of the practice acts relating to the professions regulated
 1184 by the department, or of any rule adopted by the department or a
 1185 regulatory board in the department has occurred. In order to
 1186 determine legal sufficiency, the department may require
 1187 supporting information or documentation. The department may
 1188 investigate, and the department or the appropriate board may
 1189 take appropriate final action on, a complaint even though the
 1190 original complainant withdraws it or otherwise indicates a
 1191 desire not to cause the complaint to be investigated or
 1192 prosecuted to completion. The department may investigate an
 1193 anonymous complaint if the complaint is in writing and is
 1194 legally sufficient, if the alleged violation of law or rules is
 1195 substantial, and if the department has reason to believe, after
 1196 preliminary inquiry, that the violations alleged in the
 1197 complaint are true. The department may investigate a complaint
 1198 made by a confidential informant if the complaint is legally
 1199 sufficient, if the alleged violation of law or rule is
 1200 substantial, and if the department has reason to believe, after
 1201 preliminary inquiry, that the allegations of the complainant are
 1202 true. The department may initiate an investigation if it has
 1203 reasonable cause to believe that a licensee or a group of
 1204 licensees has violated a Florida statute, a rule of the
 1205 department, or a rule of a board. Notwithstanding subsection
 1206 (13), the department may investigate information filed pursuant
 1207 to s. 456.041(4) relating to liability actions with respect to
 1208 practitioners licensed under chapter 458 or chapter 459 which
 1209 have been reported under s. 456.049 or s. 627.912 within the
 1210 previous 6 years for any paid claim that exceeds \$50,000. ~~Except~~
 1211 ~~as provided in ss. 458.331(9), 459.015(9), 460.413(5), and~~

HB 1921

2004

1212 ~~461.013(6)~~, When an investigation of any subject is undertaken,
 1213 the department shall promptly furnish to the subject or the
 1214 subject's attorney a copy of the complaint or document that
 1215 resulted in the initiation of the investigation. The subject may
 1216 submit a written response to the information contained in such
 1217 complaint or document within 30 ~~20~~ days after service to the
 1218 subject of the complaint or document. The subject's written
 1219 response shall be considered by the probable cause panel. The
 1220 right to respond does not prohibit the issuance of a summary
 1221 emergency order if necessary to protect the public. However, if
 1222 the secretary, or the secretary's designee, and the chair of the
 1223 respective board or the chair of its probable cause panel agree
 1224 in writing that such notification would be detrimental to the
 1225 investigation, the department may withhold notification. The
 1226 department may conduct an investigation without notification to
 1227 any subject if the act under investigation is a criminal
 1228 offense.

1229 Section 29. Paragraphs (b) and (c) of subsection (2) of
 1230 section 457.105, Florida Statutes, are amended, and subsection
 1231 (3) is added to said section, to read:

1232 457.105 Licensure qualifications and fees.--

1233 (2) A person may become licensed to practice acupuncture
 1234 if the person applies to the department and:

1235 (b) Has completed 60 college credits from an accredited
 1236 postsecondary institution as a prerequisite to enrollment and
 1237 completion of an authorized ~~in an authorized 3-year course of~~
 1238 ~~study in acupuncture and oriental medicine, and has completed a~~
 1239 ~~3-year course of study in acupuncture and oriental medicine, and~~
 1240 ~~effective July 31, 2001, a 4-year course of study in acupuncture~~

HB 1921

2004

1241 and oriental medicine, which meets standards established by the
 1242 board by rule, which standards include, but are not limited to,
 1243 successful completion of academic courses in western anatomy,
 1244 western physiology, western pathology, western biomedical
 1245 terminology, first aid, and cardiopulmonary resuscitation (CPR).
 1246 However, any person who enrolled in an authorized course of
 1247 study in acupuncture before August 1, 1997, must have completed
 1248 only a 2-year course of study which meets standards established
 1249 by the board by rule, which standards must include, but are not
 1250 limited to, successful completion of academic courses in western
 1251 anatomy, western physiology, and western pathology.

1252 Additionally, any person who enrolled in an authorized 3-year
 1253 course of study in acupuncture and oriental medicine prior to
 1254 July 31, 2001, must have completed 60 college credits from an
 1255 accredited postsecondary institution as a prerequisite to
 1256 enrollment in an authorized 3-year course of study in
 1257 acupuncture and oriental medicine, and completed a 3-year course
 1258 of study in acupuncture and oriental medicine which meets
 1259 standards established by the board by rule;

1260 (c) Has successfully completed a board-approved national
 1261 certification process, is actively licensed in a state that has
 1262 examination requirements that are substantially equivalent to or
 1263 more stringent than those of this state, or passes the national
 1264 ~~an examination approved administered~~ by the board ~~department~~,
 1265 which examination tests the applicant's competency and knowledge
 1266 of the practice of acupuncture and oriental medicine. At the
 1267 request of any applicant, oriental nomenclature for the points
 1268 shall be used in the examination. The examination shall include
 1269 a practical examination of the knowledge and skills required to

HB 1921

2004

1270 practice modern and traditional acupuncture and oriental
 1271 medicine, covering diagnostic and treatment techniques and
 1272 procedures; and

1273 (3) Notwithstanding the provisions of s. 120.60(1), upon
 1274 receipt of an application for a license, the board shall examine
 1275 the application and, within 30 days after such receipt, notify
 1276 the applicant of any apparent errors or omissions and request
 1277 any additional information the board is permitted by law to
 1278 require. Within 30 days after receipt of such additional
 1279 information, the board shall review the information and may
 1280 request additional information needed to clarify such additional
 1281 information or to answer new questions raised by or directly
 1282 related to such additional information. When appropriate, the
 1283 board may require the results of an evaluation through the
 1284 Professionals Resource Network as additional information,
 1285 clarifying information, or as the answer to new questions raised
 1286 by or directly related to information submitted by an applicant.
 1287 The department shall not deny a license for failure to correct
 1288 an error or omission or to supply additional information,
 1289 provide clarifying information, or answer new questions raised
 1290 by or directly related to additional information unless the
 1291 department timely notifies the applicant within the appropriate
 1292 30-day period. An application shall be considered complete upon
 1293 receipt of all requested information and correction of any error
 1294 or omission for which the applicant is timely notified or when
 1295 the time for such notification has expired. Each application for
 1296 a license shall be approved or denied within 90 days after
 1297 receipt of a completed application unless a shorter period of
 1298 time for department action is provided by law. The 90-day time

HB 1921

2004

1299 period shall be tolled by the initiation of a proceeding under
 1300 ss. 120.569 and 120.57. An application for a license must be
 1301 approved or denied within the 90-day or shorter time period,
 1302 within 15 days after the conclusion of a public hearing held on
 1303 the application, or within 45 days after a recommended order is
 1304 submitted to the department and the parties, whichever is later.
 1305 The board must approve any application for a license or an
 1306 examination required for licensure if the board has not approved
 1307 or denied the application within the time periods prescribed by
 1308 this subsection.

1309 Section 30. Paragraph (c) of subsection (1) of section
 1310 457.109, Florida Statutes, is amended to read:

1311 457.109 Disciplinary actions; grounds; action by the
 1312 board.--

1313 (1) The following acts constitute grounds for denial of a
 1314 license or disciplinary action, as specified in s. 456.072(2):

1315 (c) Being convicted or found guilty of, or entering a plea
 1316 of nolo contendere to, regardless of adjudication, in a court of
 1317 this state or other any jurisdiction, of a crime which directly
 1318 relates to the practice of acupuncture or to the ability to
 1319 practice acupuncture. ~~Any plea of nolo contendere shall be~~
 1320 ~~considered a conviction for purposes of this chapter.~~

1321 Section 31. Section 458.303, Florida Statutes, is amended
 1322 to read:

1323 458.303 Provisions not applicable to other practitioners;
 1324 exceptions, etc.--

1325 (1) The provisions of ss. 458.301, 458.303, 458.305,
 1326 458.307, 458.309, 458.311, ~~458.313,~~ 458.315, ~~458.317,~~ 458.319,

HB 1921

2004

1327 458.321, 458.327, 458.329, 458.331, 458.337, 458.339, 458.341,
 1328 458.343, 458.345, and 458.347 shall have no application to:

1329 (a) Other duly licensed health care practitioners acting
 1330 within their scope of practice authorized by statute.

1331 (b) Any physician lawfully licensed in another state or
 1332 territory or foreign country, when meeting duly licensed
 1333 physicians of this state in consultation.

1334 (c) Commissioned medical officers of the Armed Forces of
 1335 the United States and of the Public Health Service of the United
 1336 States while on active duty and while acting within the scope of
 1337 their military or public health responsibilities.

1338 (d) Any person while actually serving without salary or
 1339 professional fees on the resident medical staff of a hospital in
 1340 this state, subject to the provisions of s. 458.321.

1341 (e) Any person furnishing medical assistance in case of an
 1342 emergency.

1343 (f) The domestic administration of recognized family
 1344 remedies.

1345 (g) The practice of the religious tenets of any church in
 1346 this state.

1347 (h) Any person or manufacturer who, without the use of
 1348 drugs or medicine, mechanically fits or sells lenses, artificial
 1349 eyes or limbs, or other apparatus or appliances or is engaged in
 1350 the mechanical examination of eyes for the purpose of
 1351 constructing or adjusting spectacles, eyeglasses, or lenses.

1352 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
 1353 458.307, s. 458.309, s. 458.311, ~~s. 458.313~~, s. 458.319, s.
 1354 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
 1355 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall

HB 1921

2004

1356 be construed to prohibit any service rendered by a registered
 1357 nurse or a licensed practical nurse, if such service is rendered
 1358 under the direct supervision and control of a licensed physician
 1359 who provides specific direction for any service to be performed
 1360 and gives final approval to all services performed. Further,
 1361 nothing in this or any other chapter shall be construed to
 1362 prohibit any service rendered by a medical assistant in
 1363 accordance with the provisions of s. 458.3485.

1364 Section 32. Section 458.311, Florida Statutes, is amended
 1365 to read:

1366 (Substantial rewording of section. See
 1367 s. 458.311, F.S., for present text.)

1368 458.311 Licensure; requirements; fees.--

1369 (1) Any person desiring to be licensed as a physician
 1370 shall apply to the department on forms furnished by the
 1371 department. The department shall license each applicant who the
 1372 board certifies has met the provisions of this section.

1373 (2) Each applicant must demonstrate that he or she:

1374 (a) Has completed the application form and remitted a
 1375 nonrefundable application fee not to exceed \$500.

1376 (b) Is at least 21 years of age.

1377 (c) Is of good moral character.

1378 (d) Has not committed any act or offense in this or any
 1379 other jurisdiction which would constitute grounds for discipline
 1380 pursuant to s. 458.331.

1381 (e) Has submitted to the department a set of fingerprints
 1382 on a form and under procedures specified by the department,
 1383 along with a payment in an amount equal to the costs incurred by
 1384 the department for the criminal history check of the applicant.

HB 1921

2004

1385 (f) Has submitted to the department core credentials
 1386 verified by the Federation Credentials Verification Service of
 1387 the Federation of State Medical Boards.

1388 (g) For an applicant holding a valid active license in
 1389 another state, has submitted evidence of the active licensed
 1390 practice of medicine in another jurisdiction for at least 2 of
 1391 the immediately preceding 4 years or evidence of successful
 1392 completion of either a board-approved postgraduate training
 1393 program within 2 years preceding filing of an application or a
 1394 board-approved clinical competency examination within the year
 1395 preceding the filing of an application for licensure. For
 1396 purposes of this paragraph, "active licensed practice of
 1397 medicine" means that practice of medicine by physicians,
 1398 including those employed by any governmental entity in community
 1399 health or public health, as defined by this chapter, those
 1400 designated as medical directors under s. 641.495(11) who are
 1401 practicing medicine, and those on the active teaching faculty of
 1402 an accredited medical school. If the applicant fails to meet the
 1403 requirements of this paragraph, the board may impose conditions
 1404 on the license, including, but not limited to, supervision of
 1405 practice.

1406 (3) Each applicant must demonstrate that he or she:

1407 (a) Is a graduate of an allopathic medical school or
 1408 allopathic college recognized and approved by an accrediting
 1409 agency recognized by the United States Department of Education
 1410 or is a graduate of an allopathic medical school or allopathic
 1411 college within a territorial jurisdiction of the United States
 1412 recognized by the accrediting agency of the governmental body of
 1413 that jurisdiction; or

HB 1921

2004

1414 (b) Is a graduate of an allopathic international medical
1415 school registered with the World Health Organization and has had
1416 his or her medical credentials evaluated by the Educational
1417 Commission for Foreign Medical Graduates, holds an active, valid
1418 certificate issued by that commission, and has passed the
1419 examination utilized by that commission. However, a graduate of
1420 an international medical school need not present the certificate
1421 issued by the Educational Commission for Foreign Medical
1422 Graduates or pass the examination utilized by that commission if
1423 the graduate has:

1424 1. Received a bachelor's degree from an accredited United
1425 States college or university.

1426 2. Studied at a medical school which is recognized by the
1427 World Health Organization.

1428 3. Completed all of the formal requirements of the
1429 international medical school, except the internship or social
1430 service requirements, and passed part I of the National Board of
1431 Medical Examiners examination or the Educational Commission for
1432 Foreign Medical Graduates examination equivalent.

1433 4. Completed an academic year of supervised clinical
1434 training in a hospital affiliated with a medical school approved
1435 by the Council on Medical Education of the American Medical
1436 Association and, upon completion, passed part II of the National
1437 Board of Medical Examiners examination or the Educational
1438 Commission for Foreign Medical Graduates examination equivalent.

1439 (4) Each applicant must demonstrate that he or she has
1440 completed an Accreditation Council for Graduate Medical
1441 Education (ACGME) approved residency, as defined by board rule,
1442 of at least 2 years, or a fellowship of at least 2 years in one

HB 1921

2004

1443 specialty area which is counted toward regular or subspecialty
 1444 certification by a board recognized and certified by the
 1445 American Board of Medical Specialties. However, applicants who
 1446 meet the requirements of paragraph (3)(a) who completed their
 1447 training prior to October 1, 2003, must demonstrate completion
 1448 of at least 1 year of an approved residency.

1449 (5)(a) Each applicant must demonstrate that he or she has
 1450 complied with one of the following examination requirements:

1451 1. Prior to January 1, 2000, has obtained a passing score,
 1452 as established by board rule, on the licensure examination of
 1453 the National Board of Medical Examiners (NBME), the licensure
 1454 examination of the Federation of State Medical Boards of the
 1455 United States, Inc. (FLEX), the United States Medical Licensing
 1456 Examination (USMLE), or a combination thereof;

1457 2. On or after January 1, 2000, has obtained a passing
 1458 score on all three steps of the United States Medical Licensing
 1459 Examination (USMLE); or

1460 3. Has obtained a passing score on a state board
 1461 examination or the Canadian licensing examination (LLMCC) if the
 1462 applicant has a current active license in at least one other
 1463 jurisdiction of the United States or Canada and has practiced
 1464 pursuant to such licensure continuously for the immediately
 1465 preceding 10 years without encumbrance on the license.

1466 (b) As prescribed by board rule, the board may require an
 1467 applicant who does not pass any step of the national licensing
 1468 examination after five attempts to complete additional remedial
 1469 education or training.

1470 (c) As prescribed by board rule, the board may require an
 1471 applicant who does not pass all the steps of the United States

HB 1921

2004

1472 Medical Licensing Examination (USMLE) within 7 years to complete
1473 additional remedial education or training or to retake the step
1474 of the examination which the applicant first passed.

1475 (6) The department and the board shall ensure through an
1476 investigative process that applicants for licensure meet the
1477 criteria of this section.

1478 (7) The board may not certify to the department for
1479 licensure any applicant who is under investigation in another
1480 jurisdiction for an offense which would constitute a violation
1481 of this chapter until such investigation is completed. Upon
1482 completion of the investigation, the provisions of s. 458.331
1483 shall apply. Furthermore, the department may not issue an
1484 unrestricted license to any individual who has committed any act
1485 or offense in any jurisdiction which would constitute the basis
1486 for disciplining a physician pursuant to s. 458.331. When the
1487 board finds that an individual has committed an act or offense
1488 in any jurisdiction which would constitute the basis for
1489 disciplining a physician pursuant to s. 458.331, the board may
1490 enter an order imposing one or more of the terms set forth in s.
1491 456.072(2).

1492 (8) The board may adopt rules pursuant to ss. 120.536(1)
1493 and 120.54 necessary to carry out the provisions of this
1494 section, which shall be applied on a uniform and consistent
1495 basis.

1496 (9) When the board determines that any applicant for
1497 licensure has failed to meet, to the board's satisfaction, each
1498 of the appropriate requirements set forth in this section, it
1499 may enter an order requiring one or more of the following terms:

HB 1921

2004

1500 (a) Refusal to certify to the department an application
 1501 for licensure, certification, or registration;

1502 (b) Certification to the department of an application for
 1503 licensure, certification, or registration with restrictions on
 1504 the scope of practice of the licensee; or

1505 (c) Certification to the department of an application for
 1506 licensure, certification, or registration with placement of the
 1507 physician on probation for a period of time and subject to such
 1508 conditions as the board may specify, including, but not limited
 1509 to, requiring the physician to submit to treatment, attend
 1510 continuing education courses, submit to reexamination, or work
 1511 under the supervision of another physician.

