

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Farkas offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (a) of subsection (4) of section  
6 381.00593, Florida Statutes, is amended to read:

7 381.00593 Public school volunteer health care practitioner  
8 program.--

9 (4)(a) Notwithstanding any provision of chapter 458,  
10 chapter 459, chapter 460, chapter 461, chapter 463, part I of  
11 chapter 464, chapter 465, chapter 466, chapter 467, part I of  
12 chapter 468, or chapter 486 to the contrary, any health care  
13 practitioner who participates in the program established in this  
14 section and thereby agrees to provide his or her services,  
15 without compensation, in a public school for at least 80 hours a  
16 year for each school year during the biennial licensure period,

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17 or, if the health care practitioner is retired, for at least 400  
18 hours a year for each school year during the licensure period,  
19 upon providing sufficient proof from the applicable school  
20 district that the health care practitioner has completed such  
21 hours at the time of license renewal under procedures specified  
22 by the Department of Health, shall be eligible for the  
23 following:

24 1. Waiver of the biennial license renewal fee for an  
25 active license; and

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

29  
30 The school district may establish a schedule for health care  
31 practitioners who participate in the program.

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

34 395.0193 Licensed facilities; peer review; disciplinary  
35 powers; agency or partnership with physicians.--

36 (4) Pursuant to ss. 458.337 and 459.016, any disciplinary  
37 actions taken under subsection (3) shall be reported in writing  
38 to the Division of Medical Health Quality Assurance of the  
39 Department of Health ~~agency~~ within 30 working days after its  
40 initial occurrence, regardless of the pendency of appeals to the  
41 governing board of the hospital. The notification shall identify  
42 the disciplined practitioner, the action taken, and the reason  
43 for such action. All final disciplinary actions taken under  
44 subsection (3), if different from those which were reported to

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45 the department ~~agency~~ within 30 days after the initial  
46 occurrence, shall be reported within 10 working days to the  
47 Division of Medical Health Quality Assurance of the department  
48 ~~agency~~ in writing and shall specify the disciplinary action  
49 taken and the specific grounds therefor. The division shall  
50 review each report and determine whether it potentially involved  
51 conduct by the licensee that is subject to disciplinary action,  
52 in which case s. 456.073 shall apply. The reports are not  
53 subject to inspection under s. 119.07(1) even if the division's  
54 investigation results in a finding of probable cause.

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

57 395.0197 Internal risk management program.--

58 (7) Any of the following adverse incidents, whether  
59 occurring in the licensed facility or arising from health care  
60 prior to admission in the licensed facility, shall be reported  
61 by the facility to the agency within 15 calendar days after its  
62 occurrence:

- 63 (a) The death of a patient;
- 64 (b) Brain or spinal damage to a patient;
- 65 (c) The performance of a surgical procedure on the wrong  
66 patient;
- 67 (d) The performance of a wrong-site surgical procedure;
- 68 (e) The performance of a wrong surgical procedure;
- 69 (f) The performance of a surgical procedure that is  
70 medically unnecessary or otherwise unrelated to the patient's  
71 diagnosis or medical condition;

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72 (g) The surgical repair of damage resulting to a patient  
73 from a planned surgical procedure, where the damage is not a  
74 recognized specific risk, as disclosed to the patient and  
75 documented through the informed-consent process; or

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

78  
79 The agency may grant extensions to this reporting requirement  
80 for more than 15 days upon justification submitted in writing by  
81 the facility administrator to the agency. The agency may require  
82 an additional, final report. These reports shall not be  
83 available to the public pursuant to s. 119.07(1) or any other  
84 law providing access to public records, nor be discoverable or  
85 admissible in any civil or administrative action, except in  
86 disciplinary proceedings by the agency or the appropriate  
87 regulatory board, nor shall they be available to the public as  
88 part of the record of investigation for and prosecution in  
89 disciplinary proceedings made available to the public by the  
90 agency or the appropriate regulatory board. However, the agency  
91 or the appropriate regulatory board shall make available, upon  
92 written request by a health care professional against whom  
93 probable cause has been found, any such records which form the  
94 basis of the determination of probable cause. The agency may  
95 investigate, as it deems appropriate, any such incident and  
96 prescribe measures that must or may be taken in response to the  
97 incident. The agency shall forward a copy of a report of review  
98 each incident to the Division of Medical Quality Assurance of  
99 the Department of Health to and determine whether it potentially

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100 involved conduct by the health care professional who is subject  
101 to disciplinary action, in which case the provisions of s.  
102 456.073 shall apply.

103 Section 4. Paragraphs (a) and (e) of subsection (4) and  
104 paragraph (b) of subsection (7) of section 395.3025, Florida  
105 Statutes, are amended, and paragraph (1) is added to subsection  
106 (4) of said section, to read:

107 395.3025 Patient and personnel records; copies;  
108 examination.--

109 (4) Patient records are confidential and must not be  
110 disclosed without the consent of the person to whom they  
111 pertain, but appropriate disclosure may be made without such  
112 consent to:

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

116 (e) The Department of Health ~~agency~~ upon subpoena issued  
117 pursuant to s. 456.071, but the records obtained thereby must be  
118 used solely for the purpose of the department ~~agency~~ and the  
119 appropriate professional board in its investigation,  
120 prosecution, and appeal of disciplinary proceedings. The  
121 administrator or records custodian in a facility licensed under  
122 this chapter shall certify that a true and complete copy of the  
123 records requested pursuant to a subpoena or patient release has  
124 been provided to the department or shall otherwise identify  
125 those documents that have not been provided. If the department  
126 ~~agency~~ requests copies of the records, the facility may charge  
127 the department the reasonable costs of reproducing the records

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128 ~~shall charge no more than its actual copying costs, including~~  
129 ~~reasonable staff time.~~ The records must be sealed and must not  
130 be available to the public pursuant to s. 119.07(1) or any other  
131 statute providing access to records, nor may they be available  
132 to the public as part of the record of investigation for and  
133 prosecution in disciplinary proceedings made available to the  
134 public by the department agency or the appropriate regulatory  
135 board. However, the department agency must make available, upon  
136 written request by a practitioner against whom probable cause  
137 has been found, any such records that form the basis of the  
138 determination of probable cause.

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

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

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

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

148 (1) Researchers or facility personnel for research  
149 purposes, provided that such researchers or facility personnel  
150 demonstrate compliance with the requirements of 45 C.F.R. s.  
151 164.512(i).

152 (7)

153 (b) Absent a specific written release or authorization  
154 permitting utilization of patient information for ~~solicitation~~  
155 ~~or~~ marketing the sale of goods or services, any use of such that

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156 information for such purpose ~~those purposes~~ is prohibited. For  
157 purposes of this paragraph, "marketing" has the same meaning as  
158 set forth in 45 C.F.R. s. 164.501.

