

Bill No. CS for CS for SB 2170, 1st Eng.

Amendment No. ____ Barcode 951108

CHAMBER ACTION

Senate

House

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Senator Peaden moved the following amendment:

Senate Amendment (with title amendment)

On page 208, between lines 2 and 3,

insert:

Section 142. Section 381.03015, Florida Statutes, is created to read:

381.03015 Florida Health Care Practitioner Workforce Database.--

(1) LEGISLATIVE FINDINGS AND INTENT.--

(a) The Legislature finds that the state health policies designed to expand patient access and improve the quality of health care delivery must take into consideration the supply, distribution, diversity, academic preparation, and utilization of the state's health care workforce. The Legislature further finds that the absence of accurate, objective, relevant, and timely data concerning the health care workforce in this state is a barrier to developing and implementing optimal programmatic and fiscal policies relating to the education and training of health care practitioners and

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1 the delivery of health care services.

2 (b) In order to eliminate these barriers, it is the
3 intent of the Legislature to create the Florida Health Care
4 Practitioner Workforce Database within the Department of
5 Health. The database shall provide the capacity for the
6 collection, compilation, maintenance, and analysis of data
7 concerning the state's health care workforce. It is further
8 the intent of the Legislature that the workforce database
9 serve as the official state repository of data that can be
10 used by the Legislature, the Executive Office of the Governor,
11 state agencies, and state, regional, and local entities
12 involved in planning, analysis, and policy development for the
13 health care workforce and in the delivery of health care
14 services.

15 (2) DEFINITIONS.--As used in this section, the term:

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

17 (b) "Health care practitioner" has the same meaning as
18 provided in s. 456.001.

19 (3) FLORIDA HEALTH CARE PRACTITIONER WORKFORCE
20 DATABASE.--

21 (a) The Florida Health Care Practitioner Workforce
22 Database is the electronic repository of data elements for
23 each health care profession identified by the department for
24 inclusion in the database. Data elements shall be maintained
25 for as many years as necessary to allow for an analysis of
26 longitudinal trends. To the maximum extent feasible, data
27 elements must be collected and maintained using standardized
28 definitions in order to allow for multistate or national
29 comparisons of this state's data.

30 (b) The workforce database may be implemented in
31 phases; however, the highest priority must be given to

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1 including the data elements for allopathic and osteopathic
2 physicians in the database. Inclusion of data elements for
3 other health care practitioners may be accomplished in
4 subsequent phases, as resources allow with priority given to
5 the inclusion of health care practitioners who are subject to
6 the practitioner profiling system under s. 456.041. The
7 department shall develop an implementation plan that
8 recommends the priority order in which other health care
9 practitioners may be added to the database, identifies the
10 data elements to be collected for each group of health care
11 practitioners, and provides an estimate of the cost associated
12 with the addition of each group of health care practitioners
13 to the database. The data elements collected for nurses shall
14 be identified by the department, based upon recommendations
15 made by the Florida Center for Nursing. The implementation
16 plan shall also provide an analysis of technical issues and an
17 estimate of the costs associated with collecting the following
18 data elements for allopathic and osteopathic physicians
19 through the licensing processes of the Board of Medicine and
20 the Board of Osteopathic Medicine under s. 456.039, or through
21 the profiling process for health care practitioners under s.
22 456.041:

23 1. The physician's secondary practice location, if
24 any, including the street address, municipality, county, and
25 zip code.

26 2. The approximate number of hours per week spent in
27 each practice location.

28 3. Each practice setting, by major category of
29 practice setting, including, but not limited to, office-based
30 practice, hospital-based practice, nursing home, health
31 maintenance organization, and county health department.

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1 4. Whether the physician is a full-time member of a
2 medical school faculty.

3 5. Whether the physician plans to reduce his or her
4 practice volume by a significant percent within the effective
5 period of the currently held license.

6
7 The implementation plan shall be submitted to the Governor and
8 Legislature by December 1, 2005.

9 (4) The data elements for allopathic and osteopathic
10 physicians shall include the following:

11 (a) Data elements for each allopathic and osteopathic
12 physician licensed to practice in this state:

13 1. Name.

14 2. Date of birth.

15 3. Place of birth.

16 4. Gender.

17 5. Race.

18 6. Social security number.

19 7. Name of medical school.

20 8. Year of graduation from medical school.

21 9. Location of medical school.

22 10. Name of each graduate medical education program
23 completed.

24 11. Year of completion of each graduate medical
25 education program.

26 12. Location of each graduate medical education
27 program completed.

28 13. Type of each graduate medical education program
29 completed, such as internship, residency, or fellowship.

30 14. Each medical specialty or subspecialty that the
31 physician practices.

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1 15. Each medical specialty board certification held.

2 16. The primary practice location, including the
3 street address, municipality, county, and zip code for each
4 location.

5 (b) Data elements for each graduate of a Florida
6 allopathic or osteopathic medical school:

7 1. Name.

8 2. Date of birth.

9 3. Place of birth.

10 4. Gender.

11 5. Race.

12 6. Social security number.