1512 Section 33. Subsection (5) of section 458.3124, Florida
 1513 Statutes, is amended to read:

1514 458.3124 Restricted license; certain experienced foreign-
 1515 trained physicians.--

1516 (5) Notwithstanding s. 458.311(3) and ~~(4)(1)(f)~~, a person
 1517 who successfully meets the requirements of this section and who
 1518 successfully passes Step III of the United States Medical
 1519 Licensing Examination is eligible for full licensure as a
 1520 physician.

1521 Section 34. Section 458.315, Florida Statutes, is amended
 1522 to read:

1523 (Substantial rewording of section. See
 1524 s. 458.315, F.S., for present text.)

1525 458.315 Limited licenses.--

1526 (1) Any person desiring to obtain a limited license shall
 1527 apply to the department on forms furnished by the department.

HB 1921

2004

1528 The department shall license each applicant who the board
 1529 certifies:

1530 (a) Has submitted to the department, with an application
 1531 and fee not to exceed \$300, a statement that he or she has been
 1532 licensed to practice medicine in any jurisdiction or territory
 1533 of the United States or Canada for at least 2 years and intends
 1534 to practice only pursuant to the restrictions of a limited
 1535 license granted pursuant to this section. However, if the
 1536 physician will only use the limited license for noncompensated
 1537 practice and submits a statement from the employing agency or
 1538 institution stating that he or she will not receive compensation
 1539 for any service involving the practice of medicine, the
 1540 application fee and all licensure fees shall be waived.

1541 (b) Has submitted evidence of the active licensed practice
 1542 of medicine in any jurisdiction or territory of the United
 1543 States or Canada for at least 2 of the immediately preceding 4
 1544 years. For purposes of this paragraph, "active licensed practice
 1545 of medicine" means that practice of medicine by physicians,
 1546 including those employed by any governmental entity in community
 1547 health or public health, as defined by this chapter, those
 1548 designated as medical directors under s. 641.495(11) who are
 1549 practicing medicine, and those on the active teaching faculty of
 1550 an accredited medical school. If it has been more than 3 years
 1551 since active practice was conducted by the applicant, a licensed
 1552 physician approved by the board shall supervise the applicant
 1553 for a period of 6 months after he or she is granted a limited
 1554 license for practice, unless the board determines that a shorter
 1555 period of supervision will be sufficient to ensure that the

HB 1921

2004

1556 applicant is qualified for licensure. Procedures for such
1557 supervision shall be established by the board.

1558 (c) Has submitted to the department a set of fingerprints
1559 on a form and under procedures by the department for the
1560 criminal history check of the applicant.

1561 (d) Has not committed any act or offense in this or any
1562 other jurisdiction which would constitute the basis for
1563 disciplining a physician pursuant to s. 458.331.

1564 (2) After approval of an application under this section, a
1565 limited license may not be issued until the applicant provides
1566 to the board an affidavit that there have been no substantial
1567 changes in his or her status since initial application.

1568 (3) The recipient of a limited license used for
1569 noncompensated practice shall only practice in the employ of
1570 programs or facilities that provide uncompensated health care
1571 services by volunteer licensed health care professionals to low-
1572 income persons whose family income does not exceed 120 percent
1573 of the federal poverty level or to uninsured persons. These
1574 facilities shall include, but not be limited to, the department,
1575 community and migrant health centers funded under 42 U.S.C.
1576 300ff-52, and volunteer health care provider programs contracted
1577 with the department to provide uncompensated care under the
1578 provisions of s. 766.1115.

1579 (4) The recipient of a limited license used for
1580 compensated practice shall only practice in the employ of
1581 certain programs and facilities that provide health care
1582 services and are located within federally designated primary
1583 care health professional shortage areas, unless otherwise
1584 approved by the Secretary of Health. These programs and

HB 1921

2004

1585 facilities shall include, but not be limited to, the department,
 1586 the Department of Corrections, county or municipal correctional
 1587 facilities, the Department of Juvenile Justice, the Department
 1588 of Children and Family Services, and those programs and
 1589 facilities funded under 42 U.S.C. 300ff-52.

1590 (5) The recipient of a limited license shall, within 30
 1591 days after accepting employment, notify the board of all
 1592 approved institutions in which the licensee practices and all
 1593 approved institutions in which the licensee's practice
 1594 privileges have been denied. Evidence of noncompensated
 1595 employment shall be required for the fee waiver under paragraph
 1596 (1)(a).

1597 (6) Upon renewal of a limited license, a limited
 1598 licenseholder shall, in addition to complying with other
 1599 applicable provisions of this chapter, document compliance with
 1600 the restrictions prescribed in this section.

1601 (7) Any person holding an active or inactive license to
 1602 practice medicine in the state may convert that license to a
 1603 limited license for the purpose of providing volunteer,
 1604 uncompensated care for low-income Floridians. The licensee must
 1605 submit a statement from the employing agency or institution
 1606 stating that he or she will not receive compensation for any
 1607 service involving the practice of medicine. All licensure fees,
 1608 including neurological injury compensation assessments, shall be
 1609 waived.

1610 (8) Nothing in this section limits in any way any policy
 1611 by the board otherwise authorized by law to grant licenses to
 1612 physicians duly licensed in other states under conditions less
 1613 restrictive than the requirements of this section.

1614
 1615 Notwithstanding any other provision of this section, the board
 1616 may refuse to authorize a physician otherwise qualified to
 1617 practice in the employ of any agency or institution otherwise
 1618 qualified if the agency or institution has caused or permitted
 1619 violations of the provisions of this chapter which it knew or
 1620 should have known were occurring.

1621 Section 35. Subsection (4) of section 458.319, Florida
 1622 Statutes, is amended to read:

1623 458.319 Renewal of license.--

1624 (4) ~~Notwithstanding the provisions of s. 456.033,~~ A
 1625 physician may complete continuing education on end-of-life care
 1626 and palliative care in lieu of continuing education in AIDS/HIV,
 1627 if that physician has completed the AIDS/HIV continuing
 1628 education in the immediately preceding biennium.

1629 Section 36. Paragraph (c) of subsection (5) of section
 1630 458.320, Florida Statutes, is amended to read:

1631 458.320 Financial responsibility.--

1632 (5) The requirements of subsections (1), (2), and (3) do
 1633 not apply to:

1634 (c) Any person holding a limited license pursuant to s.
 1635 458.315 ~~458.317~~ and practicing under the scope of such limited
 1636 license.

1637 Section 37. Subsection (9) of section 458.331, Florida
 1638 Statutes, is amended to read:

1639 458.331 Grounds for disciplinary action; action by the
 1640 board and department.--

1641 (9) When an investigation of a physician is undertaken,
 1642 the department shall promptly furnish to the physician or the

HB 1921

2004

1643 physician's attorney a copy of the complaint or document which
 1644 resulted in the initiation of the investigation. For purposes of
 1645 this subsection, such documents include, but are not limited to:
 1646 the pertinent portions of an annual report submitted to the
 1647 department pursuant to s. 395.0197(6); a report of an adverse
 1648 incident which is provided to the department pursuant to s.
 1649 395.0197; a report of peer review disciplinary action submitted
 1650 to the department pursuant to s. 395.0193(4) or s. 458.337,
 1651 providing that the investigations, proceedings, and records
 1652 relating to such peer review disciplinary action shall continue
 1653 to retain their privileged status even as to the licensee who is
 1654 the subject of the investigation, as provided by ss. 395.0193(8)
 1655 and 458.337(3); a report of a closed claim submitted pursuant to
 1656 s. 627.912; a presuit notice submitted pursuant to s.
 1657 766.106(2); and a petition brought under the Florida Birth-
 1658 Related Neurological Injury Compensation Plan, pursuant to s.
 1659 766.305(2). The physician may submit a written response to the
 1660 information contained in the complaint or document which
 1661 resulted in the initiation of the investigation within 30 ~~45~~
 1662 days after service to the physician of the complaint or
 1663 document. The physician's written response shall be considered
 1664 by the probable cause panel.

1665 Section 38. Paragraph (c) of subsection (1) of section
 1666 458.345, Florida Statutes, is amended to read:

1667 458.345 Registration of resident physicians, interns, and
 1668 fellows; list of hospital employees; prescribing of medicinal
 1669 drugs; penalty.--

1670 (1) Any person desiring to practice as a resident
 1671 physician, assistant resident physician, house physician,

HB 1921

2004

1672 intern, or fellow in fellowship training which leads to
 1673 subspecialty board certification in this state, or any person
 1674 desiring to practice as a resident physician, assistant resident
 1675 physician, house physician, intern, or fellow in fellowship
 1676 training in a teaching hospital in this state as defined in s.
 1677 408.07(44) or s. 395.805(2), who does not hold a valid, active
 1678 license issued under this chapter shall apply to the department
 1679 to be registered and shall remit a fee not to exceed \$300 as set
 1680 by the board. The department shall register any applicant the
 1681 board certifies has met the following requirements:

1682 (c) Is a graduate of a medical school or college as
 1683 specified in s. 458.311(3)(1)~~(f)~~.

1684 Section 39. Paragraphs (b), (c), (d), (e), (f), and (g) of
 1685 subsection (7) of section 458.347, Florida Statutes, are amended
 1686 to read:

1687 458.347 Physician assistants.--

1688 (7) PHYSICIAN ASSISTANT LICENSURE.--

1689 ~~(b)1. Notwithstanding subparagraph (a)2. and sub-~~
 1690 ~~subparagraph (a)3.a., the department shall examine each~~
 1691 ~~applicant who the Board of Medicine certifies:~~

1692 ~~a. Has completed the application form and remitted a~~
 1693 ~~nonrefundable application fee not to exceed \$500 and an~~
 1694 ~~examination fee not to exceed \$300, plus the actual cost to the~~
 1695 ~~department to provide the examination. The examination fee is~~
 1696 ~~refundable if the applicant is found to be ineligible to take~~
 1697 ~~the examination. The department shall not require the applicant~~
 1698 ~~to pass a separate practical component of the examination. For~~
 1699 ~~examinations given after July 1, 1998, competencies measured~~
 1700 ~~through practical examinations shall be incorporated into the~~

HB 1921

2004

1701 ~~written examination through a multiple-choice format. The~~
1702 ~~department shall translate the examination into the native~~
1703 ~~language of any applicant who requests and agrees to pay all~~
1704 ~~costs of such translation, provided that the translation request~~
1705 ~~is filed with the board office no later than 9 months before the~~
1706 ~~scheduled examination and the applicant remits translation fees~~
1707 ~~as specified by the department no later than 6 months before the~~
1708 ~~scheduled examination, and provided that the applicant~~
1709 ~~demonstrates to the department the ability to communicate orally~~
1710 ~~in basic English. If the applicant is unable to pay translation~~
1711 ~~costs, the applicant may take the next available examination in~~
1712 ~~English if the applicant submits a request in writing by the~~
1713 ~~application deadline and if the applicant is otherwise eligible~~
1714 ~~under this section. To demonstrate the ability to communicate~~
1715 ~~orally in basic English, a passing score or grade is required,~~
1716 ~~as determined by the department or organization that developed~~
1717 ~~it, on the test for spoken English (TSE) by the Educational~~
1718 ~~Testing Service (ETS), the test of English as a foreign language~~
1719 ~~(TOEFL) by ETS, a high school or college level English course,~~
1720 ~~or the English examination for citizenship, Immigration and~~
1721 ~~Naturalization Service. A notarized copy of an Educational~~
1722 ~~Commission for Foreign Medical Graduates (ECFMG) certificate may~~
1723 ~~also be used to demonstrate the ability to communicate in basic~~
1724 ~~English; and~~

1725 ~~b.(I) Is an unlicensed physician who graduated from a~~
1726 ~~foreign medical school listed with the World Health Organization~~
1727 ~~who has not previously taken and failed the examination of the~~
1728 ~~National Commission on Certification of Physician Assistants and~~
1729 ~~who has been certified by the Board of Medicine as having met~~

HB 1921

2004

1730 ~~the requirements for licensure as a medical doctor by~~
 1731 ~~examination as set forth in s. 458.311(1), (3), (4), and (5),~~
 1732 ~~with the exception that the applicant is not required to have~~
 1733 ~~completed an approved residency of at least 1 year and the~~
 1734 ~~applicant is not required to have passed the licensing~~
 1735 ~~examination specified under s. 458.311 or hold a valid, active~~
 1736 ~~certificate issued by the Educational Commission for Foreign~~
 1737 ~~Medical Graduates; was eligible and made initial application for~~
 1738 ~~certification as a physician assistant in this state between~~
 1739 ~~July 1, 1990, and June 30, 1991; and was a resident of this~~
 1740 ~~state on July 1, 1990, or was licensed or certified in any state~~
 1741 ~~in the United States as a physician assistant on July 1, 1990;~~
 1742 ~~or~~

1743 ~~(II) Completed all coursework requirements of the Master~~
 1744 ~~of Medical Science Physician Assistant Program offered through~~
 1745 ~~the Florida College of Physician's Assistants prior to its~~
 1746 ~~closure in August of 1996. Prior to taking the examination, such~~
 1747 ~~applicant must successfully complete any clinical rotations that~~
 1748 ~~were not completed under such program prior to its termination~~
 1749 ~~and any additional clinical rotations with an appropriate~~
 1750 ~~physician assistant preceptor, not to exceed 6 months, that are~~
 1751 ~~determined necessary by the council. The boards shall determine,~~
 1752 ~~based on recommendations from the council, the facilities under~~
 1753 ~~which such incomplete or additional clinical rotations may be~~
 1754 ~~completed and shall also determine what constitutes successful~~
 1755 ~~completion thereof, provided such requirements are comparable to~~
 1756 ~~those established by accredited physician assistant programs.~~
 1757 ~~This sub-sub-subparagraph is repealed July 1, 2001.~~

HB 1921

2004

1758 ~~2. The department may grant temporary licensure to an~~
 1759 ~~applicant who meets the requirements of subparagraph 1. Between~~
 1760 ~~meetings of the council, the department may grant temporary~~
 1761 ~~licensure to practice based on the completion of all temporary~~
 1762 ~~licensure requirements. All such administratively issued~~
 1763 ~~licenses shall be reviewed and acted on at the next regular~~
 1764 ~~meeting of the council. A temporary license expires 30 days~~
 1765 ~~after receipt and notice of scores to the licenseholder from the~~
 1766 ~~first available examination specified in subparagraph 1.~~
 1767 ~~following licensure by the department. An applicant who fails~~
 1768 ~~the proficiency examination is no longer temporarily licensed,~~
 1769 ~~but may apply for a one-time extension of temporary licensure~~
 1770 ~~after reapplying for the next available examination. Extended~~
 1771 ~~licensure shall expire upon failure of the licenseholder to sit~~
 1772 ~~for the next available examination or upon receipt and notice of~~
 1773 ~~scores to the licenseholder from such examination.~~

1774 ~~3. Notwithstanding any other provision of law, the~~
 1775 ~~examination specified pursuant to subparagraph 1. shall be~~
 1776 ~~administered by the department only five times. Applicants~~
 1777 ~~certified by the board for examination shall receive at least 6~~
 1778 ~~months' notice of eligibility prior to the administration of the~~
 1779 ~~initial examination. Subsequent examinations shall be~~
 1780 ~~administered at 1-year intervals following the reporting of the~~
 1781 ~~scores of the first and subsequent examinations. For the~~
 1782 ~~purposes of this paragraph, the department may develop, contract~~
 1783 ~~for the development of, purchase, or approve an examination that~~
 1784 ~~adequately measures an applicant's ability to practice with~~
 1785 ~~reasonable skill and safety. The minimum passing score on the~~
 1786 ~~examination shall be established by the department, with the~~

HB 1921

2004

1787 ~~advice of the board. Those applicants failing to pass that~~
 1788 ~~examination or any subsequent examination shall receive notice~~
 1789 ~~of the administration of the next examination with the notice of~~
 1790 ~~scores following such examination. Any applicant who passes the~~
 1791 ~~examination and meets the requirements of this section shall be~~
 1792 ~~licensed as a physician assistant with all rights defined~~
 1793 ~~thereby.~~

1794 (b)~~(e)~~ The license must be renewed biennially. Each
 1795 renewal must include:

- 1796 1. A renewal fee not to exceed \$500 as set by the boards.
- 1797 2. A sworn statement of no felony convictions in the
 1798 previous 2 years.

1799 (c)~~(d)~~ Each licensed physician assistant shall biennially
 1800 complete 100 hours of continuing medical education or shall hold
 1801 a current certificate issued by the National Commission on
 1802 Certification of Physician Assistants.

1803 (d)~~(e)~~ Upon employment as a physician assistant, a
 1804 licensed physician assistant must notify the department in
 1805 writing within 30 days after such employment or after any
 1806 subsequent changes in the supervising physician. The
 1807 notification must include the full name, Florida medical license
 1808 number, specialty, and address of the supervising physician.