159 Section 5. Paragraph (b) of subsection (2) of section  
160 395.7015, Florida Statutes, is amended to read:

161 395.7015 Annual assessment on health care entities.--

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

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

166 1. Ambulatory surgical centers and mobile surgical  
167 facilities licensed under s. 395.003. This subsection shall only  
168 apply to mobile surgical facilities operating under contracts  
169 entered into on or after July 1, 1998.

170 2. Clinical laboratories licensed under s. 483.091,  
171 excluding any hospital laboratory defined under s. 483.041(6),  
172 any clinical laboratory operated by the state or a political  
173 subdivision of the state, any clinical laboratory which  
174 qualifies as an exempt organization under s. 501(c)(3) of the  
175 Internal Revenue Code of 1986, as amended, and which receives 70  
176 percent or more of its gross revenues from services to charity  
177 patients or Medicaid patients, and any blood, plasma, or tissue  
178 bank procuring, storing, or distributing blood, plasma, or  
179 tissue either for future manufacture or research or distributed  
180 on a nonprofit basis, and further excluding any clinical  
181 laboratory which is wholly owned and operated by 6 or fewer  
182 physicians who are licensed pursuant to chapter 458 or chapter  
183 459 and who practice in the same group practice, and at which no

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184 clinical laboratory work is performed for patients referred by  
185 any health care provider who is not a member of the same group.

186 3. Diagnostic-imaging centers that are freestanding  
187 outpatient facilities that provide specialized services for the  
188 identification or determination of a disease through examination  
189 and also provide sophisticated radiological services, and in  
190 which services are rendered by a physician licensed by the Board  
191 of Medicine under s. 458.311 or s. 458.315, ~~s. 458.313, or s.~~  
192 ~~458.317~~, or by an osteopathic physician licensed by the Board of  
193 Osteopathic Medicine under s. 459.006, s. 459.007, or s.  
194 459.0075. For purposes of this paragraph, "sophisticated  
195 radiological services" means the following: magnetic resonance  
196 imaging; nuclear medicine; angiography; arteriography; computed  
197 tomography; positron emission tomography; digital vascular  
198 imaging; bronchography; lymphangiography; splenography;  
199 ultrasound, excluding ultrasound providers that are part of a  
200 private physician's office practice or when ultrasound is  
201 provided by two or more physicians licensed under chapter 458 or  
202 chapter 459 who are members of the same professional association  
203 and who practice in the same medical specialties; and such other  
204 sophisticated radiological services, excluding mammography, as  
205 adopted in rule by the board.

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

208 397.311 Definitions.--As used in this chapter, except part  
209 VIII:

210 (24) "Qualified professional" means a physician licensed  
211 under chapter 458 or chapter 459; a professional licensed under

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212 chapter 490 or chapter 491; an advanced registered nurse  
213 practitioner licensed under part I of chapter 464; or a person  
214 who is certified through a department-recognized certification  
215 process for substance abuse treatment services and who holds, at  
216 a minimum, a bachelor's degree. A person who is certified in  
217 substance abuse treatment services by a state-recognized  
218 certification process in another state at the time of employment  
219 with a licensed substance abuse provider in this state may  
220 perform the functions of a qualified professional as defined in  
221 this chapter but must meet certification requirements contained  
222 in this subsection no later than 1 year after his or her date of  
223 employment.

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

226 400.141 Administration and management of nursing home  
227 facilities.--Every licensed facility shall comply with all  
228 applicable standards and rules of the agency and shall:

229 (10) Keep full records of resident admissions and  
230 discharges; medical and general health status, including medical  
231 records, personal and social history, and identity and address  
232 of next of kin or other persons who may have responsibility for  
233 the affairs of the residents; and individual resident care plans  
234 including, but not limited to, prescribed services, service  
235 frequency and duration, and service goals. The records shall be  
236 open to inspection by the agency. A certified true and complete  
237 copy of the records shall be provided to the Department of  
238 Health upon subpoena issued pursuant to s. 456.057 or s.  
239 456.071.

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240  
241 Facilities that have been awarded a Gold Seal under the program  
242 established in s. 400.235 may develop a plan to provide  
243 certified nursing assistant training as prescribed by federal  
244 regulations and state rules and may apply to the agency for  
245 approval of their program.

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

248 400.145 Records of care and treatment of resident; copies  
249 to be furnished.--

250 (3) The administrator or records custodian in a facility  
251 licensed under this chapter shall certify that a true and  
252 complete copy of the records requested pursuant to a subpoena or  
253 patient release has been provided to the department or shall  
254 identify those documents for which a copy has not been provided.  
255 The department may be charged the reasonable costs of  
256 reproducing copies of written or typed documents or reports in  
257 accordance with subsection (1).

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

260 400.147 Internal risk management and quality assurance  
261 program.--

262 (7) The facility shall initiate an investigation and shall  
263 notify the agency within 1 business day after the risk manager  
264 or his or her designee has received a report pursuant to  
265 paragraph (1)(d). The notification must be made in writing and  
266 be provided electronically, by facsimile device or overnight  
267 mail delivery. The notification must include information

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268 regarding the identity of the affected resident, the type of  
269 adverse incident, the initiation of an investigation by the  
270 facility, and whether the events causing or resulting in the  
271 adverse incident represent a potential risk to any other  
272 resident. The notification is confidential as provided by law  
273 and is not discoverable or admissible in any civil or  
274 administrative action, except in disciplinary proceedings by the  
275 Department of Health agency or the appropriate regulatory board.  
276 The department agency may investigate, as it deems appropriate,  
277 any such incident and prescribe measures that must or may be  
278 taken in response to the incident. The department agency shall  
279 review each incident and determine whether it potentially  
280 involved conduct by the health care professional who is subject  
281 to disciplinary action, in which case the provisions of s.  
282 456.073 shall apply.

283 (8)

284 (b) A copy of the report submitted ~~The information~~  
285 ~~reported~~ to the agency pursuant to paragraph (a) which relates  
286 to health care practitioners as defined in s. 456.001 shall be  
287 forwarded by the agency to the Division of Medical Quality  
288 Assurance of the Department of Health for review ~~persons~~  
289 ~~licensed under chapter 458, chapter 459, chapter 461, or chapter~~  
290 ~~466 shall be reviewed by the agency.~~ The division agency shall  
291 determine whether any of the incidents potentially involved  
292 conduct by a health care professional who is subject to  
293 disciplinary action, in which case the provisions of s. 456.073  
294 shall apply.

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295 Section 10. Paragraph (a) of subsection (4) of section  
296 400.211, Florida Statutes, is amended to read:

297 400.211 Persons employed as nursing assistants;  
298 certification requirement.--

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

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

307  
308 Costs associated with this training may not be reimbursed from  
309 additional Medicaid funding through interim rate adjustments.