13 7. Name of medical school.

14 8. Year of graduation from medical school.

15 9. Name and location, by state and country, of the
16 graduate medical education program that the graduate plans to
17 enter.

18 10. Type of graduate medical education program, such
19 as internship or residency, which the graduate plans to enter,
20 including the identification of graduate medical education
21 programs during postgraduate year 1 and postgraduate year 2,
22 if applicable, for graduates entering preliminary or
23 transitional positions during postgraduate year 1.

24 (c) Data elements for each allopathic or osteopathic
25 physician completing a graduate medical education program in
26 this state:

27 1. Name.

28 2. Date of birth.

29 3. Place of birth.

30 4. Gender.

31 5. Race.

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1 6. Social security number.

2 7. Name of medical school.

3 8. Year of graduation from medical school.

4 9. Location, by state and country, of the medical
5 school.

6 10. Name and location, by state and country, of the
7 graduate medical education program.

8 (5) REQUIRED USE OF EXISTING DATA SOURCES.--It is the
9 intent of the Legislature to minimize the cost of creating and
10 operating the Florida Health Care Practitioner Workforce
11 Database and to avoid unwarranted duplication of existing
12 data. Therefore, to the maximum extent possible, the data
13 included in the workforce database shall be derived from
14 existing data sources except as provided in paragraph (6)(a).
15 New data shall be collected for inclusion in the workforce
16 database only when the department determines that such data
17 are essential for evaluating and analyzing the health care
18 professions and when the data cannot be obtained from existing
19 sources.

20 (6)(a) Data elements sought to satisfy paragraph
21 (4)(a) shall be obtained from the licensing processes of the
22 Board of Medicine and the Board of Osteopathic Medicine under
23 s. 456.039, and from the profiling process for health care
24 practitioners under s. 456.041. In addition to the data
25 collected under ss. 456.039 and 456.041, the Board of Medicine
26 and the Board of Osteopathic Medicine shall collect the
27 following data from each person applying for initial licensure
28 or licensure renewal to practice medicine or osteopathic
29 medicine as a physician after July 1, 2005, and the Department
30 of Health shall enter the data into the database used for
31 licensure or an equivalent database:

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- 1 1. The place of the applicant's birth.
2 2. The state and country of the medical school from
3 which the applicant graduated.
4 3. Each medical specialty or subspecialty that the
5 physician practices.

6 (b) Each medical school in this state shall annually
7 submit the data elements described in paragraph (4)(b) to the
8 department, in a manner prescribed by the department, for each
9 medical student who provides written consent to the medical
10 school authorizing the release of his or her data to the
11 department.

12 (c) Each graduate medical education program in this
13 state shall annually submit the data elements described in
14 paragraph (4)(c) to the department, in the manner prescribed
15 by the department, for each intern or resident who provides
16 written consent to the residency program authorizing the
17 release of his or her data to the department.

18 (7) IMPLEMENTATION.--

19 (a) The Secretary of Health may establish an advisory
20 committee to monitor the creation and implementation of the
21 Florida Health Care Practitioner Workforce Database.

22 (b) The department may employ or assign agency staff
23 or may contract, on a competitive-bid basis, with an
24 appropriate entity to administer the workforce database.

25 (8) RULEMAKING.--The department shall adopt rules
26 under ss. 120.536(1) and 120.54 to administer this section.

27 Section 143. Section 142 of this act shall not take
28 effect unless sufficient funds are allocated in a specific
29 appropriation or in the General Appropriations Act for the
30 2004-2005 fiscal year to fund the Florida Health Care
31 Practitioner Workforce Database. The Medical Quality Assurance

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1 Trust Fund may not be used to fund the administration of this
2 act.

3 Section 144. Subsections (3) and (4) of section
4 456.039, Florida Statutes, are amended to read:

5 456.039 Designated health care professionals;
6 information required for licensure.--

7 (3) Each person who has submitted information under
8 ~~pursuant to~~ subsection (1) must update that information in
9 writing by notifying the department ~~of Health~~ within 15 ~~45~~
10 days after the occurrence of an event or the attainment of a
11 status that is required to be reported by subsection (1).

12 Failure to comply with the requirements of this subsection to
13 update and submit information constitutes a ground for
14 disciplinary action under each respective licensing chapter
15 and s. 456.072(1)(k). For failure to comply with the
16 requirements of this subsection to update and submit
17 information, the department or board, as appropriate, may:

18 (a) Refuse to issue a license to any person applying
19 for initial licensure who fails to submit and update the
20 required information.

21 (b) Issue a citation to any licensee who fails to
22 submit and update the required information and may fine the
23 licensee up to \$50 for each day that the licensee is not in
24 compliance with this subsection. The citation must clearly
25 state that the licensee may choose, in lieu of accepting the
26 citation, to follow the procedure under s. 456.073. If the
27 licensee disputes the matter in the citation, the procedures
28 set forth in s. 456.073 must be followed. However, if the
29 licensee does not dispute the matter in the citation with the
30 department within 30 days after the citation is served, the
31 citation becomes a final order and constitutes discipline.