1809 (e)~~(f)~~ Notwithstanding subparagraph (a)2., the department
 1810 may grant a temporary license to a recent graduate of an
 1811 approved program, as specified in subsection (6), who expects to
 1812 take the first examination administered by the National
 1813 Commission on Certification of Physician Assistants available
 1814 for registration after the applicant's graduation, ~~a temporary~~
 1815 ~~license~~. The temporary license shall expire 1 year after the

HB 1921

2004

1816 date of graduation ~~30 days after receipt of scores of the~~
 1817 ~~proficiency examination administered by the National Commission~~
 1818 ~~on Certification of Physician Assistants~~. Between meetings of
 1819 the council, the department may grant a temporary license to
 1820 practice pursuant to this subsection ~~based on the completion of~~
 1821 ~~all temporary licensure requirements~~. All such administratively
 1822 issued licenses shall be reviewed and acted on at the next
 1823 regular meeting of the council. The recent graduate may be
 1824 licensed prior to employment, but must comply with paragraph (d)
 1825 ~~(e)~~. An applicant who has passed the National Commission on
 1826 Certification of Physician Assistants ~~proficiency~~ examination
 1827 may be granted permanent licensure. ~~An applicant failing the~~
 1828 ~~proficiency examination is no longer temporarily licensed, but~~
 1829 ~~may reapply for a 1-year extension of temporary licensure. An~~
 1830 ~~applicant may not be granted more than two temporary licenses~~
 1831 ~~and may not be licensed as a physician assistant until he or she~~
 1832 ~~passes the examination administered by the National Commission~~
 1833 ~~on Certification of Physician Assistants~~. As prescribed by board
 1834 rule, the council may require an applicant who does not pass the
 1835 national licensing examination after five or more attempts to
 1836 complete additional remedial education or training. The council
 1837 shall prescribe the additional requirements in a manner that
 1838 permits the applicant to complete the requirements and be
 1839 reexamined within 2 years after the date the applicant petitions
 1840 the council to retake the examination a sixth or subsequent
 1841 time.

1842 (f)~~(g)~~ The Board of Medicine may impose any of the
 1843 penalties authorized under ss. 456.072 and 458.331(2) upon a
 1844 physician assistant if the physician assistant or the

HB 1921

2004

1845 supervising physician has been found guilty of or is being
 1846 investigated for any act that constitutes a violation of this
 1847 chapter or chapter 456.

1848 Section 40. Subsections (4) and (5) of section 459.008,
 1849 Florida Statutes, are amended to read:

1850 459.008 Renewal of licenses and certificates.--

1851 (4) The board shall, by rule, prescribe continuing
 1852 education programs and courses, not to exceed 40 hours
 1853 biennially, as a condition for renewal of a license. Such
 1854 programs and courses must build on the basic educational
 1855 requirements for licensure as an osteopathic physician and must
 1856 be approved by the board. Notwithstanding any other provision of
 1857 law, the board, by rule, may mandate specific continuing medical
 1858 education requirements and may approve, by rule, alternative
 1859 methods of obtaining continuing education credits, including,
 1860 but not limited to, attending a board meeting at which another
 1861 licensee is disciplined, serving as a volunteer expert witness
 1862 for the department in a disciplinary case, and serving as a
 1863 member of a probable cause panel following the expiration of a
 1864 board member's term.

1865 (5) ~~Notwithstanding the provisions of s. 456.033,~~ An
 1866 osteopathic physician may complete continuing education on end-
 1867 of-life and palliative care in lieu of continuing education in
 1868 AIDS/HIV, if that physician has completed the AIDS/HIV
 1869 continuing education in the immediately preceding biennium.

1870 Section 41. Subsection (9) of section 459.015, Florida
 1871 Statutes, is amended to read:

1872 459.015 Grounds for disciplinary action; action by the
 1873 board and department.--

HB 1921

2004

1874 (9) When an investigation of an osteopathic physician is
 1875 undertaken, the department shall promptly furnish to the
 1876 osteopathic physician or his or her attorney a copy of the
 1877 complaint or document which resulted in the initiation of the
 1878 investigation. For purposes of this subsection, such documents
 1879 include, but are not limited to: the pertinent portions of an
 1880 annual report submitted to the department pursuant to s.
 1881 395.0197(6); a report of an adverse incident which is provided
 1882 to the department pursuant to s. 395.0197; a report of peer
 1883 review disciplinary action submitted to the department pursuant
 1884 to s. 395.0193(4) or s. 459.016, provided that the
 1885 investigations, proceedings, and records relating to such peer
 1886 review disciplinary action shall continue to retain their
 1887 privileged status even as to the licensee who is the subject of
 1888 the investigation, as provided by ss. 395.0193(8) and
 1889 459.016(3); a report of a closed claim submitted pursuant to s.
 1890 627.912; a presuit notice submitted pursuant to s. 766.106(2);
 1891 and a petition brought under the Florida Birth-Related
 1892 Neurological Injury Compensation Plan, pursuant to s.
 1893 766.305(2). The osteopathic physician may submit a written
 1894 response to the information contained in the complaint or
 1895 document which resulted in the initiation of the investigation
 1896 within 30 ~~45~~ days after service to the osteopathic physician of
 1897 the complaint or document. The osteopathic physician's written
 1898 response shall be considered by the probable cause panel.

1899 Section 42. Subsections (1), (2), and (5) of section
 1900 459.021, Florida Statutes, are amended to read:

1901 459.021 Registration of resident physicians, interns, and
 1902 fellows; list of hospital employees; penalty.--

HB 1921

2004

1903 (1) Any person who holds a degree of Doctor of Osteopathic
 1904 Medicine from a college of osteopathic medicine recognized and
 1905 approved by the American Osteopathic Association who desires to
 1906 practice as a resident physician, assistant resident physician,
 1907 house physician, intern, or fellow in fellowship training which
 1908 leads to subspecialty board certification in this state, or any
 1909 person desiring to practice as a resident physician, assistant
 1910 resident physician, house physician, intern, or fellow in
 1911 fellowship training in a teaching hospital in this state as
 1912 defined in s. 408.07(44) or s. 395.805(2), who does not hold an
 1913 active license issued under this chapter shall apply to the
 1914 department to be registered, on an application provided by the
 1915 department, no later than ~~within~~ 30 days prior to ~~of~~ commencing
 1916 such a training program and shall remit a fee not to exceed \$300
 1917 as set by the board.

1918 (2) Any person required to be registered under this
 1919 section shall renew such registration annually and shall remit a
 1920 renewal fee not to exceed \$300 as set by the board. Such
 1921 registration shall be terminated upon the registrant's receipt
 1922 of an active license issued under this chapter. No person shall
 1923 be registered under this section for an aggregate of more than 5
 1924 years, unless additional years are approved by the board.

1925 (5) It is a misdemeanor of the second degree, punishable
 1926 as provided in s. 775.082 or s. 775.083, for any hospital or
 1927 teaching hospital, and also for the superintendent,
 1928 administrator, and other person or persons having administrative
 1929 authority in such hospital to willfully:

1930 (a) ~~To~~ Employ the services in such hospital of any person
 1931 listed in subsection (3), unless such person is registered with

HB 1921

2004

1932 the department under the law or the holder of a license to
 1933 practice osteopathic medicine under this chapter.

1934 (b) ~~To~~ Fail to furnish to the department the list and
 1935 information required by subsection (3).

1936 Section 43. Paragraph (d) of subsection (1) of section
 1937 460.406, Florida Statutes, is amended to read:

1938 460.406 Licensure by examination.--

1939 (1) Any person desiring to be licensed as a chiropractic
 1940 physician shall apply to the department to take the licensure
 1941 examination. There shall be an application fee set by the board
 1942 not to exceed \$100 which shall be nonrefundable. There shall
 1943 also be an examination fee not to exceed \$500 plus the actual
 1944 per applicant cost to the department for purchase of portions of
 1945 the examination from the National Board of Chiropractic
 1946 Examiners or a similar national organization, which may be
 1947 refundable if the applicant is found ineligible to take the
 1948 examination. The department shall examine each applicant who the
 1949 board certifies has:

1950 (d)1. For an applicant who has matriculated in a
 1951 chiropractic college prior to July 2, 1990, completed at least 2
 1952 years of residence college work, consisting of a minimum of one-
 1953 half the work acceptable for a bachelor's degree granted on the
 1954 basis of a 4-year period of study, in a college or university
 1955 accredited by an accrediting agency recognized and approved by
 1956 the United States Department of Education. However, prior to
 1957 being certified by the board to sit for the examination, each
 1958 applicant who has matriculated in a chiropractic college after
 1959 July 1, 1990, shall have been granted a bachelor's degree, based
 1960 upon 4 academic years of study, by a college or university

HB 1921

2004

1961 accredited by a regional accrediting agency which is a member of
 1962 the Council for Higher Education Accreditation or the United
 1963 States Department of Education, or by their successor
 1964 organizations ~~Commission on Recognition of Postsecondary~~
 1965 ~~Accreditation.~~

1966 2. Effective July 1, 2000, completed, prior to
 1967 matriculation in a chiropractic college, at least 3 years of
 1968 residence college work, consisting of a minimum of 90 semester
 1969 hours leading to a bachelor's degree in a liberal arts college
 1970 or university accredited by an accrediting agency recognized and
 1971 approved by the United States Department of Education. However,
 1972 prior to being certified by the board to sit for the
 1973 examination, each applicant who has matriculated in a
 1974 chiropractic college after July 1, 2000, shall have been granted
 1975 a bachelor's degree from an institution holding accreditation
 1976 for that degree from a regional accrediting agency which is
 1977 recognized by the United States Department of Education. The
 1978 applicant's chiropractic degree must consist of credits earned
 1979 in the chiropractic program and may not include academic credit
 1980 for courses from the bachelor's degree.

1981 Section 44. Subsection (5) of section 460.413, Florida
 1982 Statutes, is amended to read:

1983 460.413 Grounds for disciplinary action; action by board
 1984 or department.--

1985 (5) When an investigation of a chiropractic physician is
 1986 undertaken, the department shall promptly furnish to the
 1987 chiropractic physician or her or his attorney a copy of the
 1988 complaint or document which resulted in the initiation of the
 1989 investigation. The chiropractic physician may submit a written

HB 1921

2004

1990 response to the information contained in such complaint or
 1991 document within 30 ~~45~~ days after service to the chiropractic
 1992 physician of the complaint or document. The chiropractic
 1993 physician's written response shall be considered by the probable
 1994 cause panel.

1995 Section 45. Subsection (6) of section 461.013, Florida
 1996 Statutes, is amended to read:

1997 461.013 Grounds for disciplinary action; action by the
 1998 board; investigations by department.--

1999 (6) When an investigation of a podiatric physician is
 2000 undertaken, the department shall promptly furnish to the
 2001 podiatric physician or her or his attorney a copy of the
 2002 complaint or document which resulted in the initiation of the
 2003 investigation. The podiatric physician may submit a written
 2004 response to the information contained in such complaint or
 2005 document within 30 ~~45~~ days after service to the podiatric
 2006 physician of the complaint or document. The podiatric
 2007 physician's written response shall be considered by the probable
 2008 cause panel.

2009 Section 46. Paragraph (b) of subsection (1) of section
 2010 463.006, Florida Statutes, is amended to read:

2011 463.006 Licensure and certification by examination.--

2012 (1) Any person desiring to be a licensed practitioner
 2013 pursuant to this chapter shall apply to the department to take
 2014 the licensure and certification examinations. The department
 2015 shall examine each applicant who the board determines has:

2016 (b) Submitted proof satisfactory to the department that
 2017 she or he:

2018 1. Is at least 18 years of age.

HB 1921

2004

2019 2. Has graduated from an accredited school or college of
2020 optometry approved by rule of the board.

2021 3. Is of good moral character.

2022 4. Has successfully completed at least 110 hours of
2023 transcript-quality coursework and clinical training in general
2024 and ocular pharmacology as determined by the board, at an
2025 institution that:

2026 a. Has facilities for both didactic and clinical
2027 instructions in pharmacology; ~~and~~

2028 b. Is accredited by a regional or professional accrediting
2029 organization that is recognized and approved by the Council for
2030 Higher Education Commission on Recognition of Postsecondary
2031 Accreditation or the United States Department of Education, or
2032 by their successor organizations.

2033 5. Has completed at least 1 year of supervised experience
2034 in differential diagnosis of eye disease or disorders as part of
2035 the optometric training or in a clinical setting as part of the
2036 optometric experience.

2037 Section 47. Paragraph (a) of subsection (4) of section
2038 464.0205, Florida Statutes, is amended to read:

2039 464.0205 Retired volunteer nurse certificate.--

2040 (4) A retired volunteer nurse receiving certification from
2041 the board shall:

2042 (a) Work under the direct supervision of the director of a
2043 county health department, a physician working under a limited
2044 license issued pursuant to s. 458.315 ~~458.317~~ or s. 459.0075, a
2045 physician licensed under chapter 458 or chapter 459, an advanced
2046 registered nurse practitioner certified under s. 464.012, or a
2047 registered nurse licensed under s. 464.008 or s. 464.009.

HB 1921

2004

2048 Section 48. Subsection (6) is added to section 464.201,
 2049 Florida Statutes, to read:

2050 464.201 Definitions.--As used in this part, the term:

2051 (6) "Practice of a certified nursing assistant" means
 2052 providing care and assisting persons with tasks relating to the
 2053 activities of daily living. Such tasks are those associated with
 2054 personal care, maintaining mobility, nutrition and hydration,
 2055 toileting and elimination, assistive devices, safety and
 2056 cleanliness, data gathering, reporting abnormal signs and
 2057 symptoms, postmortem care, patient socialization and reality
 2058 orientation, end-of-life care, cardiopulmonary resuscitation and
 2059 emergency care, residents' or patients' rights, documentation of
 2060 nursing assistant services, and other tasks that a certified
 2061 nurse assistant may perform after training beyond that required
 2062 for initial certification and upon validation of competence in
 2063 that skill by a registered nurse. This subsection does not
 2064 restrict the ability of any person who is otherwise trained and
 2065 educated from performing such tasks.

2066 Section 49. Section 464.202, Florida Statutes, is amended
 2067 to read:

2068 464.202 Duties and powers of the board.--The board shall
 2069 maintain, or contract with or approve another entity to
 2070 maintain, a state registry of certified nursing assistants. The
 2071 registry must consist of the name of each certified nursing
 2072 assistant in this state; other identifying information defined
 2073 by board rule; certification status; the effective date of
 2074 certification; other information required by state or federal
 2075 law; information regarding any crime or any abuse, neglect, or
 2076 exploitation as provided under chapter 435; and any disciplinary

HB 1921

2004

2077 action taken against the certified nursing assistant. The
 2078 registry shall be accessible to the public, the
 2079 certificateholder, employers, and other state agencies. The
 2080 board shall adopt by rule testing procedures for use in
 2081 certifying nursing assistants and shall adopt rules regulating
 2082 the practice of certified nursing assistants which specify the
 2083 scope of practice authorized and level of supervision required
 2084 for the practice of certified nursing assistants ~~to enforce this~~
 2085 ~~part~~. The board may contract with or approve another entity or
 2086 organization to provide the examination services, including the
 2087 development and administration of examinations. The board shall
 2088 require that the contract provider offer certified nursing
 2089 assistant applications via the Internet, and may require the
 2090 contract provider to accept certified nursing assistant
 2091 applications for processing via the Internet. The board shall
 2092 require the contract provider to provide the preliminary results
 2093 of the certified nursing examination on the date the test is
 2094 administered. The provider shall pay all reasonable costs and
 2095 expenses incurred by the board in evaluating the provider's
 2096 application and performance during the delivery of services,
 2097 including examination services and procedures for maintaining
 2098 the certified nursing assistant registry.

2099 Section 50. Subsections (1), (5), and (7) of section
 2100 464.203, Florida Statutes, are amended, and subsection (8) is
 2101 added to said section, to read:

2102 464.203 Certified nursing assistants; certification
 2103 requirement.--

2104 (1) The board shall issue a certificate to practice as a
 2105 certified nursing assistant to any person who demonstrates a

HB 1921

2004

2106 minimum competency to read and write and successfully passes the
 2107 required statewide criminal screening through the Department of
 2108 Law Enforcement, including Level I screening pursuant to chapter
 2109 435 or, if the applicant has not maintained continuous residency
 2110 within the state for 5 years immediately preceding the date of
 2111 application, Level II screening which includes a fingerprint
 2112 check through the Department of Law Enforcement and the Federal
 2113 Bureau of Investigation pursuant to chapter 435, Level I or
 2114 Level II screening pursuant to s. 400.215 and meets one of the
 2115 following requirements:

2116 (a) Has successfully completed an approved training
 2117 program and achieved a minimum score, established by rule of the
 2118 board, on the nursing assistant competency examination, which
 2119 consists of a written portion and skills-demonstration portion
 2120 approved by the board and administered at a site and by
 2121 personnel approved by the department.

2122 (b) Has achieved a minimum score, established by rule of
 2123 the board, on the nursing assistant competency examination,
 2124 which consists of a written portion and skills-demonstration
 2125 portion, approved by the board and administered at a site and by
 2126 personnel approved by the department and:

- 2127 1. Has a high school diploma, or its equivalent; or
- 2128 2. Is at least 18 years of age.

2129 (c) Is currently certified in another state; is listed on
 2130 that state's certified nursing assistant registry; and has not
 2131 been found to have committed abuse, neglect, or exploitation in
 2132 that state.

2133 (d) Has completed the curriculum developed under the
 2134 Enterprise Florida Jobs and Education Partnership Grant and

HB 1921

2004

2135 achieved a minimum score, established by rule of the board, on
 2136 the nursing assistant competency examination, which consists of
 2137 a written portion and skills-demonstration portion, approved by
 2138 the board and administered at a site and by personnel approved
 2139 by the department.

2140 (5) Certification as a nursing assistant, in accordance
 2141 with this part, may be renewed ~~continues in effect~~ until such
 2142 time as the nursing assistant allows a period of 24 consecutive
 2143 months to pass during which period the nursing assistant fails
 2144 to perform any nursing-related services for monetary
 2145 compensation. When a nursing assistant fails to perform any
 2146 nursing-related services for monetary compensation for a period
 2147 of 24 consecutive months, the nursing assistant must complete a
 2148 new training and competency evaluation program or a new
 2149 competency evaluation program.