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

312 400.423 Internal risk management and quality assurance  
313 program; adverse incidents and reporting requirements.--

314 (7) A copy of the report submitted ~~The information~~  
315 ~~reported~~ to the agency pursuant to subsection (3) which relates  
316 to health care practitioners as defined in s. 456.001 persons  
317 ~~licensed under chapter 458, chapter 459, chapter 461, chapter~~  
318 ~~464, or chapter 465~~ shall be forwarded to ~~reviewed by~~ the  
319 Division of Medical Quality Assurance of the Department of  
320 Health for review ~~agency~~. The agency shall determine whether any  
321 of the incidents potentially involved conduct by a health care  
322 professional who is subject to disciplinary action, in which

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323 case the provisions of s. 456.073 apply. The agency may  
324 investigate, as it deems appropriate, any such incident and  
325 prescribe measures that must or may be taken in response to the  
326 incident. The division agency shall review each incident and  
327 determine whether it potentially involved conduct by a health  
328 care professional who is subject to disciplinary action, in  
329 which case the provisions of s. 456.073 apply.

330 Section 12. Section 400.455, Florida Statutes, is created  
331 to read:

332 400.455 Certified copy of subpoenaed records.--Upon a  
333 subpoena being issued by the Department of Health pursuant to s.  
334 456.057 or s. 456.071, a certified true and complete copy of the  
335 requested records shall be provided.

336 Section 13. Subsections (3) and (4) of section 400.9905,  
337 Florida Statutes, are renumbered as subsections (4) and (5), and  
338 amended, and new subsections (3), (6), and (7) are added to said  
339 section, to read:

340 400.9905 Definitions.--

341 (3) "Chief financial officer" means an individual who has  
342 a bachelor's degree from an accredited university in accounting  
343 or finance, or a related field, and who is the person  
344 responsible for the preparation of a clinic's billing.

345 (4)(3) "Clinic" means an entity at which health care  
346 services are provided to individuals and which tenders charges  
347 for reimbursement for such services, including a mobile clinic  
348 and a portable equipment provider. For purposes of this part,  
349 the term does not include and the licensure requirements of this  
350 part do not apply to:

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351           (a) Entities licensed or registered by the state under  
352 chapter 395; or entities licensed or registered by the state and  
353 providing only health care services within the scope of services  
354 authorized under their respective licenses granted under s.  
355 383.30-383.335, chapter 390, chapter 394, ~~chapter 395~~, chapter  
356 397, this chapter except part XIII, chapter 463, chapter 465,  
357 chapter 466, chapter 478, part I of chapter 483 480, chapter  
358 484, or chapter 651; end-stage renal disease providers  
359 authorized under 42 C.F.R. part 405, subpart U, or providers  
360 certified under 42 C.F.R. part 485, subpart B or subpart H, or  
361 any entity that provides neonatal or pediatric hospital-based  
362 healthcare services by licensed practitioners solely within a  
363 hospital licensed under chapter 395.

364           (b) Entities that own, directly or indirectly, entities  
365 licensed or registered by the state pursuant to chapter 395; or  
366 entities that own, directly or indirectly, entities licensed or  
367 registered by the state and providing only health care services  
368 within the scope of services authorized pursuant to their  
369 respective licenses granted under ss. 383.30-383.335, chapter  
370 390, chapter 394, ~~chapter 395~~, chapter 397, this chapter except  
371 part XIII, chapter 463, chapter 465, chapter 466, chapter 478,  
372 part I of chapter 483 480, chapter 484, or chapter 651, end-  
373 stage renal disease providers authorized under 42 C.F.R. part  
374 405, subpart U, or providers certified under 42 C.F.R. part 485,  
375 subpart B or subpart H, or any entity that provides neonatal or  
376 pediatric hospital-based healthcare services by licensed  
377 practitioners solely within a hospital licensed under chapter  
378 395.

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379 (c) Entities that are owned, directly or indirectly, by an  
380 entity licensed or registered by the state pursuant to chapter  
381 395; or entities that are owned, directly or indirectly, by an  
382 entity licensed or registered by the state and providing only  
383 health care services within the scope of services authorized  
384 pursuant to their respective licenses granted under ss. 383.30-  
385 383.335, chapter 390, chapter 394, ~~chapter 395~~, chapter 397,  
386 this chapter except part XIII, chapter 463, chapter 465, chapter  
387 466, chapter 478, part I of chapter 483 480, chapter 484, or  
388 chapter 651, end-stage renal disease providers authorized under  
389 42 C.F.R. part 405, subpart U, or providers certified under 42  
390 C.F.R. part 485, subpart B or subpart H, or any entity that  
391 provides neonatal or pediatric hospital-based healthcare  
392 services by licensed practitioners solely within a hospital  
393 licensed under chapter 395.

394 (d) Entities that are under common ownership, directly or  
395 indirectly, with an entity licensed or registered by the state  
396 pursuant to chapter 395; or entities that are under common  
397 ownership, directly or indirectly, with an entity licensed or  
398 registered by the state and providing only health care services  
399 within the scope of services authorized pursuant to its  
400 respective licenses granted under ss. 383.30-383.335, chapter  
401 390, chapter 394, ~~chapter 395~~, chapter 397, this chapter except  
402 part XIII, chapter 463, chapter 465, chapter 466, chapter 478,  
403 part I of chapter 483 480, chapter 484, or chapter 651, end-  
404 stage renal disease providers authorized under 42 C.F.R. part  
405 405, subpart U, or providers certified under 42 C.F.R. part 485,  
406 subpart B or subpart H, or any entity that provides neonatal or

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407 pediatric hospital-based healthcare services by licensed  
408 practitioners solely within a hospital licensed under chapter  
409 395.

410 (e) An entity that is exempt from federal taxation under  
411 26 U.S.C. s. 501(c)(3) or s. 501(c)(4), and any community  
412 college or university clinic, and any entity owned or operated  
413 by federal or state government, including agencies,  
414 subdivisions, or municipalities thereof.

415 (f) A sole proprietorship, group practice, partnership, or  
416 corporation that provides health care services by physicians  
417 covered by s. 627.419, that is directly supervised by one or  
418 more of such physicians, and that is wholly owned by one or more  
419 of those physicians or by a physician and the spouse, child, or  
420 sibling of that physician.