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1 Service of a citation may be made by personal service or
2 certified mail, restricted delivery, to the subject at the
3 licensee's last known address.

4 (4)(a) An applicant for initial licensure must submit
5 a set of fingerprints to the Department of Health in
6 accordance with s. 458.311, s. 458.3115, s. 458.3124, ~~s.~~
7 ~~458.313~~, s. 459.0055, s. 460.406, or s. 461.006.

8 (b) An applicant for renewed licensure must submit a
9 set of fingerprints for the initial renewal of his or her
10 license after January 1, 2000, to the department ~~agency~~
11 ~~regulating that profession~~ in accordance with procedures
12 established under s. 458.319, s. 459.008, s. 460.407, or s.
13 461.007.

14 (c) The Department of Health shall submit the
15 fingerprints provided by an applicant for initial licensure to
16 the Florida Department of Law Enforcement for a statewide
17 criminal history check, and the Florida Department of Law
18 Enforcement shall forward the fingerprints to the Federal
19 Bureau of Investigation for a national criminal history check
20 of the applicant. The department shall submit the
21 fingerprints provided by an applicant for a renewed license to
22 the Florida Department of Law Enforcement for a statewide
23 criminal history check, and the Florida Department of Law
24 Enforcement shall forward the fingerprints to the Federal
25 Bureau of Investigation for a national criminal history check
26 for the initial renewal of the applicant's license after
27 January 1, 2000; for any subsequent renewal of the applicant's
28 license, the department shall submit the required information
29 for a statewide criminal history check of the applicant.

30 (d) Any applicant for initial licensure or renewal of
31 licensure as a health care practitioner who submits to the

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1 Department of Health a set of fingerprints or information
2 required for the criminal history check required under this
3 section shall not be required to provide a subsequent set of
4 fingerprints or other duplicate information required for a
5 criminal history check to the Agency for Health Care
6 Administration, the Department of Juvenile Justice, or the
7 Department of Children and Family Services for employment or
8 licensure with such agency or department if the applicant has
9 undergone a criminal history check as a condition of initial
10 licensure or licensure renewal as a health care practitioner
11 with the Department of Health or any of its regulatory boards,
12 notwithstanding any other provision of law to the contrary. In
13 lieu of such duplicate submission, the Agency for Health Care
14 Administration, the Department of Juvenile Justice, and the
15 Department of Children and Family Services shall obtain
16 criminal history information for employment or licensure of
17 health care practitioners by such agency and departments from
18 the Department of Health's health care practitioner
19 credentialing system.

20 (e) Fingerprints obtained by the Department of Health
21 under paragraph (a) shall be retained by the Department of Law
22 Enforcement and must be entered in the statewide automated
23 fingerprint identification system authorized by s.
24 943.05(2)(b). Such fingerprints shall thereafter be available
25 for all purposes and uses authorized for arrest fingerprint
26 cards entered in the statewide automated fingerprint
27 identification system pursuant to s. 943.051.

28 (f) Beginning December 15, 2004, the Department of Law
29 Enforcement shall search all arrest fingerprint cards received
30 under s. 943.051 against the fingerprints retained in the
31 statewide automated fingerprint identification system under

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1 paragraph (e). Any arrest records that are thus identified
 2 with the retained applicant fingerprints must be reported to
 3 the Department of Health. The Department of Health must
 4 participate in this search process by paying an annual fee to
 5 the Department of Law Enforcement and by informing the
 6 Department of Law Enforcement of any change in the licensure
 7 status of each applicant whose fingerprints are retained under
 8 paragraph (e). The Department of Law Enforcement shall
 9 establish by rule the amount of the annual fee to be imposed
 10 on the Department of Health for performing these searches, for
 11 retaining fingerprints of licensed health care practitioners,
 12 and for disseminating search results. Each applicant for
 13 licensure or license renewal who is subject to the
 14 requirements of this section and whose fingerprints are
 15 retained by the Department of Law Enforcement shall pay to the
 16 Department of Health, at the time of initial licensure or
 17 license renewal, an amount equal to the costs incurred by the
 18 Department of Health for access to records in the statewide
 19 automated fingerprint identification system in lieu of payment
 20 of fees for a statewide criminal background check of the
 21 applicant.

22 Section 145. Subsections (3) and (4) of section
 23 456.0391, Florida Statutes, are amended to read:

24 456.0391 Advanced registered nurse practitioners;
 25 information required for certification.--

26 (3) Each person certified under s. 464.012 who has
 27 submitted information pursuant to subsection (1) must update
 28 that information in writing by notifying the department of
 29 ~~Health~~ within 15 ~~45~~ days after the occurrence of an event or
 30 the attainment of a status that is required to be reported by
 31 subsection (1). Failure to comply with the requirements of

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1 this subsection to update and submit information constitutes a
2 ground for disciplinary action under chapter 464 and s.
3 456.072(1)(k). For failure to comply with the requirements of
4 this subsection to update and submit information, the
5 department or board, as appropriate, may:

6 (a) Refuse to issue a certificate to any person
7 applying for initial certification who fails to submit and
8 update the required information.