2150 (7) A certified nursing assistant shall complete 12 ~~18~~
 2151 hours of inservice training during each calendar year. The
 2152 certified nursing assistant shall be responsible for maintaining
 2153 documentation demonstrating compliance with these provisions.
 2154 The Council on Certified Nursing Assistants, in accordance with
 2155 s. 464.2085(2)(b), shall propose rules to implement this
 2156 subsection.

2157 (8) The department shall renew a certificate upon receipt
 2158 of the renewal application and imposition of a fee of not less
 2159 than \$20 and not more than \$50 biennially. The department shall
 2160 adopt rules establishing a procedure for the biennial renewal of
 2161 certificates. Any certificate not renewed by July 1, 2006, is
 2162 void.

HB 1921

2004

2163 Section 51. Paragraph (b) of subsection (1) of section
2164 464.204, Florida Statutes, is amended to read:

2165 464.204 Denial, suspension, or revocation of
2166 certification; disciplinary actions.--

2167 (1) The following acts constitute grounds for which the
2168 board may impose disciplinary sanctions as specified in
2169 subsection (2):

2170 (b) ~~Intentionally~~ Violating any provision of parts I and
2171 II of this chapter, chapter 456, or the rules adopted by the
2172 board.

2173 Section 52. Subsection (2) of section 465.0075, Florida
2174 Statutes, is amended to read:

2175 465.0075 Licensure by endorsement; requirements; fee.--

2176 (2) An applicant licensed in another state for a period in
2177 excess of 2 years from the date of application for licensure in
2178 this state shall submit a total of at least 30 hours of board-
2179 approved continuing education for the 24 months ~~2 calendar years~~
2180 immediately preceding application.

2181 Section 53. Section 465.018, Florida Statutes, is amended
2182 to read:

2183 465.018 Community pharmacies; permits.--

2184 (1) Any person desiring a permit to operate a community
2185 pharmacy shall apply to the department. Permits shall be issued
2186 only to persons of good moral character who are not less than 21
2187 years of age. Permits to corporations shall be issued only to
2188 corporations whose officers are of good moral character and not
2189 less than 21 years of age. No permit shall be issued to any
2190 person who has been convicted of, or pleaded guilty or nolo
2191 contendere to regardless of adjudication, within the past 15

HB 1921

2004

2192 years, any felony relating to the practice of pharmacy in this
 2193 state or any other state or the United States, or to a
 2194 corporation, any of the officers of which shall have been so
 2195 convicted.

2196 (2) If the board office certifies that the application
 2197 complies with the laws of the state and the rules of the board
 2198 governing pharmacies, the department shall issue the permit. No
 2199 permit shall be issued unless a licensed pharmacist is
 2200 designated as the prescription department manager responsible
 2201 for maintaining all drug records, providing for the security of
 2202 the prescription department, and following such other rules as
 2203 relate to the practice of the profession of pharmacy. The
 2204 permittee and the newly designated prescription department
 2205 manager shall notify the department within 10 days of any change
 2206 in prescription department manager.

2207 (3) The department may suspend or revoke the permit of, or
 2208 may refuse to issue a permit to:

2209 (a) Any person, firm, or corporation the permit of which
 2210 has been disciplined or abandoned or has become void after
 2211 written notice that disciplinary proceedings had been or would
 2212 be brought against the permit;

2213 (b) Any corporation if an officer, director, or person
 2214 interested directly or indirectly in the corporation has had her
 2215 or his permit disciplined, abandoned, or has become void after
 2216 written notice that disciplinary proceedings had been or would
 2217 be brought against his or her permit; or

2218 (c) Any person who is or has been an officer of a
 2219 corporation, or who was interested directly or indirectly in a
 2220 corporation, the permit of which has been disciplined,

HB 1921

2004

2221 abandoned, or has become void after written notice that
 2222 disciplinary proceedings had been or would be brought against
 2223 the license.

2224 (4)(a) An applicant for initial licensure must submit a
 2225 set of fingerprints to the Department of Health for each of the
 2226 persons owning more than 5 percent of the proposed permit or, in
 2227 the case of a corporation, the officers of the corporation. For
 2228 corporations with over \$100 million of assets in Florida, the
 2229 department may, as an alternative, require a set of the
 2230 fingerprints of up to five corporate officers who are involved
 2231 in the management and operation of the pharmacy. A requirement
 2232 that fingerprints of a corporate officer be submitted may be
 2233 satisfied when those fingerprints are on file with a state
 2234 agency and available to the department. The application must be
 2235 accompanied by payment of the costs incurred by the department
 2236 for the criminal history checks.

2237 (b) The Department of Health shall submit the fingerprints
 2238 provided by an applicant for initial licensure to the Department
 2239 of Law Enforcement for a statewide criminal history check, and
 2240 the Department of Law Enforcement shall forward the fingerprints
 2241 to the Federal Bureau of Investigation for a national criminal
 2242 history check of the applicant.

2243 Section 54. Subsections (2) and (5) of section 465.025,
 2244 Florida Statutes, are amended, and subsections (6) through (8)
 2245 are renumbered as subsections (5) through (7), respectively, to
 2246 read:

2247 465.025 Substitution of drugs.--

2248 (2) A pharmacist who receives a prescription for a brand
 2249 name drug shall, unless requested otherwise by the purchaser,

HB 1921

2004

2250 substitute a less expensive, generically equivalent drug product
 2251 that is:

2252 (a) distributed by a business entity doing business, and
 2253 subject to suit and service of legal process, in the United
 2254 States; and

2255 (b) ~~Listed in the formulary of generic and brand name drug~~
 2256 ~~products as provided in subsection (5) for the brand name drug~~
 2257 ~~prescribed,~~

2258
 2259 unless the prescriber writes the words "MEDICALLY NECESSARY," in
 2260 her or his own handwriting, on the face of a written
 2261 prescription or unless, in the case of an electronically
 2262 transmitted prescription, the prescriber indicates in the
 2263 transmitted prescription that the brand name drug is medically
 2264 necessary or, in the case of an oral prescription, the
 2265 prescriber expressly indicates to the pharmacist that the brand
 2266 name drug prescribed is medically necessary.

2267 (5) ~~Each community pharmacy shall establish a formulary of~~
 2268 ~~generic and brand name drug products which, if selected as the~~
 2269 ~~drug product of choice, would not pose a threat to the health~~
 2270 ~~and safety of patients receiving prescription medication. In~~
 2271 ~~compiling the list of generic and brand name drug products for~~
 2272 ~~inclusion in the formulary, the pharmacist shall rely on drug~~
 2273 ~~product research, testing, information, and formularies compiled~~
 2274 ~~by other pharmacies, by states, by the United States Department~~
 2275 ~~of Health, Education, and Welfare, by the United States~~
 2276 ~~Department of Health and Human Services, or by any other source~~
 2277 ~~which the pharmacist deems reliable. Each community pharmacy~~
 2278 ~~shall make such formulary available to the public, the Board of~~

HB 1921

2004

2279 ~~Pharmacy, or any physician requesting same. This formulary shall~~
 2280 ~~be revised following each addition, deletion, or modification of~~
 2281 ~~said formulary.~~

2282 Section 55. Subsection (1) of section 465.0251, Florida
 2283 Statutes, is amended to read:

2284 465.0251 Generic drugs; removal from formulary under
 2285 specified circumstances.--

2286 (1) The Board of Pharmacy and the Board of Medicine shall
 2287 remove any generic named drug product from the formulary
 2288 established by s. 465.025(5)(6), if every commercially marketed
 2289 equivalent of that drug product is "A" rated as therapeutically
 2290 equivalent to a reference listed drug or is a reference listed
 2291 drug as referred to in "Approved Drug Products with Therapeutic
 2292 Equivalence Evaluations" (Orange Book) published by the United
 2293 States Food and Drug Administration.

2294 Section 56. Section 465.0255, Florida Statutes, is amended
 2295 to read:

2296 465.0255 Expiration date of medicinal drugs; display;
 2297 related use and storage instructions.--

2298 (1) The manufacturer, repackager, or other distributor of
 2299 any medicinal drug shall display the expiration date of each
 2300 drug in a readable fashion on the container and on its
 2301 packaging. The term "readable" means conspicuous and bold.

2302 (2) Each pharmacist for a community pharmacy dispensing
 2303 medicinal drugs and each practitioner dispensing medicinal drugs
 2304 on an outpatient basis shall display on the outside of the
 2305 container of each medicinal drug dispensed, or in other written
 2306 form delivered to the purchaser:7

HB 1921

2004

2307 (a) The expiration date when provided by the manufacturer,
 2308 repackager, or other distributor of the drug; or ~~and~~

2309 (b) An earlier beyond-use date for expirations, which may
 2310 be up to 1 year after the date of dispensing.

2311
 2312 The dispensing pharmacist or practitioner must provide
 2313 information concerning the expiration date to the purchaser upon
 2314 request and must provide appropriate instructions regarding the
 2315 proper use and storage of the drug.

2316 (3) ~~Nothing in~~ This section does not ~~shall~~ impose
 2317 liability on the dispensing pharmacist or practitioner for
 2318 damages related to, or caused by, a medicinal drug that loses
 2319 its effectiveness prior to the expiration date displayed by the
 2320 dispensing pharmacist or practitioner.

2321 (4)~~(3)~~ The provisions of this section are intended to
 2322 notify the patient receiving a medicinal drug of the information
 2323 required by this section, and the dispensing pharmacist or
 2324 practitioner shall not be liable for the patient's failure to
 2325 heed such notice or to follow the instructions for storage.

2326 Section 57. Subsection (4) of section 465.0265, Florida
 2327 Statutes, is renumbered as subsection (8), and new subsections
 2328 (4), (5), (6), and (7) are added to said section, to read:

2329 465.0265 Centralized prescription filling.--

2330 (4) A pharmacy that performs centralized prescription
 2331 filling services may not mail or otherwise deliver a filled
 2332 prescription directly to a patient or individual practitioner if
 2333 the prescription was filled on behalf of another. The filled
 2334 prescription must be transported to the originating pharmacy for
 2335 dispensing.

HB 1921

2004

2336 (5) A central fill pharmacy may only prepare prescriptions
 2337 on behalf of pharmacies with which it has a contractual
 2338 agreement to provide such services, or with which it shares a
 2339 common owner. The central fill pharmacy is required to keep a
 2340 list of pharmacies for which it has agreed to provide such
 2341 services and must verify the Drug Enforcement Administration
 2342 registration of any pharmacy with which it conducts business
 2343 prior to sending or receiving controlled substance
 2344 prescriptions.

2345 (6) Pharmacies shall keep a list of those central fill
 2346 pharmacies permitted to prepare prescriptions on their behalf
 2347 and verify that they are Drug Enforcement Administration
 2348 registrants.

2349 (7) A central fill pharmacy shall comply with the same
 2350 security requirements applicable to pharmacies, including the
 2351 general requirement to maintain effective controls and
 2352 procedures to guard against theft and diversion of controlled
 2353 substances.

2354 Section 58. Paragraph (a) of subsection (3) of section
 2355 466.007, Florida Statutes, is amended to read:

2356 466.007 Examination of dental hygienists.--

2357 (3) A graduate of a dental college or school shall be
 2358 entitled to take the examinations required in this section to
 2359 practice dental hygiene in this state if, in addition to the
 2360 requirements specified in subsection (2), the graduate meets the
 2361 following requirements:

2362 (a) Submits the following credentials for review by the
 2363 board:

HB 1921

2004

2364 1. Transcripts totaling 4 academic years of postsecondary
 2365 dental education ~~of predental education and dental education~~
 2366 ~~totaling 5 academic years of postsecondary education, including~~
 2367 ~~4 academic years of dental education;~~ and

2368 2. A dental school diploma which is comparable to a D.D.S.
 2369 or D.M.D.

2370
 2371 Such credentials shall be submitted in a manner provided by rule
 2372 of the board. The board shall approve those credentials which
 2373 comply with this paragraph and with rules of the board adopted
 2374 pursuant to this paragraph. The provisions of this paragraph
 2375 notwithstanding, an applicant of a foreign dental college or
 2376 school not accredited in accordance with s. 466.006(2)(b) who
 2377 cannot produce the credentials required by this paragraph, as a
 2378 result of political or other conditions in the country in which
 2379 the applicant received his or her education, may seek the
 2380 board's approval of his or her educational background by
 2381 submitting, in lieu of the credentials required in this
 2382 paragraph, such other reasonable and reliable evidence as may be
 2383 set forth by board rule. The board shall not accept such other
 2384 evidence until it has made a reasonable attempt to obtain the
 2385 credentials required by this paragraph from the educational
 2386 institutions the applicant is alleged to have attended, unless
 2387 the board is otherwise satisfied that such credentials cannot be
 2388 obtained.

2389 Section 59. Paragraph (c) of subsection (1) of section
 2390 466.0135, Florida Statutes, is redesignated as paragraph (d),
 2391 and a new paragraph (c) is added to said subsection, to read:

2392 466.0135 Continuing education; dentists.--

HB 1921

2004

2393 (1) In addition to the other requirements for renewal set
 2394 out in this chapter, each licensed dentist shall be required to
 2395 complete biennially not less than 30 hours of continuing
 2396 professional education in dental subjects. Programs of
 2397 continuing education shall be programs of learning that
 2398 contribute directly to the dental education of the dentist and
 2399 may include, but shall not be limited to, attendance at
 2400 lectures, study clubs, college postgraduate courses, or
 2401 scientific sessions of conventions; and research, graduate
 2402 study, teaching, or service as a clinician. Programs of
 2403 continuing education shall be acceptable when adhering to the
 2404 following general guidelines:

2405 (c) In addition to subsection (b), the board may authorize
 2406 up to 2 hours of continuing education credit for a course on
 2407 practice management that includes, but is not limited to,
 2408 principles of ethical practice management, provider substance
 2409 abuse, effective communications with patients, time management,
 2410 and burn out prevention.

2411 Section 60. Section 466.021, Florida Statutes, is amended
 2412 to read:

2413 466.021 Employment of unlicensed persons by dentist;
 2414 penalty.--Every duly licensed dentist who uses the services of
 2415 any unlicensed person for the purpose of constructing, altering,
 2416 repairing, or duplicating any denture, partial denture, bridge
 2417 splint, or orthodontic or prosthetic appliance shall be required
 2418 to furnish such unlicensed person with a written work order in
 2419 such form as prescribed by rule of the board. This form shall be
 2420 dated and signed by such dentist and shall include the patient's
 2421 name or number with sufficient descriptive information to

HB 1921

2004

2422 clearly identify the case for each separate and individual piece
 2423 of work. A copy of such work order shall be retained in a
 2424 ~~permanent~~ file in the dentist's office for a period of 4 2
 2425 years, and the original work order shall be retained in a
 2426 ~~permanent~~ file for a period of 4 2 years by such unlicensed
 2427 person in her or his place of business. Such ~~permanent~~ file of
 2428 work orders to be kept by such dentist or by such unlicensed
 2429 person shall be open to inspection at any reasonable time by the
 2430 department or its duly constituted agent. Failure of the dentist
 2431 to keep such ~~permanent~~ records of such work orders shall subject
 2432 the dentist to suspension or revocation of her or his license to
 2433 practice dentistry. Failure of such unlicensed person to have in
 2434 her or his possession a work order as required by this section
 2435 shall be admissible evidence of a violation of this chapter and
 2436 shall constitute a misdemeanor of the second degree, punishable
 2437 as provided in s. 775.082 or s. 775.083. Nothing in this section
 2438 shall preclude a registered dental laboratory from working for
 2439 another registered dental laboratory, provided that such work is
 2440 performed pursuant to written authorization, in a form to be
 2441 prescribed by rule of the board, which evidences that the
 2442 originating laboratory has obtained a valid work order and which
 2443 sets forth the work to be performed. Furthermore, nothing in
 2444 this section shall preclude a registered laboratory from
 2445 providing its services to dentists licensed and practicing in
 2446 another state, provided that such work is requested or otherwise
 2447 authorized in written form which clearly identifies the name and
 2448 address of the requesting dentist and which sets forth the work
 2449 to be performed.

HB 1921

2004

2450 Section 61. Subsection (8) of section 467.009, Florida
 2451 Statutes, is amended to read:

2452 467.009 Midwifery programs; education and training
 2453 requirements.--

2454 (8) Nonpublic educational institutions that conduct
 2455 approved midwifery programs shall be accredited by an
 2456 accrediting agency recognized and approved by the Council for
 2457 Higher Education Accreditation or the United States Department
 2458 of Education, or by their successor organizations, a member of
 2459 the Commission on Recognition of Postsecondary Accreditation and
 2460 shall be licensed by the Commission for Independent State Board
 2461 of Nonpublic Career Education.

2462 Section 62. Section 467.013, Florida Statutes, is amended
 2463 to read:

2464 467.013 Inactive status.--A licensee may request that his
 2465 or her license be placed in an inactive status by making
 2466 application to the department pursuant to department rule and
 2467 paying a fee.