421 ~~(g)~~(f) A sole proprietorship, group practice, partnership,  
422 or corporation that provides health care services by licensed  
423 health care practitioners under chapter 457, chapter 458,  
424 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
425 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
426 chapter 490, chapter 491, or part I, part III, part X, part  
427 XIII, or part XIV of chapter 468, or s. 464.012, which are  
428 wholly owned by one or more a licensed health care practitioners  
429 ~~practitioner~~, or the licensed health care practitioners set  
430 forth in this paragraph ~~practitioner~~ and the spouse, parent, ~~or~~  
431 child, or sibling of a licensed health care practitioner, so  
432 long as one of the owners who is a licensed health care  
433 practitioner is supervising the business activities ~~services~~  
434 ~~performed therein~~ and is legally responsible for the entity's

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435 compliance with all federal and state laws. However, a health  
436 care practitioner may not supervise services beyond the scope of  
437 the practitioner's license, except that, for the purposes of  
438 this part, a clinic owned by a licensee in s. 456.053(3)(b) that  
439 provides only services authorized pursuant to s. 456.053(3)(b)  
440 may be supervised by a licensee specified in s. 456.053(3)(b).

441 ~~(h)(g)~~ Clinical facilities affiliated with an accredited  
442 medical school at which training is provided for medical  
443 students, residents, or fellows.

444 (i) Entities that provide only oncology or radiation  
445 therapy services by physicians licensed under chapter 458 or  
446 459.

447 ~~(5)(4)~~ "Medical director" means a physician who is  
448 employed or under contract with a clinic and who maintains a  
449 full and unencumbered physician license in accordance with  
450 chapter 458, chapter 459, chapter 460, or chapter 461. However,  
451 if the clinic does not provide services pursuant to the  
452 respective physician practices acts listed in this subsection,  
453 the clinic is limited to providing health care services pursuant  
454 to chapter 457, chapter 484, chapter 486, chapter 490, or  
455 chapter 491 or part I, part III, part X, part XIII, or part XIV  
456 of chapter 468, the clinic may appoint a Florida-licensed health  
457 care practitioner who does not provide services pursuant to the  
458 respective physician practices acts listed in this subsection  
459 licensed under that chapter to serve as a clinic director who is  
460 responsible for the clinic's activities. A health care  
461 practitioner may not serve as the clinic director if the  
462 services provided at the clinic are beyond the scope of that

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463 practitioner's license, except that a licensee specified in s.  
464 456.053(3)(b) who provides only services authorized pursuant to  
465 s. 456.053(3)(b) may serve as clinic director of an entity  
466 providing services as specified in s. 456.053(3)(b).

467 (6) "Mobile clinic" means a movable or detached self-  
468 contained health care unit within or from which direct health  
469 care services are provided to individuals and which otherwise  
470 meets the definition of a clinic in subsection (4).

471 (7) "Portable equipment provider" means an entity that  
472 contracts with or employs persons to provide portable equipment  
473 to multiple locations performing treatment or diagnostic testing  
474 of individuals, that bills third-party payors for those  
475 services, and that otherwise meets the definition of a clinic in  
476 subsection (4).

477 Section 14. The creation of s. 400.9905(4)(i), Florida  
478 Statutes, by this act is intended to clarify the legislative  
479 intent of this provision as it existed at the time the  
480 provisions initially took effect as s. 456.0375(1)(b), Florida  
481 Statutes, and s. 400.9905(4)(i), Florida Statutes, as created by  
482 this act, shall operate retroactively to October 1, 2001.

483 Nothing in this section shall be construed as amending,  
484 modifying, limiting, or otherwise affecting in any way the  
485 legislative intent, scope, terms, prohibition, or requirements  
486 of section 456.053, Florida Statutes.

487 Section 15. Effective upon this act becoming a law and  
488 operating retroactively to March 1, 2004, subsections (1), (2),  
489 and (3) and paragraphs (a) and (b) of subsection (7) of section  
490 400.991, Florida Statutes, are amended to read:

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491 400.991 License requirements; background screenings;  
492 prohibitions.--

493 (1)(a) Each clinic, as defined in s. 400.9905, must be  
494 licensed and shall at all times maintain a valid license with  
495 the agency. Each clinic location shall be licensed separately  
496 regardless of whether the clinic is operated under the same  
497 business name or management as another clinic.

498 (b) Each mobile clinic must obtain a separate health care  
499 clinic license and ~~clinics~~ must provide to the agency, at least  
500 quarterly, the clinic's ~~their~~ projected street location  
501 locations to enable the agency to locate and inspect such clinic  
502 clinics. A portable equipment provider must obtain a health care  
503 clinic license for a single administrative office and is not  
504 required to submit quarterly projected street locations.

505 (2) The initial clinic license application shall be filed  
506 with the agency by all clinics, as defined in s. 400.9905, on or  
507 before July ~~March~~ 1, 2004. A clinic license must be renewed  
508 biennially.

509 (3) Applicants that submit an application on or before  
510 July ~~March~~ 1, 2004, which meets all requirements for initial  
511 licensure as specified in this section shall receive a temporary  
512 license until the completion of an initial inspection verifying  
513 that the applicant meets all requirements in rules authorized by  
514 s. 400.9925. However, a clinic engaged in magnetic resonance  
515 imaging services may not receive a temporary license unless it  
516 presents evidence satisfactory to the agency that such clinic is  
517 making a good faith effort and substantial progress in seeking  
518 accreditation required under s. 400.9935.

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519 (7) Each applicant for licensure shall comply with the  
520 following requirements:

521 (a) As used in this subsection, the term "applicant" means  
522 individuals owning or controlling, directly or indirectly, 5  
523 percent or more of an interest in a clinic; the medical or  
524 clinic director, or a similarly titled person who is responsible  
525 for the day-to-day operation of the licensed clinic; the  
526 financial officer or similarly titled individual who is  
527 responsible for the financial operation of the clinic; and  
528 licensed health care practitioner ~~medical providers~~ at the  
529 clinic.

530 (b) Upon receipt of a completed, signed, and dated  
531 application, the agency shall require background screening of  
532 the applicant, in accordance with the level 2 standards for  
533 screening set forth in chapter 435. Proof of compliance with the  
534 level 2 background screening requirements of chapter 435 which  
535 has been submitted within the previous 5 years in compliance  
536 with any other health care licensure requirements of this state  
537 is acceptable in fulfillment of this paragraph. Applicants who  
538 own less than 10 percent of a health care clinic are not  
539 required to submit fingerprints under this section.

540 Section 16. Paragraph (g) of subsection (1), subsection  
541 (9), and paragraph (b) of subsection (11) of section 400.9935,  
542 Florida Statutes, are amended to read:

543 400.9935 Clinic responsibilities.--

544 (1) Each clinic shall appoint a medical director or clinic  
545 director who shall agree in writing to accept legal

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546 responsibility for the following activities on behalf of the  
547 clinic. The medical director or the clinic director shall:

548 (g) Conduct systematic reviews of clinic billings to  
549 ensure that the billings are not fraudulent or unlawful. Upon  
550 discovery of an unlawful charge, the medical director or clinic  
551 director shall take immediate corrective action. If the clinic  
552 performs only the technical component of magnetic resonance  
553 imaging, static radiographs, computed tomography, or positron  
554 emission tomography and provides the professional interpretation  
555 of such services, in a fixed facility that is accredited by the  
556 Joint Commission on Accreditation of Healthcare Organizations or  
557 the Accreditation Association for Ambulatory Health Care and the  
558 American College of Radiology, and if, in the preceding quarter,  
559 the percentage of scans performed by that clinic that were  
560 billed to a personal injury protection insurance carrier was  
561 less than 15 percent, the chief financial officer of the clinic  
562 may, in a written acknowledgment provided to the agency, assume  
563 the responsibility for the conduct of the systematic reviews of  
564 clinic billings to ensure that the billings are not fraudulent  
565 or unlawful.