9 (b) Issue a citation to any certificateholder who
10 fails to submit and update the required information and may
11 fine the certificateholder up to \$50 for each day that the
12 certificateholder is not in compliance with this subsection.
13 The citation must clearly state that the certificateholder may
14 choose, in lieu of accepting the citation, to follow the
15 procedure under s. 456.073. If the certificateholder disputes
16 the matter in the citation, the procedures set forth in s.
17 456.073 must be followed. However, if the certificateholder
18 does not dispute the matter in the citation with the
19 department within 30 days after the citation is served, the
20 citation becomes a final order and constitutes discipline.
21 Service of a citation may be made by personal service or
22 certified mail, restricted delivery, to the subject at the
23 certificateholder's last known address.

24 (4)(a) An applicant for initial certification under s.
25 464.012 must submit a set of fingerprints to the Department of
26 Health on a form and under procedures specified by the
27 department, along with payment in an amount equal to the costs
28 incurred by the Department of Health for a national criminal
29 history check of the applicant.

30 (b) An applicant for renewed certification who has ~~not~~
31 previously submitted a set of fingerprints to the Department

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1 of Health for purposes of certification must submit a set of
2 fingerprints to the department as a condition of the initial
3 renewal of his or her certificate after the effective date of
4 this section. The applicant must submit the fingerprints on a
5 form and under procedures specified by the department, along
6 with payment in an amount equal to the costs incurred by the
7 Department of Health for a national criminal history check.
8 For subsequent renewals, the applicant for renewed
9 certification must only submit information necessary to
10 conduct a statewide criminal history check, along with payment
11 in an amount equal to the costs incurred by the Department of
12 Health for a statewide criminal history check.

13 (c)1. The Department of Health shall submit the
14 fingerprints provided by an applicant for initial
15 certification to the Florida Department of Law Enforcement for
16 a statewide criminal history check, and the Florida Department
17 of Law Enforcement shall forward the fingerprints to the
18 Federal Bureau of Investigation for a national criminal
19 history check of the applicant.

20 2. The department shall submit the fingerprints
21 provided by an applicant for the initial renewal of
22 certification to the Florida Department of Law Enforcement for
23 a statewide criminal history check, and the Florida Department
24 of Law Enforcement shall forward the fingerprints to the
25 Federal Bureau of Investigation for a national criminal
26 history check for the initial renewal of the applicant's
27 certificate after the effective date of this section.

28 3. For any subsequent renewal of the applicant's
29 certificate, the department shall submit the required
30 information for a statewide criminal history check of the
31 applicant to the Florida Department of Law Enforcement.

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1 (d) Any applicant for initial certification or renewal
2 of certification as an advanced registered nurse practitioner
3 who submits to the Department of Health a set of fingerprints
4 and information required for the criminal history check
5 required under this section shall not be required to provide a
6 subsequent set of fingerprints or other duplicate information
7 required for a criminal history check to the Agency for Health
8 Care Administration, the Department of Juvenile Justice, or
9 the Department of Children and Family Services for employment
10 or licensure with such agency or department, if the applicant
11 has undergone a criminal history check as a condition of
12 initial certification or renewal of certification as an
13 advanced registered nurse practitioner with the Department of
14 Health, notwithstanding any other provision of law to the
15 contrary. In lieu of such duplicate submission, the Agency for
16 Health Care Administration, the Department of Juvenile
17 Justice, and the Department of Children and Family Services
18 shall obtain criminal history information for employment or
19 licensure of persons certified under s. 464.012 by such agency
20 or department from the Department of Health's health care
21 practitioner credentialing system.

22 (e) Fingerprints obtained by the Department of Health
23 under paragraph (a) shall be retained by the Department of Law
24 Enforcement and must be entered in the statewide automated
25 fingerprint identification system authorized by s.
26 943.05(2)(b). Such fingerprints shall thereafter be available
27 for all purposes and uses authorized for arrest fingerprint
28 cards entered in the statewide automated fingerprint
29 identification system pursuant to s. 943.051.

30 (f) Beginning December 15, 2004, the Department of Law
31 Enforcement shall search all arrest fingerprint cards received

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1 under s. 943.051 against the fingerprints retained in the
2 statewide automated fingerprint identification system under
3 paragraph (e). Any arrest records that are thus identified
4 with the retained applicant fingerprints must be reported to
5 the Department of Health. The Department of Health must
6 participate in this search process by paying an annual fee to
7 the Department of Law Enforcement and by informing the
8 Department of Law Enforcement of any change in the
9 certification status of each applicant whose fingerprints are
10 retained under paragraph (e). The Department of Law
11 Enforcement shall establish by rule the amount of the annual
12 fee to be imposed on the Department of Health for performing
13 these searches, for retaining fingerprints of certified health
14 care practitioners, and for disseminating search results. Each
15 applicant for certification or certification renewal who is
16 subject to the requirements of this section and whose
17 fingerprints are retained by the Department of Law Enforcement
18 shall pay to the Department of Health, at the time of initial
19 certification or certification renewal, an amount equal to the
20 costs incurred by the Department of Health for access to
21 records in the statewide automated fingerprint identification
22 system in lieu of payment of fees for a statewide criminal
23 background check of the applicant.