2468 ~~(1) An inactive license may be renewed for one additional~~
 2469 ~~biennium upon application to the department and payment of the~~
 2470 ~~applicable biennium renewal fee. The department shall establish~~
 2471 ~~by rule procedures and fees for applying to place a license on~~
 2472 ~~inactive status, renewing an inactive license, and reactivating~~
 2473 ~~an inactive license. The fee for any of these procedures may not~~
 2474 ~~exceed the biennial renewal fee established by the department.~~

2475 ~~(2) Any license that is not renewed by the end of the~~
 2476 ~~biennium established by the department automatically reverts to~~
 2477 ~~involuntary inactive status unless the licensee has applied for~~
 2478 ~~voluntary inactive status. Such license may be reactivated only~~

HB 1921

2004

2479 ~~if the licensee meets the requirements for reactivating the~~
 2480 ~~license established by department rule.~~

2481 ~~(3) A midwife who desires to reactivate an inactive~~
 2482 ~~license shall apply to the department, complete the reactivation~~
 2483 ~~application, remit the applicable fees, and submit proof of~~
 2484 ~~compliance with the requirements for continuing education~~
 2485 ~~established by department rule.~~

2486 ~~(4) Each licensed midwife whose license has been placed on~~
 2487 ~~inactive status for more than 1 year must complete continuing~~
 2488 ~~education hours as a condition of reactivating the inactive~~
 2489 ~~license.~~

2490 ~~(5) The licensee shall submit to the department evidence~~
 2491 ~~of participation in 10 hours of continuing education, approved~~
 2492 ~~by the department and clinically related to the practice of~~
 2493 ~~midwifery, for each year of the biennium in which the license~~
 2494 ~~was inactive. This requirement is in addition to submitting~~
 2495 ~~evidence of completing the continuing education required for the~~
 2496 ~~most recent biennium in which the licensee held an active~~
 2497 ~~license.~~

2498 Section 63. Section 467.0135, Florida Statutes, is amended
 2499 to read:

2500 467.0135 Fees.--The department shall establish fees for
 2501 application, ~~examination,~~ initial licensure, renewal of active
 2502 status licensure, licensure by endorsement, inactive status,
 2503 delinquent status, and reactivation of an inactive status
 2504 license. The appropriate fee must be paid at the time of
 2505 application and is payable to the Department of Health, in
 2506 accordance with rules adopted by the department. A fee is

HB 1921

2004

2507 nonrefundable, unless otherwise provided by rule. A fee may not
 2508 exceed:

2509 ~~(1) Five hundred dollars for examination.~~

2510 (1)~~(2)~~ Five hundred dollars for initial licensure.

2511 (2)~~(3)~~ Five hundred dollars for renewal of an active
 2512 status license ~~licensure~~.

2513 (3)~~(4)~~ Two hundred dollars for application, ~~which fee is~~
 2514 nonrefundable.

2515 (4)~~(5)~~ Five hundred dollars for renewal ~~reactivation~~ of an
 2516 inactive status license.

2517 (5)~~(6)~~ Five hundred dollars for licensure by endorsement.

2518
 2519 A fee for inactive status, reactivation of an inactive status
 2520 license, or delinquency may not exceed the fee established by
 2521 the department for biennial renewal of an active status license.
 2522 All fees collected under this section shall be deposited in the
 2523 Medical Quality Assurance Trust Fund.

2524 Section 64. Subsection (1) of section 467.017, Florida
 2525 Statutes, is amended to read:

2526 467.017 Emergency care plan; immunity.--

2527 (1) Every licensed midwife shall develop a written plan
 2528 for the appropriate delivery of emergency care. A copy of the
 2529 plan shall accompany any application for license issuance and
 2530 must be made available upon request of the department ~~or~~
 2531 ~~renewal~~. The plan shall address the following:

2532 (a) Consultation with other health care providers.

2533 (b) Emergency transfer.

2534 (c) Access to neonatal intensive care units and
 2535 obstetrical units or other patient care areas.

HB 1921

2004

2536 Section 65. Paragraph (b) of subsection (3) of section
 2537 468.1155, Florida Statutes, is amended to read:

2538 468.1155 Provisional license; requirements.--

2539 (3) The department shall issue a provisional license to
 2540 practice audiology to each applicant who the board certifies
 2541 has:

2542 (b) Received a master's degree or is currently enrolled in
 2543 a doctoral degree program with a major emphasis in audiology
 2544 from an institution of higher learning which is, or at the time
 2545 the applicant was enrolled and graduated was, accredited by an
 2546 accrediting agency recognized by the Council for Higher
 2547 Education Accreditation or the United States Department of
 2548 Education, or by their successor organizations, or from an
 2549 institution which is a member in good standing with the
 2550 Association of Universities and Colleges of Canada. An applicant
 2551 who graduated from or is currently enrolled in a program at a
 2552 university or college outside the United States or Canada must
 2553 present documentation of the determination of equivalency to
 2554 standards established by the Council for Higher Education
 2555 Accreditation in order to qualify. The applicant must have
 2556 completed 60 semester hours that include:

2557 1. Fundamental information applicable to the normal
 2558 development and use of speech, hearing, and language;
 2559 information about training in management of speech, hearing, and
 2560 language disorders; and information supplementary to these
 2561 fields.

2562 2. Six semester hours in speech-language pathology.

2563 3. Thirty of the required 60 semester hours in courses
 2564 acceptable toward a graduate degree by the college or university

HB 1921

2004

2565 in which these courses were taken, of which 24 semester hours
2566 must be in audiology.

2567 Section 66. Section 468.352, Florida Statutes, is amended
2568 to read:

2569 (Substantial rewording of section. See
2570 s. 468.352, F.S., for present text.)

2571 468.352 Definitions.--As used in this part, the term:

2572 (1) "Board" means the Board of Respiratory Care.

2573 (2) "Certified respiratory therapist" means any person
2574 licensed pursuant to this part who is certified by the National
2575 Board for Respiratory Care or its successor; who is employed to
2576 deliver respiratory care services under the order of a physician
2577 licensed pursuant to chapter 458 or chapter 459, in accordance
2578 with protocols established by a hospital or other health care
2579 provider or the board; and who functions in situations of
2580 unsupervised patient contact requiring individual judgment.

2581 (3) "Critical care" means care given to a patient in any
2582 setting involving a life-threatening emergency.

2583 (4) "Department" means the Department of Health.

2584 (5) "Direct supervision" means practicing under the
2585 direction of a licensed, registered, or certified respiratory
2586 therapist who is physically on the premises and readily
2587 available, as defined by the board.

2588 (6) "Physician supervision" means supervision and control
2589 by a physician licensed under chapter 458 or chapter 459 who
2590 assumes the legal liability for the services rendered by the
2591 personnel employed in his or her office. Except in the case of
2592 an emergency, physician supervision requires the easy
2593 availability of the physician within the office or the physical

HB 1921

2004

2594 presence of the physician for consultation and direction of the
 2595 actions of the persons who deliver respiratory care services.

2596 (7) "Practice of respiratory care" or "respiratory
 2597 therapy" means the allied health specialty associated with the
 2598 cardiopulmonary system that is practiced under the orders of a
 2599 physician licensed under chapter 458 or chapter 459 and in
 2600 accordance with protocols, policies, and procedures established
 2601 by a hospital or other health care provider or the board,
 2602 including the assessment, diagnostic evaluation, treatment,
 2603 management, control, rehabilitation, education, and care of
 2604 patients in all care settings.

2605 (8) "Registered respiratory therapist" means any person
 2606 licensed under this part who is registered by the National Board
 2607 for Respiratory Care or its successor; who is employed to
 2608 deliver respiratory care services under the order of a physician
 2609 licensed under chapter 458 or chapter 459, in accordance with
 2610 protocols established by a hospital or other health care
 2611 provider or the board; and who functions in situations of
 2612 unsupervised patient contact requiring individual judgment.

2613 (9) "Respiratory care practitioner" means any person
 2614 licensed under this part who is employed to deliver respiratory
 2615 care services, under direct supervision, pursuant to the order
 2616 of a physician licensed under chapter 458 or chapter 459.

2617 (10) "Respiratory care services" includes:

2618 (a) Evaluation and disease management.

2619 (b) Diagnostic and therapeutic use of respiratory
 2620 equipment, devices, or medical gas.

2621 (c) Administration of drugs, as duly ordered or prescribed
 2622 by a physician licensed under chapter 458 or chapter 459 and in

HB 1921

2004

2623 accordance with protocols, policies, and procedures established
 2624 by a hospital or other health care provider or the board.

2625 (d) Initiation, management, and maintenance of equipment
 2626 to assist and support ventilation and respiration.

2627 (e) Diagnostic procedures, research, and therapeutic
 2628 treatment and procedures, including measurement of ventilatory
 2629 volumes, pressures, and flows; specimen collection and analysis
 2630 of blood for gas transport and acid/base determinations;
 2631 pulmonary function testing; and other related physiological
 2632 monitoring of cardiopulmonary systems.

2633 (f) Cardiopulmonary rehabilitation.

2634 (g) Cardiopulmonary resuscitation, advanced cardiac life
 2635 support, neonatal resuscitation, and pediatric advanced life
 2636 support, or equivalent functions.

2637 (h) Insertion and maintenance of artificial airways and
 2638 intravascular catheters.

2639 (i) Education of patients, families, the public, or other
 2640 health care providers, including disease process and management
 2641 programs and smoking prevention and cessation programs.

2642 (j) Initiation and management of hyperbaric oxygen.

2643 Section 67. Section 468.355, Florida Statutes, is amended
 2644 to read:

2645 (Substantial rewording of section. See
 2646 s. 468.355, F.S., for present text.)

2647 468.355 Licensure requirements.--To be eligible for
 2648 licensure by the board, an applicant must be an active certified
 2649 respiratory therapist or an active registered respiratory
 2650 therapist as designated by the National Board for Respiratory
 2651 Care or its successor.

HB 1921

2004

2652 Section 68. Section 468.368, Florida Statutes, is amended
 2653 to read:

2654 (Substantial rewording of section. See
 2655 s. 468.368, F.S., for present text.)

2656 468.368 Exemptions.--This part may not be construed to
 2657 prevent or restrict the practice, service, or activities of:

2658 (1) Any person licensed in this state by any other law
 2659 from engaging in the profession or occupation for which he or
 2660 she is licensed.

2661 (2) Any legally qualified person in this state or another
 2662 state or territory who is employed by the United States
 2663 Government or any agency thereof, while such person is
 2664 discharging his or her official duties.

2665 (3) A friend or family member who is providing respiratory
 2666 care services to an ill person and who does not represent
 2667 himself or herself as a respiratory care practitioner or
 2668 respiratory therapist.

2669 (4) An individual providing respiratory care services in
 2670 an emergency who does not represent himself or herself as a
 2671 respiratory care practitioner or respiratory therapist.

2672 (5) Any individual employed to deliver, assemble, set up,
 2673 or test equipment for use in a home, upon the order of a
 2674 physician licensed pursuant to chapter 458 or chapter 459. This
 2675 subsection does not authorize the practice of respiratory care
 2676 without a license.

2677 (6) Any individual certified or registered as a pulmonary
 2678 function technologist who is credentialed by the National Board
 2679 for Respiratory Care for performing cardiopulmonary diagnostic
 2680 studies.

HB 1921

2004

2681 (7) Any student who is enrolled in an accredited
2682 respiratory care program approved by the board, while performing
2683 respiratory care as an integral part of a required course.

2684 (8) A surrogate family member who is delivering incidental
2685 respiratory care to a noninstitutionalized person and who does
2686 not represent himself or herself as a respiratory care
2687 practitioner or respiratory therapist.

2688 (9) Any individual credentialed by the Underseas
2689 Hyperbaric Society in hyperbaric medicine or its equivalent, as
2690 determined by the board, while performing related duties. This
2691 subsection does not authorize the practice of respiratory care
2692 without a license.

2693 Section 69. Paragraph (a) of subsection (2) of section
2694 468.509, Florida Statutes, is amended to read:

2695 468.509 Dietitian/nutritionist; requirements for
2696 licensure.--

2697 (2) The agency shall examine any applicant who the board
2698 certifies has completed the application form and remitted the
2699 application and examination fees specified in s. 468.508 and
2700 who:

2701 (a)1. Possesses a baccalaureate or postbaccalaureate
2702 degree with a major course of study in human nutrition, food and
2703 nutrition, dietetics, or food management, or an equivalent major
2704 course of study, from a school or program accredited, at the
2705 time of the applicant's graduation, by the appropriate
2706 accrediting agency recognized by the Council for Higher
2707 Education ~~Commission on Recognition of Postsecondary~~
2708 Accreditation or ~~and~~ the United States Department of Education,
2709 or by their successor organizations; and

HB 1921

2004

2710 2. Has completed a preprofessional experience component of
 2711 not less than 900 hours or has education or experience
 2712 determined to be equivalent by the board; or

2713 Section 70. Section 468.707, Florida Statutes, is amended
 2714 to read:

2715 468.707 Licensure by examination; requirements.--

2716 ~~(1)~~ Any person desiring to be licensed as an athletic
 2717 trainer shall apply to the department on a form approved by the
 2718 department.

2719 (1)~~(a)~~ The department shall license each applicant who:

2720 (a)~~1.~~ Has completed the application form and remitted the
 2721 required fees.

2722 (b)~~2.~~ Is at least 21 years of age.

2723 (c)~~3.~~ Has obtained a baccalaureate degree from a college
 2724 or university accredited by an accrediting agency recognized and
 2725 approved by the United States Department of Education or the
 2726 Council for Higher Education ~~Commission on Recognition of~~
 2727 ~~Postsecondary~~ Accreditation, or by their successor
 2728 organizations, or approved by the board.

2729 (d)~~4.~~ Has completed coursework from a college or
 2730 university accredited by an accrediting agency recognized and
 2731 approved by the United States Department of Education or the
 2732 Council for Higher Education ~~Commission on Recognition of~~
 2733 ~~Postsecondary~~ Accreditation, or by their successor
 2734 organizations, or approved by the board, in each of the
 2735 following areas, as provided by rule: health, human anatomy,
 2736 kinesiology/biomechanics, human physiology, physiology of
 2737 exercise, basic athletic training, and advanced athletic
 2738 training.

HB 1921

2004

2739 (e)~~5.~~ Has current certification in standard first aid and
 2740 cardiovascular pulmonary resuscitation from the American Red
 2741 Cross or an equivalent certification as determined by the board.

2742 (f)~~6.~~ Has, within 2 of the preceding 5 years, attained a
 2743 minimum of 800 hours of athletic training experience under the
 2744 direct supervision of a licensed athletic trainer or an athletic
 2745 trainer certified by the National Athletic Trainers' Association
 2746 or a comparable national athletic standards organization.

2747 (g)~~7.~~ Has passed an examination administered or approved
 2748 by the board.

2749 (2)~~(b)~~ The department shall also license each applicant
 2750 who:

2751 (a)~~1.~~ Has completed the application form and remitted the
 2752 required fees no later than October 1, 1996.

2753 (b)~~2.~~ Is at least 21 years of age.

2754 (c)~~3.~~ Has current certification in standard first aid and
 2755 cardiovascular pulmonary resuscitation from the American Red
 2756 Cross or an equivalent certification as determined by the board.

2757 (d)1.4.a. Has practiced athletic training for at least 3
 2758 of the 5 years preceding application; or

2759 2.b. Is currently certified by the National Athletic
 2760 Trainers' Association or a comparable national athletic
 2761 standards organization.

2762 ~~(2) Pursuant to the requirements of s. 456.034, each~~
 2763 ~~applicant shall complete a continuing education course on human~~
 2764 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
 2765 ~~as part of initial licensure.~~

2766 Section 71. Subsections (2) and (3) of section 468.711,
 2767 Florida Statutes, are amended to read:

HB 1921

2004

2768 468.711 Renewal of license; continuing education.--

2769 (2) The board may, by rule, prescribe continuing education
 2770 requirements, not to exceed 24 hours biennially. The criteria
 2771 for continuing education shall be approved by the board ~~and~~
 2772 ~~shall include 4 hours in standard first aid and cardiovascular~~
 2773 ~~pulmonary resuscitation from the American Red Cross or~~
 2774 ~~equivalent training as determined by the board.~~

2775 ~~(3) Pursuant to the requirements of s. 456.034, each~~
 2776 ~~licensee shall complete a continuing education course on human~~
 2777 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
 2778 ~~as part of biennial relicensure.~~

2779 Section 72. Subsection (1) of section 468.717, Florida
 2780 Statutes, is amended to read:

2781 468.717 Violations and penalties.--Each of the following
 2782 acts constitutes a misdemeanor of the first degree, punishable
 2783 as provided in s. 775.082 or s. 775.083:

2784 (1) Practicing athletic training ~~for compensation~~ without
 2785 holding an active license under this part.

2786 Section 73. Section 468.723, Florida Statutes, is amended
 2787 to read:

2788 468.723 Exemptions.--Nothing in this part shall be
 2789 construed as preventing or restricting:

2790 (1) The professional practice of a licensee of the
 2791 department who is acting within the scope of such practice.

2792 (2) A student athletic trainer acting under the direct
 2793 supervision of a licensed athletic trainer.

2794 ~~(3) A person employed as a teacher apprentice trainer I, a~~
 2795 ~~teacher apprentice trainer II, or a teacher athletic trainer~~
 2796 ~~under s. 1012.46.~~

HB 1921

2004

2797 ~~(3)(4)~~ A person from administering standard first aid
 2798 treatment to an athlete.

2799 ~~(4)(5)~~ A person licensed under chapter 548, provided such
 2800 person is acting within the scope of such license.

2801 ~~(5)(6)~~ A person providing personal training instruction
 2802 for exercise, aerobics, or weightlifting, if the person does not
 2803 represent himself or herself as able to provide "athletic
 2804 trainer" services and if any recognition or treatment of
 2805 injuries is limited to the provision of first aid.