566 (9) Any person or entity providing health care services  
567 which is not a clinic, as defined under s. 400.9905, may  
568 voluntarily apply for a certificate of exemption from licensure  
569 under its exempt status with the agency on a form that sets  
570 forth its name or names and addresses, a statement of the  
571 reasons why it cannot be defined as a clinic, and other  
572 information deemed necessary by the agency. An exemption is not  
573 transferable. The agency may charge an applicant for a

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574 certificate of exemption in an amount equal to \$100 or the  
575 actual cost of processing the certificate, whichever is less,  
576 for processing the certificate.

577 (11)

578 (b) The agency may deny ~~disallow~~ the application or revoke  
579 the license of any entity formed for the purpose of avoiding  
580 compliance with the accreditation provisions of this subsection  
581 and whose principals were previously principals of an entity  
582 that was unable to meet the accreditation requirements within  
583 the specified timeframes. The agency may adopt rules as to the  
584 accreditation of magnetic resonance imaging clinics.

585 Section 17. Subsections (1) and (3) of section 400.995,  
586 Florida Statutes, are amended, and subsection (10) is added to  
587 said section, to read:

588 400.995 Agency administrative penalties.--

589 (1) The agency may deny the application for a license  
590 renewal, revoke or suspend the license and impose administrative  
591 finer penalties against clinics of up to \$5,000 per violation  
592 for violations of the requirements of this part or rules of the  
593 agency. In determining if a penalty is to be imposed and in  
594 fixing the amount of the fine, the agency shall consider the  
595 following factors:

596 (a) The gravity of the violation, including the  
597 probability that death or serious physical or emotional harm to  
598 a patient will result or has resulted, the severity of the  
599 action or potential harm, and the extent to which the provisions  
600 of the applicable laws or rules were violated.

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601 (b) Actions taken by the owner, medical director, or  
602 clinic director to correct violations.

603 (c) Any previous violations.

604 (d) The financial benefit to the clinic of committing or  
605 continuing the violation.

606 (3) Any action taken to correct a violation shall be  
607 documented in writing by the owner, medical director, or clinic  
608 director of the clinic and verified through followup visits by  
609 agency personnel. The agency may impose a fine and, in the case  
610 of an owner-operated clinic, revoke or deny a clinic's license  
611 when a clinic medical director or clinic director knowingly  
612 ~~fraudulently~~ misrepresents actions taken to correct a violation.

613 (10) If the agency issues a notice of intent to deny a  
614 license application after a temporary license has been issued  
615 pursuant to s. 400.991(3), the temporary license shall expire on  
616 the date of the notice and may not be extended during any  
617 proceeding for administrative or judicial review pursuant to  
618 chapter 120.

619 Section 18. The Agency for Health Care Administration is  
620 directed to make refunds to applicants that submitted their  
621 health care clinic licensure fees and applications but were  
622 subsequently exempted from licensure by this act as follows:

623 (1) Seventy-five percent of the application fee if the  
624 temporary license has not been issued;

625 (2) Fifty percent of the application fee if the temporary  
626 license has been issued but the inspection has not been  
627 completed; or

628 (3) No refund if the inspection has been completed.

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629        Section 19. Any person or entity defined as a clinic under  
630 s. 400.9905, Florida Statutes, shall not be in violation of part  
631 XIII of chapter 400, Florida Statutes, due to failure to apply  
632 for a clinic license by March 1, 2004, as previously required by  
633 s. 400.991, Florida Statutes. Payment to any such person or  
634 entity by an insurer or other person liable for payment to such  
635 person or entity may not be denied on the grounds that the  
636 person or entity failed to apply for or obtain a clinic license  
637 before March 1, 2004.

638        Section 20. Paragraph (m) of subsection (1) of section  
639 440.13, Florida Statutes, is amended to read:

640        440.13 Medical services and supplies; penalty for  
641 violations; limitations.--

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

643        (m) "Medicine" means a drug prescribed by an authorized  
644 health care provider and includes only generic drugs or single-  
645 source patented drugs for which there is no generic equivalent,  
646 unless the authorized health care provider writes or states that  
647 the brand-name drug as defined in s. 465.025 is medically  
648 necessary, or is a drug appearing on the schedule of drugs  
649 created pursuant to s. 465.025(5)(~~6~~), or is available at a cost  
650 lower than its generic equivalent.

651        Section 21. Section 456.005, Florida Statutes, is amended  
652 to read:

653        456.005 Long-range policy planning; plans, reports, and  
654 recommendations.--To facilitate efficient and cost-effective  
655 regulation, the department and the board, where appropriate,  
656 shall develop and implement a long-range policy planning and

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657 monitoring process to include recommendations specific to each  
658 profession. Such process shall include estimates of revenues,  
659 expenditures, cash balances, and performance statistics for each  
660 profession. The period covered shall not be less than 5 years.  
661 The department, with input from the boards and licensees, shall  
662 develop the long-range plan and must obtain the approval of the  
663 secretary. The department shall monitor compliance with the  
664 approved long-range plan and, with input from the boards, shall  
665 annually update the plans for approval by the secretary. The  
666 department shall provide concise management reports to the  
667 boards quarterly. As part of the review process, the department  
668 shall evaluate:

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

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

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

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

678 (5) Whether there is consistency between the various  
679 practice acts.

680 (6) Whether unlicensed activity is adequately enforced.

681  
682 Such plans should include conclusions and recommendations on  
683 these and other issues as appropriate. Such plans shall be

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684 provided to the Governor and the Legislature by November 1 of  
685 each year.