24 Section 146. (1)(a) Beginning July 1, 2006, the
25 application forms for an initial license and a license renewal
26 for physicians licensed under chapter 458, chapter 459,
27 chapter 460, or chapter 461, Florida Statutes, shall be
28 submitted electronically through the Internet unless the
29 applicant provides an explanation for not doing so.

30 (b) Beginning July 1, 2007, the application forms for
31 an initial license and a license renewal for physicians

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1 licensed under chapter 458, chapter 459, chapter 460, or
2 chapter 461, Florida Statutes, shall be submitted
3 electronically through the Internet.

4 (c) The department shall issue the license or renew a
5 license if the applicant provides satisfactory evidence that
6 all conditions and requirements of licensure or license
7 renewal have been met.

8 Section 147. Section 456.042, Florida Statutes, is
9 amended to read:

10 456.042 Practitioner profiles; update.--A practitioner
11 must submit updates of required information within 15 days
12 after the final activity that renders such information a fact.
13 Practitioners may submit the required information
14 electronically through the Internet. Beginning July 1, 2007, a
15 practitioner must electronically submit updates of required
16 information through the Internet within 15 days after the
17 final activity that renders such information a fact. The
18 department of ~~Health~~ shall update each practitioner's
19 practitioner profile periodically. An updated profile is
20 subject to the same requirements as an original profile.

21 Section 148. Subsection (1) of section 456.051,
22 Florida Statutes, is amended to read:

23 456.051 Reports of professional liability actions;
24 bankruptcies; Department of Health's responsibility to
25 provide.--

26 (1) The report of a claim or action for damages for
27 personal injury which is required to be provided to the
28 Department of Health under s. 456.049 or s. 627.912 is public
29 information except for the name of the claimant or injured
30 person, which remains confidential as provided in ss.

31 456.049(2)(d) and 627.912(2)(e). The Department of Health

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1 shall, upon request, make such report available to any person.
2 The department shall make such report available as a part of
3 the practitioner's profile in accordance with s. 456.041(4)
4 within 30 calendar days after receipt.

5 Section 149. Subsection (1) of section 458.319,
6 Florida Statutes, is amended to read:

7 458.319 Renewal of license.--

8 (1) The department shall renew a license upon receipt
9 of the renewal application, evidence that the applicant has
10 actively practiced medicine or has been on the active teaching
11 faculty of an accredited medical school for at least 2 years
12 of the immediately preceding 4 years, and a fee not to exceed
13 \$500; provided, however, that if the licensee is either a
14 resident physician, assistant resident physician, fellow,
15 house physician, or intern in an approved postgraduate
16 training program, as defined by the board by rule, the fee
17 shall not exceed \$100 per annum. If the licensee has not
18 actively practiced medicine for at least 2 years of the
19 immediately preceding 4 years, the board shall require that
20 the licensee successfully complete a board-approved clinical
21 competency examination prior to renewal of the license.

22 "Actively practiced medicine" means that practice of medicine
23 by physicians, including those employed by any governmental
24 entity in community or public health, as defined by this
25 chapter, including physicians practicing administrative
26 medicine. An applicant for a renewed license must also submit
27 the information required under s. 456.039 to the department on
28 a form and under procedures specified by the department, along
29 with payment in an amount equal to the costs incurred by the
30 Department of Health for the statewide criminal background
31 check of the applicant. After the statewide automated

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1 fingerprint identification system is implemented, the
2 applicant whose fingerprints are retained in that system must
3 pay the Department of Health an amount equal to the costs
4 incurred by the Department of Health for access to records in
5 the statewide automated fingerprint identification system in
6 lieu of payment of fees for a statewide criminal background
7 check of the applicant. The applicant must submit a set of
8 fingerprints to the Department of Health on a form and under
9 procedures specified by the department, along with payment in
10 an amount equal to the costs incurred by the department for a
11 national criminal background check of the applicant for the
12 initial renewal of his or her license after January 1, 2000.
13 If the applicant fails to submit either the information
14 required under s. 456.039 or a set of fingerprints to the
15 department as required by this section, the department shall
16 issue a notice of noncompliance, and the applicant will be
17 given 30 additional days to comply. If the applicant fails to
18 comply within 30 days after the notice of noncompliance is
19 issued, the department or board, as appropriate, may issue a
20 citation to the applicant and may fine the applicant up to \$50
21 for each day that the applicant is not in compliance with the
22 requirements of s. 456.039. The citation must clearly state
23 that the applicant may choose, in lieu of accepting the
24 citation, to follow the procedure under s. 456.073. If the
25 applicant disputes the matter in the citation, the procedures
26 set forth in s. 456.073 must be followed. However, if the
27 applicant does not dispute the matter in the citation with the
28 department within 30 days after the citation is served, the
29 citation becomes a final order and constitutes discipline.
30 Service of a citation may be made by personal service or
31 certified mail, restricted delivery, to the subject at the

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1 applicant's last known address. If an applicant has submitted
2 fingerprints to the department for a national criminal history
3 check upon initial licensure and is renewing his or her
4 license for the first time, then the applicant need only
5 submit the information and fee required for a statewide
6 criminal history check. However, if the applicant's
7 fingerprints are retained by the Department of Law Enforcement
8 in the statewide automated fingerprint identification system
9 and the Department of Health is using that system for access
10 to arrest information of licensed health practitioners, then
11 the applicant must submit the information and fee required by
12 s. 456.039 for access to records in the statewide automated
13 fingerprint identification system in lieu of payment of fees
14 for a criminal background check of the applicant.