2806 Section 74. Subsection (5) of section 480.033, Florida
 2807 Statutes, is amended, subsections (6) through (9) of said section
 2808 are renumbered as subsections (5) through (8), respectively, a
 2809 new subsection (9) and subsections (10) and (11) are added to
 2810 said section, to read:

2811 480.033 Definitions.--As used in this act:

2812 ~~(5) "Apprentice" means a person approved by the board to~~
 2813 ~~study massage under the instruction of a licensed massage~~
 2814 ~~therapist.~~

2815 (9) "Massage establishment licensed premises" means not
 2816 only rooms where massage therapy is being practiced by an active
 2817 licensed massage therapist, but also all other rooms in the
 2818 building which are so closely connected therewith as to admit of
 2819 free passage from one room to another room or rooms over which
 2820 the massage establishment licensee has some dominion or control
 2821 and shall include all of the area embraced in the sketch
 2822 appearing on or attached to the application for the massage
 2823 establishment license involved and designated as such on said
 2824 sketch, in addition to that included or designated by general
 2825 law. The board may approve an application for expansion of the

HB 1921

2004

2826 licensed premises upon submission of a sketch outlining the
 2827 expanded premises, an application for expansion of premises, and
 2828 the appropriate fee if the licensed premises as expanded meet
 2829 the requirements for licensure of a massage establishment.

2830 (10) "Licensed premises" means an establishment operated
 2831 by a legal or business entity, person, or persons that hold a
 2832 massage establishment license issued under this chapter.

2833 (11) "Relative," means an individual who is related to the
 2834 licensee, executive officer, director, or person holding an
 2835 interest as father, mother, son, daughter, brother, sister,
 2836 uncle, aunt, first cousin, nephew, niece, husband, wife, father-
 2837 in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-
 2838 law, sister-in-law, stepfather, stepmother, stepson,
 2839 stepdaughter, stepsister, stepbrother, half brother, or half
 2840 sister.

2841 Section 75. Subsection (5) is added to section 480.034,
 2842 Florida Statutes, to read:

2843 480.034 Exemptions.--

2844 (5) The establishment licensure requirements of this act
 2845 do not apply to massage therapists licensed under this chapter
 2846 or to the office of a health care practitioner licensed under
 2847 chapter 457, chapter 458, chapter 459, chapter 460, chapter 461,
 2848 chapter 466, or chapter 486, if massage therapy provided by a
 2849 massage therapist at the office is only provided to the patients
 2850 of the health care practitioner.

2851 Section 76. Section 480.041, Florida Statutes, is amended
 2852 to read:

2853 480.041 Massage therapists; qualifications; licensure;
 2854 endorsement.--

HB 1921

2004

2855 (1) Any person is qualified for licensure as a massage
2856 therapist under this act who:

2857 (a) Has completed an application form and submitted the
2858 appropriate fee to the department;

2859 (b) Is at least 18 years of age and ~~or~~ has received a high
2860 school diploma or graduate equivalency diploma;

2861 (c)~~(b)~~ Has completed a course of study at a board-approved
2862 massage school ~~or has completed an apprenticeship program that~~
2863 ~~meets standards adopted by the board;~~ and

2864 (d)~~(e)~~ Has received a passing grade on a board-approved
2865 national ~~an~~ examination certified ~~administered~~ by the
2866 department.

2867 (2) ~~Every person desiring to be examined for licensure as~~
2868 ~~a massage therapist shall apply to the department in writing~~
2869 ~~upon forms prepared and furnished by the department. Such~~
2870 ~~Applicants for licensure~~ shall be subject to the provisions of
2871 s. 480.046(1). Applicants may take an examination administered
2872 by the department only upon meeting the requirements of this
2873 section as determined by the board.

2874 (3) ~~Upon an applicant's passing the examination and paying~~
2875 ~~the initial licensure fee, the department shall issue to the~~
2876 ~~applicant a license, valid until the next scheduled renewal~~
2877 ~~date, to practice massage.~~

2878 (3)~~(4)~~ The board shall adopt rules:

2879 (a) ~~Establishing a minimum training program for~~
2880 ~~apprentices.~~

2881 (a)~~(b)~~ Providing for educational standards, examination,
2882 and certification for the practice of colonic irrigation, as
2883 defined in s. 480.033(5)~~(6)~~, by massage therapists.

HB 1921

2004

2884 ~~(b)(e)~~ Specifying licensing procedures for practitioners
 2885 desiring to be licensed in this state who hold an active license
 2886 and have practiced in any other state, territory, or
 2887 jurisdiction of the United States or any foreign national
 2888 jurisdiction which has licensing standards substantially similar
 2889 to, equivalent to, or more stringent than the standards of this
 2890 state.

2891 Section 77. Subsections (3), (4), and (8) and paragraph
 2892 (a) of subsection (7) of section 480.043, Florida Statutes, are
 2893 amended to read:

2894 480.043 Massage establishments; requisites; licensure;
 2895 inspection.--

2896 ~~(3)~~(a) Any person, firm, or corporation desiring to
 2897 operate a massage establishment in the state shall submit to the
 2898 department an application, upon forms provided by the
 2899 department, accompanied by any information requested by the
 2900 department and an application fee.

2901 (b) To hold a massage establishment license, the licensee
 2902 must be 18 years of age or older. If the applicant for a massage
 2903 establishment license is a corporation or other business entity,
 2904 the license shall only be issued to a corporation or other
 2905 business entity whose officers are 18 years of age or older. The
 2906 applicant must be a legal or business entity, person, or persons
 2907 and must include all persons, officers, shareholders, and
 2908 directors of such legal or business entity that have a direct or
 2909 indirect interest in the business seeking to be licensed under
 2910 this chapter as a massage establishment.

2911 (c) No massage establishment license shall be issued to
 2912 any person who has been convicted within the last 5 years in

HB 1921

2004

2913 this state, in any other state, or in the United States of
 2914 soliciting for prostitution, pandering, letting premises for
 2915 prostitution, or keeping a disorderly place or of any crime or
 2916 violation of chapter 893 or the controlled substance act of any
 2917 other state or the Federal Government; to any person who has
 2918 been convicted in the last 15 years of any felony in this state,
 2919 in any other state, or in the United States; or to a corporation
 2920 or other business entity, any of the officers of which have been
 2921 convicted. The term "convicted" or "conviction" shall include
 2922 adjudication of guilt on a plea of guilty or nolo contendere or
 2923 the forfeiture of a bond when charged with a crime.

2924 (d) An application for a massage establishment license
 2925 shall list the names of the owners, including all persons,
 2926 corporations, or other business entities with direct, indirect,
 2927 or ownership interest and the name of the officers, directors,
 2928 stockholders, or partners of such company, insurer, bank, or
 2929 association.

2930 (e) Prior to any application for a massage establishment
 2931 license being approved, the board may require the applicant to
 2932 file a set of fingerprints on a form and under procedures
 2933 specified by the department, along with payment in an amount
 2934 equal to the costs incurred by the Department of Health for the
 2935 criminal background check of the applicant. The department shall
 2936 submit the fingerprints provided by the applicant to the
 2937 Department of Law Enforcement for a statewide criminal history
 2938 check, and the Department of Law Enforcement shall forward the
 2939 fingerprints to the Federal Bureau of Investigation for a
 2940 national criminal history check of the applicant. The Department
 2941 of Health shall review the results of the criminal history

HB 1921

2004

2942 check, issue a license to an applicant who has met all of the
 2943 other requirements for licensure and has no criminal history,
 2944 and refer all applicants with criminal histories back to the
 2945 board for determination as to whether a license should be issued
 2946 and under what conditions. The department shall not issue a
 2947 license to any applicant who is under investigation in another
 2948 state for any act which would constitute a violation of this
 2949 part or chapter 456 until such time as the investigation is
 2950 complete, at which time the provisions of chapter 480 shall
 2951 apply.

2952 (4) Upon receiving the application, the board shall
 2953 ~~department may~~ cause an investigation to be made of the proposed
 2954 massage establishment, both as to qualifications of the
 2955 applicants and the premises and location sought to be licensed.

2956 (7)(a) Once issued, it is prohibited to transfer or
 2957 attempt to transfer any license or interest in a license or
 2958 business or change executive officers or directors contrary to
 2959 the provisions of this section. No license for operation of a
 2960 massage establishment may be transferred from one owner to
 2961 another, except as follows:

2962 1. When a licensee has made a bona fide sale of the
 2963 business which he or she is so licensed to conduct, he or she
 2964 may obtain a transfer of such license to the purchaser of the
 2965 business, provided the application of the purchaser is approved
 2966 by the board in accordance with the procedures for an initial
 2967 application for a massage establishment. If the request to
 2968 transfer the license is denied, the holder of the massage
 2969 establishment license shall immediately return the original
 2970 license to the board.

HB 1921

2004

2971 2. No person is entitled as a matter of right to a
2972 transfer of a massage establishment license or interest in a
2973 massage establishment license to a relative or to any other
2974 person or to a change of executive officers or directors.

2975 (8)(a) Renewal of license registration for massage
2976 establishments shall be accomplished pursuant to rules adopted
2977 by the board. The board is further authorized to adopt rules
2978 governing delinquent renewal of licenses and may impose penalty
2979 fees for delinquent renewal.

2980 (b)1. An applicant for renewal who has not previously
2981 submitted a set of fingerprints for purposes of certification
2982 must submit a set of fingerprints to the department as a
2983 condition of the initial renewal after the effective date of
2984 this section. The applicant must submit the fingerprints on a
2985 form and under procedures specified by the department, along
2986 with payment in an amount equal to the costs incurred by the
2987 Department of Health for a national criminal history check. For
2988 subsequent renewals, the applicant for renewed certification
2989 must submit information necessary to conduct a statewide
2990 criminal history check, along with payment in an amount equal to
2991 the costs incurred by the department for a statewide criminal
2992 history check.

2993 2. The department shall submit the fingerprints provided
2994 by an applicant for initial renewal of certification to the
2995 Department of Law Enforcement for a statewide criminal history
2996 check, and the Department of Law Enforcement shall forward the
2997 fingerprints to the Federal Bureau of Investigation for a
2998 national criminal history check of the applicant after the
2999 effective date of this section.

HB 1921

2004

3000 3. For any subsequent renewal of the applicant's
 3001 certificate, the department shall submit the required
 3002 information for a statewide criminal history check of the
 3003 applicant to the Department of Law Enforcement.

3004 4. Any applicant for initial certification or renewal of
 3005 certification who submits to the Department of Health a set of
 3006 fingerprints and information required for the criminal history
 3007 check required under this section shall not be required to
 3008 provide a subsequent set of fingerprints or other duplicate
 3009 information required for a criminal history check.

3010 Section 78. Paragraph (h) of subsection (1) of section
 3011 480.044, Florida Statutes, is amended, and paragraphs (i)
 3012 through (l) are redesignated as paragraphs (h) through (k),
 3013 respectively, to read:

3014 480.044 Fees; disposition.--

3015 (1) The board shall set fees according to the following
 3016 schedule:

3017 ~~(h) Fee for apprentice: not to exceed \$100.~~

3018 Section 79. Subsection (3) of section 480.046, Florida
 3019 Statutes, is amended to read:

3020 480.046 Grounds for disciplinary action by the board.--

3021 (3) The board shall have the power to revoke or suspend
 3022 the license of a massage establishment licensed under this act,
 3023 or to deny subsequent licensure of such an establishment, in any
 3024 ~~either~~ of the following cases:

3025 (a) Upon proof that a license has been obtained by fraud
 3026 or misrepresentation.

HB 1921

2004

3027 (b) Upon proof that the holder of a license is guilty of
 3028 fraud or deceit or of gross negligence, incompetency, or
 3029 misconduct in the operation of the establishment so licensed.

3030 (c) Upon proof that the holder of the massage
 3031 establishment license, or his or her or its agents, officers,
 3032 servants, or employees, while in the scope of employment on the
 3033 licensed premises or elsewhere, engaged in or permitted
 3034 disorderly conduct, prostitution, solicitation of prostitution,
 3035 pandering, letting premises for prostitution, or any violation
 3036 of chapter 893 or the controlled substance act. This includes
 3037 permitting another on the licensed premises to violate any of
 3038 the laws of this state or the United States.

3039 (d) Upon proof that the holder of the massage
 3040 establishment license or his or her or its agents, officers,
 3041 servants, or employees or, if a corporation, any officer or
 3042 stockholder thereof committed a violation of this chapter or any
 3043 rule promulgated by the board.

3044 (e) Upon proof that the name of the massage establishment
 3045 or address of the massage establishment was changed prior to
 3046 receiving written authorization from the board or upon proof
 3047 that the owner of the massage establishment transferred or
 3048 attempted to transfer the ownership from one owner to another
 3049 without prior written approval of the board.

3050 Section 80. Subsection (9) of section 486.021, Florida
 3051 Statutes, is amended to read:

3052 486.021 Definitions.--In this chapter, unless the context
 3053 otherwise requires, the term:

3054 (9) "Direct supervision" means supervision by a physical
 3055 therapist who is licensed pursuant to this chapter. Except in a

HB 1921

2004

3056 case of emergency, direct supervision requires the physical
 3057 presence of the licensed physical therapist for consultation and
 3058 direction of the actions of a physical therapist or physical
 3059 therapist assistant ~~who is practicing under a temporary permit~~
 3060 ~~and who is a candidate for licensure by examination.~~

3061 Section 81. Section 486.031, Florida Statutes, is amended
 3062 to read:

3063 486.031 Physical therapist; licensing requirements.--To be
 3064 eligible for licensing as a physical therapist, an applicant
 3065 must:

- 3066 (1) Be at least 18 years old.;
- 3067 (2) Be of good moral character.; ~~and~~
- 3068 (3)(a) Have been graduated from a school of physical
 3069 therapy which has been approved for the educational preparation
 3070 of physical therapists by an the appropriate accrediting agency
 3071 recognized by the Council for Higher Education Commission on
 3072 ~~Recognition of Postsecondary~~ Accreditation or the United States
 3073 Department of Education, or by their successor organizations, at
 3074 the time of her or his graduation and have passed, to the
 3075 satisfaction of the board, the American Registry Examination
 3076 prior to 1971 or a national examination approved by the board to
 3077 determine her or his fitness for practice as a physical
 3078 therapist as hereinafter provided;

- 3079 (b) Have received a diploma from a program in physical
 3080 therapy in a foreign country and have educational credentials
 3081 deemed equivalent to those required for the educational
 3082 preparation of physical therapists in this country, as
 3083 recognized by the appropriate agency as identified by the board,
 3084 and have passed to the satisfaction of the board an examination

HB 1921

2004

3085 to determine her or his fitness for practice as a physical
 3086 therapist as hereinafter provided; or

3087 (c) Be entitled to licensure without examination as
 3088 provided in s. 486.081.

3089 Section 82. Section 486.051, Florida Statutes, is amended
 3090 to read:

3091 486.051 Physical therapist; examination of applicant.--The
 3092 examinations of an applicant for licensing as a physical
 3093 therapist shall be in accordance with rules adopted by the
 3094 board, to test the applicant's qualifications and shall include
 3095 the taking of a test by the applicant. If an applicant fails to
 3096 pass the examination in three attempts, the applicant ~~shall not~~
 3097 ~~be eligible for reexamination unless she or he completes~~
 3098 ~~additional educational or training requirements prescribed by~~
 3099 ~~the board. An applicant who has completed the additional~~
 3100 ~~educational or training requirements prescribed by the board may~~
 3101 ~~take the examination on two more occasions. If the applicant has~~
 3102 ~~failed to pass the examination after five attempts, she or he is~~
 3103 no longer eligible to take the examination.

3104 Section 83. Section 486.081, Florida Statutes, is amended
 3105 to read:

3106 486.081 Physical therapist; issuance of license by
 3107 endorsement ~~without examination to a person licensed in another~~
 3108 jurisdiction ~~passing examination of another authorized examining~~
 3109 ~~board; fee.--~~

3110 (1) The board may cause a license to be issued through the
 3111 department by endorsement ~~without examination~~ to any applicant
 3112 who presents evidence satisfactory to the board, under oath or
 3113 affirmation, of having passed the American Registry Examination

HB 1921

2004

3114 prior to 1971 or of licensure in another jurisdiction ~~an~~
 3115 ~~examination in physical therapy before a similar lawfully~~
 3116 ~~authorized examining board of another state, the District of~~
 3117 ~~Columbia, a territory, or a foreign country,~~ if the standards
 3118 for licensure in physical therapy in such other jurisdiction
 3119 ~~state, district, territory, or foreign country~~ are determined by
 3120 the board to be as high as those of this state, as established
 3121 by rules adopted pursuant to this chapter. Any person who holds
 3122 a license pursuant to this section may use the words "physical
 3123 therapist" or "physiotherapist," or the letters "P.T.," in
 3124 connection with her or his name or place of business to denote
 3125 her or his licensure hereunder.

3126 (2) At the time of making application for licensure by
 3127 endorsement ~~without examination~~ pursuant to the terms of this
 3128 section, the applicant shall pay to the department a fee not to
 3129 exceed \$175 as fixed by the board, no part of which will be
 3130 returned.

3131 (3) An applicant seeking reentry into the profession who
 3132 has not been in active practice within the last 3 years prior to
 3133 applying for licensure shall submit to the board documentation
 3134 of competence to practice as required by rule of the board.