686 Section 22. Subsection (5) of section 456.011, Florida  
687 Statutes, is amended to read:

688 456.011 Boards; organization; meetings; compensation and  
689 travel expenses.--

690 (5) Notwithstanding the provisions of chapter 120, when  
691 two or more boards have identified a conflict in the  
692 interpretation or application of their respective practice acts  
693 differences between them, the following administrative remedies  
694 shall be employed:

695 (a) One board ~~boards may elect to,~~ or the secretary shall  
696 may request that the boards, establish a special committee to  
697 resolve the conflict settle those differences. The special  
698 committee shall consist of two ~~three~~ members designated by each  
699 board, who may be members of the designating board or other  
700 experts designated by the board, and of three ~~one~~ additional  
701 persons appointed by the secretary who are not members of either  
702 profession and who do not have an interest in either profession  
703 person designated and agreed to by the members of the special  
704 committee. In the event the special committee cannot agree on  
705 the additional designee, upon request of the special committee,  
706 the secretary may select the designee. The committee shall, by  
707 majority vote, make such recommendations as the committee deems  
708 necessary, including, but not limited to, rules ~~recommend rules~~  
709 ~~necessary~~ to resolve the differences.

710 (b) Matters that cannot be resolved through the special  
711 committee may be resolved by the department or agent of the

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712 department through informal mediation. If the committee reaches  
713 a resolution of their differences during mediation, the mediator  
714 shall notify the department of the terms of the resolution. The  
715 committee shall be provided the opportunity to record with the  
716 department an acknowledgment of satisfaction of the terms of  
717 mediation within 60 days after such notification. A mediated  
718 settlement shall be binding on the two applicable boards as a  
719 decision of the special committee.

720 (c) In the event the boards cannot resolve their conflict  
721 through the means established in paragraphs (a) and (b), the  
722 secretary shall have the authority to resolve the differences  
723 through rulemaking or, in the case of a declaratory statement,  
724 the boards shall have standing to petition the department to  
725 issue an order ~~If a rule adopted pursuant to this provision is~~  
726 ~~challenged, the participating boards shall share the costs~~  
727 ~~associated with defending the rule or rules. The department~~  
728 ~~shall provide legal representation for any special committee~~  
729 ~~established pursuant to this section.~~

730 Section 23. Subsection (3) of section 456.012, Florida  
731 Statutes, is amended to read:

732 456.012 Board rules; final agency action; challenges.--

733 (3) No board created within the department shall have  
734 standing to challenge a rule, ~~or~~ proposed rule, or declaratory  
735 statement of another board. However, if there is a dispute  
736 between boards concerning a rule, ~~or~~ proposed rule, or  
737 declaratory statement, the boards may avail themselves of the  
738 provisions of s. 456.011(5).

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739 Section 24. Section 456.013, Florida Statutes, is amended  
740 to read:

741 456.013 Department; general licensing provisions.--

742 (1)(a) Any person desiring to be licensed in a profession  
743 within the jurisdiction of the department shall apply to the  
744 department in writing to take the licensure examination. The  
745 application shall be made on a form prepared and furnished by  
746 the department. The application form must be available on the  
747 World Wide Web and the department may accept electronically  
748 submitted applications beginning July 1, 2001. The application  
749 shall require the social security number of the applicant,  
750 except as provided in paragraph (b). The form shall be  
751 supplemented as needed to reflect any material change in any  
752 circumstance or condition stated in the application which takes  
753 place between the initial filing of the application and the  
754 final grant or denial of the license and which might affect the  
755 decision of the department. If an application is submitted  
756 electronically, the department may require supplemental  
757 materials, including an original signature of the applicant and  
758 verification of credentials, to be submitted in a nonelectronic  
759 format. An incomplete application shall expire 1 year after  
760 initial filing. In order to further the economic development  
761 goals of the state, and notwithstanding any law to the contrary,  
762 the department may enter into an agreement with the county tax  
763 collector for the purpose of appointing the county tax collector  
764 as the department's agent to accept applications for licenses  
765 and applications for renewals of licenses. The agreement must  
766 specify the time within which the tax collector must forward any

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767 applications and accompanying application fees to the  
768 department.

769 (b) If an applicant has not been issued a social security  
770 number by the Federal Government at the time of application  
771 because the applicant is not a citizen or resident of this  
772 country, the department may process the application using a  
773 unique personal identification number. If such an applicant is  
774 otherwise eligible for licensure, the board, or the department  
775 when there is no board, may issue a temporary license, as  
776 established by rule of the board or the department, if there is  
777 no board, to the applicant, which shall expire 90 30 days after  
778 issuance unless a social security number is obtained and  
779 submitted in writing to the department. Upon receipt of the  
780 applicant's social security number, the department shall issue a  
781 new license, which shall expire at the end of the current  
782 biennium.

783 (2) The board or the department, if there is no board, may  
784 adopt a rule allowing an applicant for licensure to complete the  
785 coursework requirements for licensure by completing successfully  
786 the required courses as a student, or by teaching the required  
787 graduate course as an instructor or professor in an accredited  
788 institution.

789 (3)(2) Before the issuance of any license, the department  
790 shall charge an initial license fee as determined by the  
791 applicable board or, if no such board exists, by rule of the  
792 department. Upon receipt of the appropriate license fee, the  
793 department shall issue a license to any person certified by the  
794 appropriate board, or its designee, as having met the licensure

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795 requirements imposed by law or rule. The license shall consist  
796 of a wallet-size identification card and a wall card measuring  
797 6<sup>1</sup>/<sub>2</sub> inches by 5 inches. In addition to the two-part license, the  
798 department, at the time of initial licensure, if the board has a  
799 positive cash balance and if specified by board rule, or  
800 department rule if there is no board, shall issue a wall  
801 certificate suitable for conspicuous display, ~~which shall be no~~  
802 ~~smaller than 8<sup>1</sup>/<sub>2</sub> inches by 14 inches.~~ The licensee shall  
803 surrender to the department the wallet-size identification card,  
804 the wall card, and the wall certificate, if one has been issued  
805 by the department, if the licensee's license was issued in error  
806 or is revoked.

807 (4)(3)(a) The board, or the department when there is no  
808 board, may refuse to issue an initial license to any applicant  
809 who is under investigation or prosecution in any jurisdiction  
810 for an action that would constitute a violation of this chapter  
811 or the professional practice acts administered by the department  
812 and the boards, until such time as the investigation or  
813 prosecution is complete, and the time period in which the  
814 licensure application must be granted or denied shall be tolled  
815 until 15 days after the receipt of the final results of the  
816 investigation or prosecution.

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

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822 (c) In considering applications for licensure, the board,  
823 or the department when there is no board, may require a personal  
824 appearance of the applicant. If the applicant is required to  
825 appear, the time period in which a licensure application must be  
826 granted or denied shall be tolled until such time as the  
827 applicant appears. However, if the applicant fails to appear  
828 before the board at either of the next two regularly scheduled  
829 board meetings, or fails to appear before the department within  
830 30 days if there is no board, the application for licensure  
831 shall be denied.

832 ~~(5)~~(4) When any administrative law judge conducts a  
833 hearing pursuant to the provisions of chapter 120 with respect  
834 to the issuance of a license by the department, the  
835 administrative law judge shall submit his or her recommended  
836 order to the appropriate board, which shall thereupon issue a  
837 final order. The applicant for licensure may appeal the final  
838 order of the board in accordance with the provisions of chapter  
839 120.