15 Section 150. Subsection (1) of section 459.008,
16 Florida Statutes, is amended to read:

17 459.008 Renewal of licenses and certificates.--

18 (1) The department shall renew a license or
19 certificate upon receipt of the renewal application and fee.
20 An applicant for a renewed license must also submit the
21 information required under s. 456.039 to the department on a
22 form and under procedures specified by the department, along
23 with payment in an amount equal to the costs incurred by the
24 Department of Health for the statewide criminal background
25 check of the applicant. After the statewide automated
26 fingerprint identification system is implemented, the
27 applicant whose fingerprints are retained in that system must
28 pay the Department of Health an amount equal to the costs
29 incurred by the Department of Health for access to records in
30 the statewide automated fingerprint identification system in
31 lieu of payment of fees for a statewide criminal background

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1 check of the applicant. The applicant must submit a set of
2 fingerprints to the Department of Health on a form and under
3 procedures specified by the department, along with payment in
4 an amount equal to the costs incurred by the department for a
5 national criminal background check of the applicant for the
6 initial renewal of his or her license after January 1, 2000.
7 If the applicant fails to submit either the information
8 required under s. 456.039 or a set of fingerprints to the
9 department as required by this section, the department shall
10 issue a notice of noncompliance, and the applicant will be
11 given 30 additional days to comply. If the applicant fails to
12 comply within 30 days after the notice of noncompliance is
13 issued, the department or board, as appropriate, may issue a
14 citation to the applicant and may fine the applicant up to \$50
15 for each day that the applicant is not in compliance with the
16 requirements of s. 456.039. The citation must clearly state
17 that the applicant may choose, in lieu of accepting the
18 citation, to follow the procedure under s. 456.073. If the
19 applicant disputes the matter in the citation, the procedures
20 set forth in s. 456.073 must be followed. However, if the
21 applicant does not dispute the matter in the citation with the
22 department within 30 days after the citation is served, the
23 citation becomes a final order and constitutes discipline.
24 Service of a citation may be made by personal service or
25 certified mail, restricted delivery, to the subject at the
26 applicant's last known address. If an applicant has submitted
27 fingerprints to the department for a national criminal history
28 check upon initial licensure and is renewing his or her
29 license for the first time, then the applicant need only
30 submit the information and fee required for a statewide
31 criminal history check. However, if the applicant's

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1 fingerprints are retained by the Department of Law Enforcement
 2 in the statewide automated fingerprint identification system
 3 and the Department of Health is using that system for access
 4 to arrest information of licensed health practitioners, then
 5 the applicant must submit the information and fee required by
 6 s. 456.039 for access to records in the statewide automated
 7 fingerprint identification system in lieu of payment of fees
 8 for a criminal background check of the applicant.

9 Section 151. Subsection (1) of section 460.407,
 10 Florida Statutes, is amended to read:

11 460.407 Renewal of license.--

12 (1) The department shall renew a license upon receipt
 13 of the renewal application and the fee set by the board not to
 14 exceed \$500. An applicant for a renewed license must also
 15 submit the information required under s. 456.039 to the
 16 department on a form and under procedures specified by the
 17 department, along with payment in an amount equal to the costs
 18 incurred by the Department of Health for the statewide
 19 criminal background check of the applicant. After the
 20 statewide automated fingerprint identification system is
 21 implemented, the applicant whose fingerprints are retained in
 22 that system must pay the Department of Health an amount equal
 23 to the costs incurred by the Department of Health for access
 24 to records in the statewide automated fingerprint
 25 identification system in lieu of payment of fees for a
 26 statewide criminal background check of the applicant. The
 27 applicant must submit a set of fingerprints to the Department
 28 of Health on a form and under procedures specified by the
 29 department, along with payment in an amount equal to the costs
 30 incurred by the department for a national criminal background
 31 check of the applicant for the initial renewal of his or her