3135 Section 84. Section 486.102, Florida Statutes, is amended
 3136 to read:

3137 486.102 Physical therapist assistant; licensing
 3138 requirements.--To be eligible for licensing by the board as a
 3139 physical therapist assistant, an applicant must:

- 3140 (1) Be at least 18 years old.‡
- 3141 (2) Be of good moral character.‡ ~~and~~

HB 1921

2004

3142 (3)(a) Be a graduate of a professional physical therapy
 3143 assistant education program which is accredited by an ~~Have been~~
 3144 ~~graduated from a school giving a course of not less than 2 years~~
 3145 ~~for physical therapist assistants, which has been approved for~~
 3146 ~~the educational preparation of physical therapist assistants by~~
 3147 ~~the appropriate accrediting agency recognized by the~~ Council for
 3148 Higher Education Commission on Recognition of Postsecondary
 3149 Accreditation or the United States Department of Education, or
 3150 by their successor organizations, or which is approved by the
 3151 board at the time of the applicant's her or his graduation. An
 3152 applicant must ~~and~~ have passed to the satisfaction of the board
 3153 an examination to determine the applicant's eligibility for
 3154 licensure to her or his fitness for practice as a physical
 3155 therapist assistant as hereinafter provided;

3156 (b) Be a graduate of a physical therapy assistant program
 3157 ~~Have been graduated from a school giving a course for physical~~
 3158 ~~therapist assistants in a foreign country and have educational~~
 3159 ~~credentials deemed equivalent to those required for the~~
 3160 ~~educational preparation of physical therapist assistants in this~~
 3161 ~~country, as recognized by the appropriate agency as identified~~
 3162 ~~by the board, and passed to the satisfaction of the board an~~
 3163 ~~examination to determine~~ the applicant's eligibility for
 3164 licensure to her or his fitness for practice as a physical
 3165 therapist assistant as hereinafter provided; or

3166 (c) Be entitled to licensure by endorsement ~~without~~
 3167 ~~examination~~ as provided in s. 486.107.

3168 Section 85. Section 486.104, Florida Statutes, is amended
 3169 to read:

HB 1921

2004

3170 486.104 Physical therapist assistant; examination of
 3171 applicant.--The examinations ~~examination~~ of an applicant for
 3172 licensing as a physical therapist assistant shall be in
 3173 accordance with rules adopted by the board, to test the
 3174 applicant's qualifications and shall include the taking of tests
 3175 ~~a test~~ by the applicant. If an applicant fails to pass the
 3176 examination in three attempts, the applicant ~~shall not be~~
 3177 ~~eligible for reexamination unless she or he completes additional~~
 3178 ~~educational or training requirements prescribed by the board. An~~
 3179 ~~applicant who has completed the additional educational or~~
 3180 ~~training requirements prescribed by the board may take the~~
 3181 ~~examination on two more occasions. If the applicant has failed~~
 3182 ~~to pass the examination after five attempts, she or he is no~~
 3183 longer eligible to take the examination.

3184 Section 86. Section 486.107, Florida Statutes, is amended
 3185 to read:

3186 486.107 Physical therapist assistant; issuance of license
 3187 by endorsement ~~without examination~~ to a person licensed in
 3188 another jurisdiction; fee.--

3189 (1) The board may cause a license to be issued through the
 3190 department by endorsement ~~without examination~~ to any applicant
 3191 who presents evidence to the board, under oath, of licensure in
 3192 another jurisdiction ~~state, the District of Columbia, or a~~
 3193 ~~territory~~, if the standards for registering as a physical
 3194 therapist assistant or licensing of a physical therapist
 3195 assistant, as the case may be, in such other jurisdiction ~~state~~
 3196 are determined by the board to be as high as those of this
 3197 state, as established by rules adopted pursuant to this chapter.
 3198 Any person who holds a license pursuant to this section may use

HB 1921

2004

3199 the words "physical therapist assistant," or the letters
 3200 "P.T.A.," in connection with her or his name to denote licensure
 3201 hereunder.

3202 (2) At the time of making application for licensing by
 3203 endorsement ~~without examination~~ pursuant to the terms of this
 3204 section, the applicant shall pay to the department a fee not to
 3205 exceed \$175 as fixed by the board, no part of which will be
 3206 returned.

3207 (3) An applicant seeking reentry into the profession who
 3208 has not been in active practice within the last 3 years prior to
 3209 applying for licensure shall submit to the board documentation
 3210 of competence to practice as required by rule of the board.

3211 Section 87. Subsection (2) of section 486.109, Florida
 3212 Statutes, is amended to read:

3213 486.109 Continuing education.--

3214 (2) The board will accept ~~shall approve~~ only those courses
 3215 sponsored by a college or university which provides a curriculum
 3216 for professional education of ~~training~~ physical therapists or
 3217 physical therapist assistants which is accredited by, or has
 3218 status with an accrediting agency approved by, the United States
 3219 Department of Education as determined by board rule, or courses
 3220 sponsored or approved by the Florida Physical Therapy
 3221 Association or the American Physical Therapy Association.

3222 Section 88. Paragraph (c) is added to subsection (2) of
 3223 section 486.161, Florida Statutes, to read:

3224 486.161 Exemptions.--

3225 (2) No provision of this chapter shall be construed to
 3226 prohibit:

HB 1921

2004

3227 (c) Any physical therapist who is licensed in another
 3228 jurisdiction of the United States or credentialed in another
 3229 country from performing physical therapy if that person, by
 3230 contract or employment, is providing such physical therapy to
 3231 individuals affiliated with or employed by established athletic
 3232 teams, athletic organizations, or performing arts companies
 3233 temporarily practicing, competing, or performing in the state
 3234 for no more than 60 days in a calendar year.

3235 Section 89. Paragraph (b) of subsection (2) of section
 3236 490.005, Florida Statutes, is amended to read:

3237 490.005 Licensure by examination.--

3238 (2) Any person desiring to be licensed as a school
 3239 psychologist shall apply to the department to take the licensure
 3240 examination. The department shall license each applicant who the
 3241 department certifies has:

3242 (b) Submitted satisfactory proof to the department that
 3243 the applicant:

3244 1. Has received a doctorate, specialist, or equivalent
 3245 degree from a program primarily psychological in nature and has
 3246 completed 60 semester hours or 90 quarter hours of graduate
 3247 study, in areas related to school psychology as defined by rule
 3248 of the department, from a college or university which at the
 3249 time the applicant was enrolled and graduated was accredited by
 3250 an accrediting agency recognized and approved by the Council for
 3251 Higher Education Accreditation or the United States Department
 3252 of Education, or by their successor organizations, ~~Commission on~~
 3253 Recognition of Postsecondary Accreditation or from an
 3254 institution which is publicly recognized as a member in good

HB 1921

2004

3255 standing with the Association of Universities and Colleges of
3256 Canada.

3257 2. Has had a minimum of 3 years of experience in school
3258 psychology, 2 years of which must be supervised by an individual
3259 who is a licensed school psychologist or who has otherwise
3260 qualified as a school psychologist supervisor, by education and
3261 experience, as set forth by rule of the department. A doctoral
3262 internship may be applied toward the supervision requirement.

3263 3. Has passed an examination provided by the department.

3264 Section 90. Paragraphs (c) and (d) of subsection (1),
3265 paragraphs (b), (c), and (d) of subsection (3), and paragraphs
3266 (b), (c), and (d) of subsection (4) of section 491.005, Florida
3267 Statutes, are amended, paragraph (f) is added to subsection (1),
3268 paragraph (g) is added to subsection (3), and paragraph (f) is
3269 added to subsection (4) of said section, to read:

3270 491.005 Licensure by examination.--

3271 (1) CLINICAL SOCIAL WORK.--Upon verification of
3272 documentation and payment of a fee not to exceed \$200, as set by
3273 board rule, plus the actual per applicant cost to the department
3274 for purchase of the examination from the American Association of
3275 State Social Worker's Boards or a similar national organization,
3276 the department shall issue a license as a clinical social worker
3277 to an applicant who the board certifies:

3278 (c) Has had not less than 2 years of clinical social work
3279 experience, which took place subsequent to completion of a
3280 graduate degree in social work at an institution meeting the
3281 accreditation requirements of this section, under the
3282 supervision of a licensed clinical social worker or the
3283 equivalent who is a qualified supervisor as determined by the

HB 1921

2004

3284 board. An individual who intends to practice in Florida to
3285 satisfy clinical experience requirements must register pursuant
3286 to s. 491.0045 prior to commencing practice. If the applicant's
3287 graduate program was not a program which emphasized direct
3288 clinical patient or client health care services as described in
3289 subparagraph (b)2., the supervised experience requirement must
3290 take place after the applicant has completed a minimum of 15
3291 semester hours or 22 quarter hours of the coursework required. A
3292 doctoral internship may be applied toward the clinical social
3293 work experience requirement. The clinical experience requirement
3294 may be met by work performed on or off the premises of the
3295 supervising clinical social worker or the equivalent, provided
3296 that all work is performed under the direct supervision of the
3297 ~~off-premises work is not the independent private practice~~
3298 ~~rendering of clinical social work that does not have a licensed~~
3299 ~~mental health professional, as determined by the board, on the~~
3300 ~~premises at the same time the intern is providing services.~~

3301 (d) Has passed a theory and practice examination approved
3302 ~~provided~~ by the board ~~department~~ for this purpose, which shall
3303 only be taken following completion of the clinical experience
3304 requirement.

3305 (f) Has satisfied all coursework requirements in this
3306 section by successfully completing the required course as a
3307 student or by teaching the required graduate course as an
3308 instructor or professor in an accredited institution.

3309 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification of
3310 documentation and payment of a fee not to exceed \$200, as set by
3311 board rule, plus the actual cost to the department for the
3312 purchase of the examination from the Association of Marital and

HB 1921

2004

3313 Family Therapy Regulatory Board, or similar national
 3314 organization, the department shall issue a license as a marriage
 3315 and family therapist to an applicant who the board certifies:

3316 (b)1. Has a minimum of a master's degree with major
 3317 emphasis in marriage and family therapy, or a closely related
 3318 field, and has completed all of the following requirements:

3319 a. Thirty-six semester hours or 48 quarter hours of
 3320 graduate coursework, which must include a minimum of 3 semester
 3321 hours or 4 quarter hours of graduate-level course credits in
 3322 each of the following nine areas: dynamics of marriage and
 3323 family systems; marriage therapy and counseling theory and
 3324 techniques; family therapy and counseling theory and techniques;
 3325 individual human development theories throughout the life cycle;
 3326 personality theory or general counseling theory and techniques;
 3327 psychopathology; human sexuality theory and counseling
 3328 techniques; psychosocial theory; and substance abuse theory and
 3329 counseling techniques. Courses in research, evaluation,
 3330 appraisal, assessment, or testing theories and procedures;
 3331 thesis or dissertation work; or practicums, internships, or
 3332 fieldwork may not be applied toward this requirement.

3333 b. A minimum of one graduate-level course of 3 semester
 3334 hours or 4 quarter hours in legal, ethical, and professional
 3335 standards issues in the practice of marriage and family therapy
 3336 or a course determined by the board to be equivalent.

3337 c. A minimum of one graduate-level course of 3 semester
 3338 hours or 4 quarter hours in diagnosis, appraisal, assessment,
 3339 and testing for individual or interpersonal disorder or
 3340 dysfunction; and a minimum of one 3-semester-hour or 4-quarter-
 3341 hour graduate-level course in behavioral research which focuses

HB 1921

2004

3342 on the interpretation and application of research data as it
3343 applies to clinical practice. Credit for thesis or dissertation
3344 work, practicums, internships, or fieldwork may not be applied
3345 toward this requirement.

3346 d. A minimum of one supervised clinical practicum,
3347 internship, or field experience in a marriage and family
3348 counseling setting, during which the student provided 180 direct
3349 client contact hours of marriage and family therapy services
3350 under the supervision of an individual who met the requirements
3351 for supervision under paragraph (c). This requirement may be met
3352 by a supervised practice experience which took place outside the
3353 academic arena, but which is certified as equivalent to a
3354 graduate-level practicum or internship program which required a
3355 minimum of 180 direct client contact hours of marriage and
3356 family therapy services currently offered within an academic
3357 program of a college or university accredited by an accrediting
3358 agency approved by the United States Department of Education, or
3359 an institution which is publicly recognized as a member in good
3360 standing with the Association of Universities and Colleges of
3361 Canada or a training institution accredited by the Commission on
3362 Accreditation for Marriage and Family Therapy Education
3363 recognized by the United States Department of Education.
3364 Certification shall be required from an official of such
3365 college, university, or training institution.

3366 2. If the course title which appears on the applicant's
3367 transcript does not clearly identify the content of the
3368 coursework, the applicant shall be required to provide
3369 additional documentation, including, but not limited to, a
3370 syllabus or catalog description published for the course.

HB 1921

2004

3371
 3372 The required master's degree must have been received in an
 3373 institution of higher education which at the time the applicant
 3374 graduated was: fully accredited by a regional accrediting body
 3375 recognized by the Council for Higher Education Accreditation or
 3376 the United States Department of Education, or by their successor
 3377 organizations ~~Commission on Recognition of Postsecondary~~
 3378 ~~Accreditation~~; publicly recognized as a member in good standing
 3379 with the Association of Universities and Colleges of Canada; or
 3380 an institution of higher education located outside the United
 3381 States and Canada, which at the time the applicant was enrolled
 3382 and at the time the applicant graduated maintained a standard of
 3383 training substantially equivalent to the standards of training
 3384 of those institutions in the United States which are accredited
 3385 by a regional accrediting body recognized by the Council for
 3386 Higher Education Accreditation or the United States Department
 3387 of Education, or by their successor organizations ~~Commission on~~
 3388 ~~Recognition of Postsecondary Accreditation~~. Such foreign
 3389 education and training must have been received in an institution
 3390 or program of higher education officially recognized by the
 3391 government of the country in which it is located as an
 3392 institution or program to train students to practice as
 3393 professional marriage and family therapists or psychotherapists.
 3394 The burden of establishing that the requirements of this
 3395 provision have been met shall be upon the applicant, and the
 3396 board shall require documentation, such as, but not limited to,
 3397 an evaluation by a foreign equivalency determination service, as
 3398 evidence that the applicant's graduate degree program and
 3399 education were equivalent to an accredited program in this

HB 1921

2004

3400 country. An applicant with a master's degree from a program
3401 which did not emphasize marriage and family therapy may complete
3402 the coursework requirement in a training institution fully
3403 accredited by the Commission on Accreditation for Marriage and
3404 Family Therapy Education recognized by the United States
3405 Department of Education.

3406 (c) Has had not less than 2 years of clinical experience
3407 during which 50 percent of the applicant's clients were
3408 receiving marriage and family therapy services, which must be at
3409 the post-master's level under the supervision of a licensed
3410 marriage and family therapist with at least 5 years of
3411 experience, or the equivalent, who is a qualified supervisor as
3412 determined by the board. An individual who intends to practice
3413 in Florida to satisfy the clinical experience requirements must
3414 register pursuant to s. 491.0045 prior to commencing practice.
3415 If a graduate has a master's degree with a major emphasis in
3416 marriage and family therapy or a closely related field that did
3417 not include all the coursework required under sub-subparagraphs
3418 (b)1.a.-c., credit for the post-master's level clinical
3419 experience shall not commence until the applicant has completed
3420 a minimum of 10 of the courses required under sub-subparagraphs
3421 (b)1.a.-c., as determined by the board, and at least 6 semester
3422 hours or 9 quarter hours of the course credits must have been
3423 completed in the area of marriage and family systems, theories,
3424 or techniques. Within the 3 years of required experience, the
3425 applicant shall provide direct individual, group, or family
3426 therapy and counseling, to include the following categories of
3427 cases: unmarried dyads, married couples, separating and
3428 divorcing couples, and family groups including children. A

HB 1921

2004

3429 doctoral internship may be applied toward the clinical
3430 experience requirement. The clinical experience requirement may
3431 be met by work performed on or off the premises of the
3432 supervising marriage and family therapist or the equivalent,
3433 provided that all work is performed under the direct supervision
3434 of the off-premises work is not the independent private practice
3435 rendering of marriage and family therapy services that does not
3436 have a licensed mental health professional, as determined by the
3437 board, on the premises at the same time the intern is providing
3438 services.

3439 (d) Has passed a theory and practice examination approved
3440 provided by the board department for this purpose, which shall
3441 only be taken following completion of the clinical experience
3442 requirement.

3443 (g) Has satisfied all coursework requirements in this
3444 section by successfully completing the required course as a
3445 student or by teaching the required graduate course as an
3446 instructor or professor in an accredited institution.

3447 (4) MENTAL HEALTH COUNSELING.--Upon verification of
3448 documentation and payment of a fee not to exceed \$200, as set by
3449 board rule, plus the actual per applicant cost to the department
3450 for purchase of the examination from the Professional
3451 Examination Service for the National Academy of Certified
3452 Clinical Mental Health Counselors or a similar national
3453 organization, the department shall issue a license as a mental
3454 health counselor to an applicant who the board certifies:

3455 (b)1. Has a minimum of an earned master's degree from a
3456 mental health counseling program accredited by the Council for
3457 the Accreditation of Counseling and Related Educational Programs

HB 1921

2004

3458 that consists of at least 60 semester hours or 80 quarter hours
 3459 of clinical and didactic instruction, including a course in
 3460 human sexuality and a course in substance abuse. If the master's
 3461 degree is earned from a program related to the practice of
 3462 mental health counseling that is not accredited by the Council
 3463 for the Accreditation of Counseling and Related Educational
 3464 Programs, then the coursework and practicum, internship, or
 3465 fieldwork must consist of at least 60 semester hours or 80
 3466 quarter hours and meet the following requirements:

3467 a. Thirty-three semester hours or 44 quarter hours of
 3468 graduate coursework, which must include a minimum of 3 semester
 3469 hours or 4 quarter hours of graduate-level coursework in each of
 3470 the following 11 content areas: counseling theories and
 3471 practice; human growth and development; diagnosis and treatment
 3472 of psychopathology; human sexuality; group theories and
 3473 practice; individual evaluation and assessment; career and
 3474 lifestyle assessment; research and program evaluation; social
 3475 and cultural foundations; counseling in community settings; and
 3476 substance abuse. Courses in research, thesis or dissertation
 3477 work, practicums, internships, or fieldwork may not be applied
 3478 toward this requirement.