840 ~~(6)~~(5) A privilege against civil liability is hereby  
841 granted to any witness for any information furnished by the  
842 witness in any proceeding pursuant to this section, unless the  
843 witness acted in bad faith or with malice in providing such  
844 information.

845 ~~(6) As a condition of renewal of a license, the Board of~~  
846 ~~Medicine, the Board of Osteopathic Medicine, the Board of~~  
847 ~~Chiropractic Medicine, and the Board of Podiatric Medicine shall~~  
848 ~~each require licensees which they respectively regulate to~~  
849 ~~periodically demonstrate their professional competency by~~

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850 ~~completing at least 40 hours of continuing education every 2~~  
851 ~~years. The boards may require by rule that up to 1 hour of the~~  
852 ~~required 40 or more hours be in the area of risk management or~~  
853 ~~cost containment. This provision shall not be construed to limit~~  
854 ~~the number of hours that a licensee may obtain in risk~~  
855 ~~management or cost containment to be credited toward satisfying~~  
856 ~~the 40 or more required hours. This provision shall not be~~  
857 ~~construed to require the boards to impose any requirement on~~  
858 ~~licensees except for the completion of at least 40 hours of~~  
859 ~~continuing education every 2 years. Each of such boards shall~~  
860 ~~determine whether any specific continuing education requirements~~  
861 ~~not otherwise mandated by law shall be mandated and shall~~  
862 ~~approve criteria for, and the content of, any continuing~~  
863 ~~education mandated by such board. Notwithstanding any other~~  
864 ~~provision of law, the board, or the department when there is no~~  
865 ~~board, may approve by rule alternative methods of obtaining~~  
866 ~~continuing education credits in risk management. The alternative~~  
867 ~~methods may include attending a board meeting at which another~~  
868 ~~licensee is disciplined, serving as a volunteer expert witness~~  
869 ~~for the department in a disciplinary case, or serving as a~~  
870 ~~member of a probable cause panel following the expiration of a~~  
871 ~~board member's term. Other boards within the Division of Medical~~  
872 ~~Quality Assurance, or the department if there is no board, may~~  
873 ~~adopt rules granting continuing education hours in risk~~  
874 ~~management for attending a board meeting at which another~~  
875 ~~licensee is disciplined, for serving as a volunteer expert~~  
876 ~~witness for the department in a disciplinary case, or for~~

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877 ~~serving as a member of a probable cause panel following the~~  
878 ~~expiration of a board member's term.~~

879 ~~(7) The boards, or the department when there is no board,~~  
880 ~~shall require the completion of a 2-hour course relating to~~  
881 ~~prevention of medical errors as part of the licensure and~~  
882 ~~renewal process. The 2-hour course shall count towards the total~~  
883 ~~number of continuing education hours required for the~~  
884 ~~profession. The course shall be approved by the board or~~  
885 ~~department, as appropriate, and shall include a study of root-~~  
886 ~~cause analysis, error reduction and prevention, and patient~~  
887 ~~safety. In addition, the course approved by the Board of~~  
888 ~~Medicine and the Board of Osteopathic Medicine shall include~~  
889 ~~information relating to the five most misdiagnosed conditions~~  
890 ~~during the previous biennium, as determined by the board. If the~~  
891 ~~course is being offered by a facility licensed pursuant to~~  
892 ~~chapter 395 for its employees, the board may approve up to 1~~  
893 ~~hour of the 2-hour course to be specifically related to error~~  
894 ~~reduction and prevention methods used in that facility.~~

895 ~~(8) The respective boards within the jurisdiction of the~~  
896 ~~department, or the department when there is no board, may adopt~~  
897 ~~rules to provide for the use of approved videocassette courses,~~  
898 ~~not to exceed 5 hours per subject, to fulfill the continuing~~  
899 ~~education requirements of the professions they regulate. Such~~  
900 ~~rules shall provide for prior approval of the board, or the~~  
901 ~~department when there is no board, of the criteria for and~~  
902 ~~content of such courses and shall provide for a videocassette~~  
903 ~~course validation form to be signed by the vendor and the~~

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904 | ~~licensee and submitted to the department, along with the license~~  
905 | ~~renewal application, for continuing education credit.~~

906 |        ~~(7)(9)~~ Any board that currently requires continuing  
907 | education for renewal of a license, or the department if there  
908 | is no board, shall adopt rules to establish the criteria for  
909 | continuing education courses. The rules may provide that up to a  
910 | maximum of 25 percent of the required continuing education hours  
911 | can be fulfilled by the performance of pro bono services to the  
912 | indigent or to underserved populations or in areas of critical  
913 | need within the state where the licensee practices. The board,  
914 | or the department if there is no board, must require that any  
915 | pro bono services be approved in advance in order to receive  
916 | credit for continuing education under this subsection. The  
917 | standard for determining indigency shall be that recognized by  
918 | the Federal Poverty Income Guidelines produced by the United  
919 | States Department of Health and Human Services. The rules may  
920 | provide for approval by the board, or the department if there is  
921 | no board, that a part of the continuing education hours can be  
922 | fulfilled by performing research in critical need areas or for  
923 | training leading to advanced professional certification. The  
924 | board, or the department if there is no board, may make rules to  
925 | define underserved and critical need areas. The department shall  
926 | adopt rules for administering continuing education requirements  
927 | adopted by the boards or the department if there is no board.

928 |        ~~(8)(10)~~ Notwithstanding any law to the contrary, an  
929 | elected official who is licensed under a practice act  
930 | administered by the Division of Medical Quality Assurance may  
931 | hold employment for compensation with any public agency

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932 concurrent with such public service. Such dual service must be  
933 disclosed according to any disclosure required by applicable  
934 law.

935 ~~(9)~~~~(11)~~ In any instance in which a licensee or applicant  
936 to the department is required to be in compliance with a  
937 particular provision by, on, or before a certain date, and if  
938 that date occurs on a Saturday, Sunday, or a legal holiday, then  
939 the licensee or applicant is deemed to be in compliance with the  
940 specific date requirement if the required action occurs on the  
941 first succeeding day which is not a Saturday, Sunday, or legal  
942 holiday.

943 ~~(10)~~~~(12)~~ Pursuant to the federal Personal Responsibility  
944 and Work Opportunity Reconciliation Act of 1996, each party is  
945 required to provide his or her social security number in  
946 accordance with this section. Disclosure of social security  
947 numbers obtained through this requirement shall be limited to  
948 the purpose of administration of the Title IV-D program for  
949 child support enforcement.