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1 license after January 1, 2000. If the applicant fails to
2 submit either the information required under s. 456.039 or a
3 set of fingerprints to the department as required by this
4 section, the department shall issue a notice of noncompliance,
5 and the applicant will be given 30 additional days to comply.
6 If the applicant fails to comply within 30 days after the
7 notice of noncompliance is issued, the department or board, as
8 appropriate, may issue a citation to the applicant and may
9 fine the applicant up to \$50 for each day that the applicant
10 is not in compliance with the requirements of s. 456.039. The
11 citation must clearly state that the applicant may choose, in
12 lieu of accepting the citation, to follow the procedure under
13 s. 456.073. If the applicant disputes the matter in the
14 citation, the procedures set forth in s. 456.073 must be
15 followed. However, if the applicant does not dispute the
16 matter in the citation with the department within 30 days
17 after the citation is served, the citation becomes a final
18 order and constitutes discipline. Service of a citation may be
19 made by personal service or certified mail, restricted
20 delivery, to the subject at the applicant's last known
21 address. If an applicant has submitted fingerprints to the
22 department for a national criminal history check upon initial
23 licensure and is renewing his or her license for the first
24 time, then the applicant need only submit the information and
25 fee required for a statewide criminal history check. However,
26 if the applicant's fingerprints are retained by the Department
27 of Law Enforcement in the statewide automated fingerprint
28 identification system and the Department of Health is using
29 that system for access to arrest information of licensed
30 health practitioners, then the applicant must submit the
31 information and fee required by s. 456.039 for access to

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1 records in the statewide automated fingerprint identification
2 system in lieu of payment of fees for a criminal background
3 check of the applicant.

4 Section 152. Subsection (1) of section 461.007,
5 Florida Statutes, is amended to read:

6 461.007 Renewal of license.--

7 (1) The department shall renew a license upon receipt
8 of the renewal application and a fee not to exceed \$350 set by
9 the board, and evidence that the applicant has actively
10 practiced podiatric medicine or has been on the active
11 teaching faculty of an accredited school of podiatric medicine
12 for at least 2 years of the immediately preceding 4 years. If
13 the licensee has not actively practiced podiatric medicine for
14 at least 2 years of the immediately preceding 4 years, the
15 board shall require that the licensee successfully complete a
16 board-approved course prior to renewal of the license. For
17 purposes of this subsection, "actively practiced podiatric
18 medicine" means the licensed practice of podiatric medicine as
19 defined in s. 461.003(5) by podiatric physicians, including
20 podiatric physicians employed by any governmental entity, on
21 the active teaching faculty of an accredited school of
22 podiatric medicine, or practicing administrative podiatric
23 medicine. An applicant for a renewed license must also submit
24 the information required under s. 456.039 to the department on
25 a form and under procedures specified by the department, along
26 with payment in an amount equal to the costs incurred by the
27 Department of Health for the statewide criminal background
28 check of the applicant. After the statewide automated
29 fingerprint identification system is implemented, the
30 applicant whose fingerprints are retained in that system must
31 pay the Department of Health an amount equal to the costs

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1 incurred by the Department of Health for access to records in
2 the statewide automated fingerprint identification system in
3 lieu of payment of fees for a statewide criminal background
4 check of the applicant. The applicant must submit a set of
5 fingerprints to the Department of Health on a form and under
6 procedures specified by the department, along with payment in
7 an amount equal to the costs incurred by the department for a
8 national criminal background check of the applicant for the
9 initial renewal of his or her license after January 1, 2000.
10 If the applicant fails to submit either the information
11 required under s. 456.039 or a set of fingerprints to the
12 department as required by this section, the department shall
13 issue a notice of noncompliance, and the applicant will be
14 given 30 additional days to comply. If the applicant fails to
15 comply within 30 days after the notice of noncompliance is
16 issued, the department or board, as appropriate, may issue a
17 citation to the applicant and may fine the applicant up to \$50
18 for each day that the applicant is not in compliance with the
19 requirements of s. 456.039. The citation must clearly state
20 that the applicant may choose, in lieu of accepting the
21 citation, to follow the procedure under s. 456.073. If the
22 applicant disputes the matter in the citation, the procedures
23 set forth in s. 456.073 must be followed. However, if the
24 applicant does not dispute the matter in the citation with the
25 department within 30 days after the citation is served, the
26 citation becomes a final order and constitutes discipline.
27 Service of a citation may be made by personal service or
28 certified mail, restricted delivery, to the subject at the
29 applicant's last known address. If an applicant has submitted
30 fingerprints to the department for a national criminal history
31 check upon initial licensure and is renewing his or her

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1 license for the first time, then the applicant need only
 2 submit the information and fee required for a statewide
 3 criminal history check. However, if the applicant's
 4 fingerprints are retained by the Department of Law Enforcement
 5 in the statewide automated fingerprint identification system
 6 and the Department of Health is using that system for access
 7 to arrest information of licensed health practitioners, then
 8 the applicant must submit the information and fee required by
 9 s. 456.039 for access to records in the statewide automated
 10 fingerprint identification system in lieu of payment of fees
 11 for a criminal background check of the applicant.

12 Section 153. Subsection (4) of section 461.014,
 13 Florida Statutes, is amended to read:

14 461.014 Residency.--The board shall encourage and
 15 develop podiatric residency programs in hospitals in this
 16 state and shall establish such programs by the promulgation of
 17 rules, subject to the following conditions:

18 (4) Every hospital having a residency program shall
 19 annually ~~semiannually~~, on ~~January 1~~ and July 1 of each year,
 20 provide the board with a list of podiatric residents and such
 21 other information as is required by the board.