3479 b. A minimum of 3 semester hours or 4 quarter hours of
 3480 graduate-level coursework in legal, ethical, and professional
 3481 standards issues in the practice of mental health counseling,
 3482 which includes goals, objectives, and practices of professional
 3483 counseling organizations, codes of ethics, legal considerations,
 3484 standards of preparation, certifications and licensing, and the
 3485 role identity and professional obligations of mental health
 3486 counselors. Courses in research, thesis or dissertation work,

HB 1921

2004

3487 practicums, internships, or fieldwork may not be applied toward
 3488 this requirement.

3489 c. The equivalent, as determined by the board, of at least
 3490 1,000 hours of university-sponsored supervised clinical
 3491 practicum, internship, or field experience as required in the
 3492 accrediting standards of the Council for Accreditation of
 3493 Counseling and Related Educational Programs for mental health
 3494 counseling programs. This experience may not be used to satisfy
 3495 the post-master's clinical experience requirement.

3496 2. If the course title which appears on the applicant's
 3497 transcript does not clearly identify the content of the
 3498 coursework, the applicant shall be required to provide
 3499 additional documentation, including, but not limited to, a
 3500 syllabus or catalog description published for the course.

3501
 3502 Education and training in mental health counseling must have
 3503 been received in an institution of higher education which at the
 3504 time the applicant graduated was: fully accredited by a regional
 3505 accrediting body recognized by the Council for Higher Education
 3506 Accreditation or the United States Department of Education, or
 3507 by their successor organizations ~~Commission on Recognition of~~
 3508 ~~Postsecondary Accreditation~~; publicly recognized as a member in
 3509 good standing with the Association of Universities and Colleges
 3510 of Canada; or an institution of higher education located outside
 3511 the United States and Canada, which at the time the applicant
 3512 was enrolled and at the time the applicant graduated maintained
 3513 a standard of training substantially equivalent to the standards
 3514 of training of those institutions in the United States which are
 3515 accredited by a regional accrediting body recognized by the

HB 1921

2004

3516 Council for Higher Education Accreditation or the United States
3517 Department of Education, or by their successor organizations
3518 ~~Commission on Recognition of Postsecondary Accreditation.~~ Such
3519 foreign education and training must have been received in an
3520 institution or program of higher education officially recognized
3521 by the government of the country in which it is located as an
3522 institution or program to train students to practice as mental
3523 health counselors. The burden of establishing that the
3524 requirements of this provision have been met shall be upon the
3525 applicant, and the board shall require documentation, such as,
3526 but not limited to, an evaluation by a foreign equivalency
3527 determination service, as evidence that the applicant's graduate
3528 degree program and education were equivalent to an accredited
3529 program in this country.

3530 (c) Has had not less than 2 years of clinical experience
3531 in mental health counseling, which must be at the post-master's
3532 level under the supervision of a licensed mental health
3533 counselor or the equivalent who is a qualified supervisor as
3534 determined by the board. An individual who intends to practice
3535 in Florida to satisfy the clinical experience requirements must
3536 register pursuant to s. 491.0045 prior to commencing practice.
3537 If a graduate has a master's degree with a major related to the
3538 practice of mental health counseling that did not include all
3539 the coursework required under sub-subparagraphs (b)1.a.-b.,
3540 credit for the post-master's level clinical experience shall not
3541 commence until the applicant has completed a minimum of seven of
3542 the courses required under sub-subparagraphs (b)1.a.-b., as
3543 determined by the board, one of which must be a course in
3544 psychopathology or abnormal psychology. A doctoral internship

HB 1921

2004

3545 may be applied toward the clinical experience requirement. The
 3546 clinical experience requirement may be met by work performed on
 3547 or off the premises of the supervising mental health counselor
 3548 or the equivalent, provided that all work is performed under the
 3549 direct supervision of ~~the off-premises work is not the~~
 3550 ~~independent private practice rendering of services that does not~~
 3551 ~~have~~ a licensed mental health professional, as determined by the
 3552 board, ~~on the premises at the same time the intern is providing~~
 3553 ~~services.~~

3554 (d) Has passed a theory and practice examination approved
 3555 ~~provided by the board department~~ for this purpose, which shall
 3556 only be taken following completion of the clinical experience
 3557 requirement.

3558 (f) Has satisfied all coursework requirements in this
 3559 section by successfully completing the required course as a
 3560 student or by teaching the required graduate course as an
 3561 instructor or professor in an accredited institution.

3562 Section 91. Subsection (3) is added to section 491.006,
 3563 Florida Statutes, to read:

3564 491.006 Licensure or certification by endorsement.--

3565 (3) The board shall accept the 2 years of post-master's
 3566 education supervised clinical experience of mental health
 3567 counselor endorsement applicants who have not completed a
 3568 psychopathology or abnormal psychology course prior to having
 3569 completed their 2 years of post-master's education supervised
 3570 clinical experience, if the applicant has actively practiced as
 3571 a mental health counselor in another state or territory for 5
 3572 out of the last 6 years without being subject to any
 3573 disciplinary action.

HB 1921

2004

3574 Section 92. Subsection (2) of section 491.009, Florida
 3575 Statutes, is amended to read:

3576 491.009 Discipline.--

3577 (2) The department, in the case of a certified master
 3578 social worker, or, ~~in the case of psychologists,~~ the board, may
 3579 enter an order denying licensure or imposing any of the
 3580 penalties in s. 456.072(2) against any applicant for licensure
 3581 or licensee who is found guilty of violating any provision of
 3582 subsection (1) of this section or who is found guilty of
 3583 violating any provision of s. 456.072(1).

3584 Section 93. Section 491.0145, Florida Statutes, is amended
 3585 to read:

3586 491.0145 Certified master social worker.--The department
 3587 may not adopt any rules that would cause any person who was not
 3588 licensed as a certified master social worker in accordance with
 3589 this chapter on January 1, 1990, to become licensed. The
 3590 department may certify an applicant for a designation as a
 3591 certified master social worker upon the following conditions:

3592 (1) The applicant completes an application to be provided
 3593 by the department and pays a nonrefundable fee not to exceed
 3594 \$250 to be established by rule of the department. The completed
 3595 application must be received by the department at least 60 days
 3596 before the date of the examination in order for the applicant to
 3597 qualify to take the scheduled exam.

3598 (2) The applicant submits proof satisfactory to the
 3599 department that the applicant has received a doctoral degree in
 3600 social work, or a master's degree with a major emphasis or
 3601 specialty in clinical practice or administration, including, but
 3602 not limited to, agency administration and supervision, program

HB 1921

2004

3603 planning and evaluation, staff development, research, community
 3604 organization, community services, social planning, and human
 3605 service advocacy. Doctoral degrees must have been received from
 3606 a graduate school of social work which at the time the applicant
 3607 was enrolled and graduated was accredited by an accrediting
 3608 agency approved by the United States Department of Education.
 3609 Master's degrees must have been received from a graduate school
 3610 of social work which at the time the applicant was enrolled and
 3611 graduated was accredited by the Council on Social Work Education
 3612 or the Canadian Association of Schools of Social Work or by one
 3613 that meets comparable standards.

3614 (3) The applicant has had at least 3 years' experience, as
 3615 defined by rule, including, but not limited to, clinical
 3616 services or administrative activities as defined in subsection
 3617 (2), 2 years of which must be at the post-master's level under
 3618 the supervision of a person who meets the education and
 3619 experience requirements for certification as a certified master
 3620 social worker, as defined by rule, or licensure as a clinical
 3621 social worker under this chapter. A doctoral internship may be
 3622 applied toward the supervision requirement.

3623 (4) Any person who holds a master's degree in social work
 3624 from institutions outside the United States may apply to the
 3625 department for certification if the academic training in social
 3626 work has been evaluated as equivalent to a degree from a school
 3627 accredited by the Council on Social Work Education. Any such
 3628 person shall submit a copy of the academic training from the
 3629 Foreign Equivalency Determination Service of the Council on
 3630 Social Work Education.

HB 1921

2004

3631 (5) The applicant has passed an examination required by
 3632 the department for this purpose. The nonrefundable fee for such
 3633 examination may not exceed \$250 as set by department rule.

3634 (6) Nothing in this chapter shall be construed to
 3635 authorize a certified master social worker to provide clinical
 3636 social work services.

3637 Section 94. Section 491.0146, Florida Statutes, is created
 3638 to read:

3639 491.0146 Saving clause.--All licenses to practice as a
 3640 certified master social worker issued pursuant to this chapter
 3641 and valid on October 1, 2002, shall remain in full force and
 3642 effect.

3643 Section 95. Subsection (3) of section 491.0147, Florida
 3644 Statutes, is amended to read:

3645 491.0147 Confidentiality and privileged
 3646 communications.--Any communication between any person licensed
 3647 or certified under this chapter and her or his patient or client
 3648 shall be confidential. This secrecy may be waived under the
 3649 following conditions:

3650 (3)(a) When there is a clear and immediate probability of
 3651 physical harm to the patient or client, to other individuals, or
 3652 to society and the person licensed or certified under this
 3653 chapter communicates the information only to the potential
 3654 victim, appropriate family member, or law enforcement or other
 3655 appropriate authorities.

3656 (b) There shall be no civil or criminal liability arising
 3657 from the disclosure of otherwise confidential communications by
 3658 a person licensed or certified under this chapter when the
 3659 disclosure is made pursuant to paragraph (a).

HB 1921

2004

3660 Section 96. Paragraph (b) of subsection (4) of section
 3661 766.314, Florida Statutes, is amended to read:

3662 766.314 Assessments; plan of operation.--

3663 (4) The following persons and entities shall pay into the
 3664 association an initial assessment in accordance with the plan of
 3665 operation:

3666 (b)1. On or before October 15, 1988, all physicians
 3667 licensed pursuant to chapter 458 or chapter 459 as of October 1,
 3668 1988, other than participating physicians, shall be assessed an
 3669 initial assessment of \$250, which must be paid no later than
 3670 December 1, 1988.

3671 2. Any such physician who becomes licensed after September
 3672 30, 1988, and before January 1, 1989, shall pay into the
 3673 association an initial assessment of \$250 upon licensure.

3674 3. Any such physician who becomes licensed on or after
 3675 January 1, 1989, shall pay an initial assessment equal to the
 3676 most recent assessment made pursuant to this paragraph,
 3677 paragraph (5)(a), or paragraph (7)(b).

3678 4. However, if the physician is a physician specified in
 3679 this subparagraph, the assessment is not applicable:

3680 a. A resident physician, assistant resident physician, or
 3681 intern in an approved postgraduate training program, as defined
 3682 by the Board of Medicine or the Board of Osteopathic Medicine by
 3683 rule;

3684 b. A retired physician who has withdrawn from the practice
 3685 of medicine but who maintains an active license as evidenced by
 3686 an affidavit filed with the Department of Health. Prior to
 3687 reentering the practice of medicine in this state, a retired
 3688 physician as herein defined must notify the Board of Medicine or

HB 1921

2004

3689 the Board of Osteopathic Medicine and pay the appropriate
 3690 assessments pursuant to this section;

3691 c. A physician who holds a limited license pursuant to s.
 3692 458.315 ~~458.317~~ and who is not being compensated for medical
 3693 services;

3694 d. A physician who is employed full time by the United
 3695 States Department of Veterans Affairs and whose practice is
 3696 confined to United States Department of Veterans Affairs
 3697 hospitals; or

3698 e. A physician who is a member of the Armed Forces of the
 3699 United States and who meets the requirements of s. 456.024.

3700 f. A physician who is employed full time by the State of
 3701 Florida and whose practice is confined to state-owned
 3702 correctional institutions, a county health department, or state-
 3703 owned mental health or developmental services facilities, or who
 3704 is employed full time by the Department of Health.

3705 Section 97. Paragraph (a) of subsection (2) of section
 3706 817.505, Florida Statutes, is amended to read:

3707 817.505 Patient brokering prohibited; exceptions;
 3708 penalties.--

3709 (2) For the purposes of this section, the term:

3710 (a) "Health care provider or health care facility" means
 3711 any person or entity licensed, certified, or registered with the
 3712 Department of Health or the Agency for Health Care
 3713 Administration; any person or entity that has contracted with
 3714 the Agency for Health Care Administration to provide goods or
 3715 services to Medicaid recipients as provided under s. 409.907; a
 3716 county health department established under part I of chapter
 3717 154; any community service provider contracting with the

HB 1921

2004

3718 Department of Children and Family Services to furnish alcohol,
 3719 drug abuse, or mental health services under part IV of chapter
 3720 394; any substance abuse service provider licensed under chapter
 3721 397; or any federally supported primary care program such as a
 3722 migrant or community health center authorized under ss. 329 and
 3723 330 of the United States Public Health Services Act.

3724 Section 98. Paragraph (a) of subsection (1) of section
 3725 817.567, Florida Statutes, is amended to read:

3726 817.567 Making false claims of academic degree or title.--

3727 (1) No person in the state may claim, either orally or in
 3728 writing, to possess an academic degree, as defined in s.

3729 1005.02, or the title associated with said degree, unless the
 3730 person has, in fact, been awarded said degree from an

3731 institution that is:

3732 (a) Accredited by a regional or professional accrediting
 3733 agency recognized by the United States Department of Education
 3734 or the Council for Higher Education ~~Commission on Recognition of~~
 3735 ~~Postsecondary~~ Accreditation, or by their successor
 3736 organizations;

3737 Section 99. Subsection (13) of section 1009.992, Florida
 3738 Statutes, is amended to read:

3739 1009.992 Definitions.--As used in this act:

3740 (13) "Institution" means any college or university which,
 3741 by virtue of law or charter, is accredited by and holds

3742 membership in the Council for Higher Education ~~Commission on~~
 3743 ~~Recognition of Postsecondary~~ Accreditation, or by its successor

3744 organization; which grants baccalaureate or associate degrees;

3745 which is not a pervasively sectarian institution; and which does

HB 1921

2004

3746 not discriminate in the admission of students on the basis of
3747 race, color, religion, sex, or creed.

3748 Section 100. Section 1012.46, Florida Statutes, is amended
3749 to read:

3750 1012.46 Athletic trainers.--

3751 (1) School districts may establish and implement an
3752 athletic injuries prevention and treatment program. Central to
3753 this program should be the employment and availability of
3754 persons trained in the prevention and treatment of physical
3755 injuries which may occur during athletic activities. The program
3756 should reflect opportunities for progressive advancement and
3757 compensation in employment as provided in subsection (2) and
3758 meet certain other minimum standards developed by the Department
3759 of Education. The goal of the Legislature is to have school
3760 districts employ and have available a full-time ~~teacher~~ athletic
3761 trainer in each high school in the state.

3762 (2) To the extent practicable, a school district program
3763 should include the following employment classification and
3764 advancement scheme:

3765 (a) *First responder*--To qualify as a first responder, a
3766 person must possess a professional, temporary, part-time,
3767 adjunct, or substitute certificate pursuant to s. 1012.56, be
3768 certified in cardiopulmonary resuscitation, first aid, and have
3769 15 semester hours in courses such as care and prevention of
3770 athletic injuries, anatomy, physiology, nutrition, counseling,
3771 and other similar courses approved by the Commissioner of
3772 Education. This person may only administer first aid and similar
3773 care and shall not hold themselves out to the school district or

HB 1921

2004

3774 public as an athletic trainer pursuant to part XIII of chapter
 3775 468.

3776 (b) ~~Teacher~~ *Athletic trainer*.--To qualify as an ~~a teacher~~
 3777 athletic trainer, a person must be licensed as required by part
 3778 XIII of chapter 468 and may be utilized by the school district
 3779 as possess a professional, temporary, part-time, adjunct, or
 3780 substitute certificate pursuant to s. 1012.35, s. 1012.56 or s.
 3781 1012.57, ~~and be licensed as required by part XIII of chapter~~
 3782 ~~468.~~

3783 Section 101. Reactivation of license for clinical research
 3784 purposes.--

3785 (1) Any person who is licensed to practice medicine in the
 3786 state and who left the practice of medicine for purposes of
 3787 retirement and who, at the time of retirement, was in good
 3788 standing with the board may apply to have his or her license
 3789 reactivated, without examination, for purposes of solely
 3790 providing medical services to patients in a clinical research
 3791 setting. Such person must not have been out of the practice of
 3792 medicine for more than 15 years at the time of application under
 3793 this section.

3794 (2) The board shall, by rule, set the reactivation fee,
 3795 not to exceed \$300.

3796 (3) This section shall only apply to persons who meet all
 3797 of the following criteria:

3798 (a) A person of not less than 85 years of age on July 1,
 3799 2004.

3800 (b) A person who is providing medical services as part of
 3801 a clinical study that has been reviewed and approved by a
 3802 federal, state, or local institutional review board.

HB 1921

2004

3803 (4) This section is repealed June 30, 2005, unless
3804 reviewed and saved from repeal through reenactment by the
3805 Legislature.

3806 Section 102. Sections 456.033, 456.034, 458.313, 458.3147,
3807 458.316, 458.3165, and 458.317, Florida Statutes, are repealed.

3808 Section 103. Effective January 1, 2005, sections 468.356
3809 and 468.357, Florida Statutes, are repealed.

3810 Section 104. Except as otherwise provided herein, this act
3811 shall take effect upon becoming a law.