22 Section 154. Subsection (7) of section 456.025,
 23 Florida Statutes, is amended to read:

24 456.025 Fees; receipts; disposition.--

25 (7) Each board, or the department if there is no
 26 board, shall establish, by rule, a fee not to exceed \$250 for
 27 anyone seeking approval to provide continuing education
 28 courses or programs and shall establish by rule a biennial
 29 renewal fee not to exceed \$250 for the renewal of providership
 30 of such courses. The fees collected from continuing education
 31 providers shall be used for the purposes of reviewing course

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1 provider applications, monitoring the integrity of the courses
 2 provided, and covering legal expenses incurred as a result of
 3 not granting or renewing a providership, ~~and developing and~~
 4 ~~maintaining an electronic continuing education tracking~~
 5 ~~system. The department shall implement an electronic~~
 6 ~~continuing education tracking system for each new biennial~~
 7 ~~renewal cycle for which electronic renewals are implemented~~
 8 ~~after the effective date of this act and shall integrate such~~
 9 ~~system into the licensure and renewal system. All approved~~
 10 ~~continuing education providers shall provide information on~~
 11 ~~course attendance to the department necessary to implement the~~
 12 ~~electronic tracking system. The department shall, by rule,~~
 13 ~~specify the form and procedures by which the information is to~~
 14 ~~be submitted.~~

15 Section 155. Paragraph (ff) is added to subsection (1)
 16 of section 456.072, Florida Statutes, to read:

17 456.072 Grounds for discipline; penalties;
 18 enforcement.--

19 (1) The following acts shall constitute grounds for
 20 which the disciplinary actions specified in subsection (2) may
 21 be taken:

22 (ff) Failure for a third or more times to complete the
 23 requisite number of hours of continuing education hours within
 24 a license renewal biennium period or within a 3-month period
 25 from the date after the end of the license renewal biennium,
 26 if the extension was requested.

27 Section 156. The sum of \$181,900 is appropriated from
 28 the Medical Quality Assurance Trust Fund to the Department of
 29 Health for the purpose of implementing the provisions of
 30 sections 144 through 152 of this act during the 2004-2005
 31 fiscal year.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 17, line 10, after the semicolon

4

5 insert:

6 amending s. 456.025, F.S.; deleting

7 requirements for the Department of Health to

8 administer an electronic continuing education

9 tracking system for health care practitioners;

10 amending s. 456.072, F.S.; providing for

11 discipline of licensees who fail to meet

12 continuing education requirements as a

13 prerequisite for license renewal three or more

14 times; creating s. 381.03015, F.S.; providing

15 legislative intent with respect to a health

16 care practitioner workforce database; providing

17 definitions; creating the Florida Health Care

18 Practitioner Workforce Database within the

19 Department of Health; authorizing the database

20 to be implemented in stages; giving priority in

21 the database for information concerning

22 allopathic and osteopathic physicians;

23 specifying data elements of allopathic and

24 osteopathic physicians for inclusion in the

25 database; requiring that data for the health

26 care practitioner workforce database be

27 gathered from existing data sources; requiring

28 certain entities to provide data elements to

29 the department; authorizing the department to

30 create an advisory committee; requiring the

31 department to adopt rules; providing that the

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1 act will not take effect unless funds are
2 specifically appropriated for this purpose;
3 prohibiting the use of a specified trust fund
4 to administer the act; amending s. 456.039,
5 F.S.; revising the requirements for updating
6 the information submitted by designated health
7 care professionals for licensure and license
8 renewal; authorizing the Department of Health
9 to receive automated criminal arrest
10 information concerning health care
11 professionals who are subject to the profiling
12 requirements; requiring certain health
13 professionals to submit fingerprints to the
14 Department of Health and to pay fees for a
15 criminal history records check; amending s.
16 456.0391, F.S.; revising the requirements for
17 information submitted by advanced registered
18 nurse practitioners for certification;
19 authorizing the Department of Health to receive
20 automated criminal arrest information
21 concerning health care professionals who are
22 subject to the profiling requirements;
23 requiring certain health professionals to
24 submit fingerprints to the Department of Health
25 and to pay fees for a criminal history records
26 check; requiring applications for a physician
27 license and license renewal to be submitted
28 electronically by a specified date; amending s.
29 456.042, F.S.; requiring designated health care
30 practitioners to electronically submit updates
31 of required information for compilation into

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1 practitioner profiles; amending s. 456.051,
2 F.S.; revising requirements for the Department
3 of Health to publish reports of claims or
4 actions for damages for certain health care
5 practitioners on the practitioner profiles;
6 amending ss. 458.319, 459.008, 460.407, and
7 461.007, F.S.; revising requirements for
8 physician licensure renewal; authorizing the
9 Department of Health to gain access to renewal
10 applicants' records in an automated system
11 maintained by the Department of Law
12 Enforcement; amending s. 461.014, F.S.;
13 providing that each hospital annually provide a
14 list of podiatric residents; providing an
15 appropriation;

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