950 Section 25. Paragraph (c) of subsection (1) and subsection  
951 (2) of section 456.017, Florida Statutes, are amended, and  
952 subsection (7) is added to said section, to read:

953 456.017 Examinations.--

954 (1)

955 (c)1. The board, or the department when there is no board,  
956 shall approve by rule the use of one or more national  
957 examinations which the department has certified as meeting  
958 requirements of national examinations and generally accepted  
959 testing standards pursuant to department rules. Providers of

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960 examinations seeking certification by the department shall pay  
961 the actual costs incurred by the department in making a  
962 determination regarding the certification. The name and number  
963 of a candidate may be provided to a national contractor for the  
964 limited purpose of preparing the grade tape and information to  
965 be returned to the board or department; or, to the extent  
966 otherwise specified by rule, the candidate may apply directly to  
967 the vendor of the national examination and supply test score  
968 information to the department. The department may delegate to  
969 the board the duty to provide and administer the examination.  
970 Any national examination approved by a board, or the department  
971 when there is no board, prior to October 1, 1997, is deemed  
972 certified under this paragraph.

973         2. The board, or the department when there is no board,  
974 shall approve and begin administering a national examination no  
975 later than December 31, 2001. Neither the board nor the  
976 department may administer a state-developed written examination,  
977 except for physician assistants, after December 31, 2001,  
978 notwithstanding any other provision of law, provided a national  
979 examination has been certified by the department. For physician  
980 assistants, beginning August 1, 2004, the board or the  
981 department shall administer a state-developed written  
982 examination at least three times. The examination dates shall be  
983 offered not less than 9 months apart and not more than 12 months  
984 apart. The examination may be administered electronically if  
985 adequate security measures are used, as determined by rule of  
986 the department.

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987           3. The board, or the department when there is no board,  
988 may administer a state-developed practical or clinical  
989 examination, as required by the applicable practice act, if all  
990 costs of development, purchase, validation, administration,  
991 review, and defense are paid by the examination candidate prior  
992 to the administration of the examination. If a national  
993 practical or clinical examination is available and certified by  
994 the department pursuant to this section, the board, or the  
995 department when there is no board, may administer the national  
996 examination.

997           4. It is the intent of the Legislature to reduce the costs  
998 associated with state examinations and to encourage the use of  
999 national examinations whenever possible.

1000           (2) For each examination developed by the department or a  
1001 contracted vendor, the board, or the department when there is no  
1002 board, shall adopt rules providing for reexamination of any  
1003 applicants who failed an examination developed by the department  
1004 or a contracted vendor. If both a written and a practical  
1005 examination are given, an applicant shall be required to retake  
1006 only the portion of the examination on which the applicant  
1007 failed to achieve a passing grade, if the applicant successfully  
1008 passes that portion within a reasonable time, as determined by  
1009 rule of the board, or the department when there is no board, of  
1010 passing the other portion. Except for national examinations  
1011 approved and administered pursuant to this section, the  
1012 department shall provide procedures for applicants who fail an  
1013 examination developed by the department or a contracted vendor  
1014 to review their examination questions, answers, papers, grades,

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1015 and grading key for the questions the candidate answered  
1016 incorrectly or, if not feasible, the parts of the examination  
1017 failed. Applicants shall bear the actual cost for the department  
1018 to provide examination review pursuant to this subsection. An  
1019 applicant may waive in writing the confidentiality of the  
1020 applicant's examination grades. Notwithstanding any other  
1021 provisions, only candidates who fail an examination with a score  
1022 that is by less than 10 percent below the minimum score required  
1023 to pass the examination shall be entitled to challenge the  
1024 validity of the examination at hearing.

1025 (7) The department may post examination scores  
1026 electronically on the Internet in lieu of mailing the scores to  
1027 each applicant. Such electronic posting of the examination  
1028 scores meets the requirements of chapter 120 if the department  
1029 also posts with the examination scores a notification of rights  
1030 as set forth in chapter 120. The date of receipt for purposes of  
1031 chapter 120 shall be the date the examination scores are posted  
1032 electronically. The department shall also notify the examinee  
1033 when scores are posted electronically of the availability of a  
1034 postexamination review, if applicable.

1035 Section 26. Section 456.020, Florida Statutes, is created  
1036 to read:

1037 456.020 Continuing education; instruction on domestic  
1038 violence; instruction on HIV/AIDS; instruction on prevention of  
1039 medical errors.--

1040 (1) It is the declared purpose of this section to  
1041 encourage the completion of continuing education courses in  
1042 specified subject areas as a condition of license renewal, when

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1043 applicable to the practice, by health care practitioners as  
1044 defined in s. 456.001. The board or the department, when there  
1045 is no board, may require the completion of courses, including,  
1046 but not limited to, the following subject areas, as defined by  
1047 board or department rule:

1048 (a) Domestic violence as defined in s. 741.28. Such course  
1049 shall include information on the number of patients in that  
1050 professional's practice who are likely to be victims of domestic  
1051 violence and the number who are likely to be perpetrators of  
1052 domestic violence, screening procedures for determining whether  
1053 a patient has any history of being either a victim or  
1054 perpetrator of domestic violence, and instruction on how to  
1055 provide such patients with information on, or how to refer such  
1056 patients to resources in the local community that provide, legal  
1057 aid, shelter, victim counseling, batterer counseling, or child  
1058 protection services.

1059 (b) HIV/AIDS. Such course shall consist of education on  
1060 the modes of transmission, infection control procedures,  
1061 clinical management, and prevention of HIV/AIDS. Such course  
1062 shall include information on current state law on AIDS and its  
1063 impact on testing, confidentiality of test results, treatment of  
1064 patients, and any protocols and procedures applicable to HIV  
1065 counseling and testing, reporting, the offering of testing to  
1066 pregnant women, and partner notification issues pursuant to ss.  
1067 381.004 and 384.25.

1068 (c) Prevention of medical errors. Such course shall  
1069 include a study of root-cause analysis, error reduction and  
1070 prevention, and patient safety. If the course is being offered

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1071 by a facility licensed pursuant to chapter 395 for its  
1072 employees, the board may approve up to 1 hour of the 2-hour  
1073 course to be specifically related to error reduction and  
1074 prevention methods used in such facility.

1075 (2) Proof of completion of continuing education courses  
1076 shall be defined by board rule, or department rule if there is  
1077 no board.

1078 (3) Courses completed in the specified subject areas shall  
1079 count towards the total number of continuing education hours  
1080 required for license renewal for the profession.

1081 (4) Any person holding two or more licenses subject to the  
1082 provisions of this section shall only be required to complete  
1083 the requirement for one license.

1084 (5) Failure to comply with courses required by the board  
1085 or the department, if there is no board, shall constitute  
1086 grounds for disciplinary action under each respective practice  
1087 act and under s. 456.072(1)(k).

1088 Section 27. Subsections (4) and (9) of section 456.025,  
1089 Florida Statutes, are amended to read:

1090 456.025 Fees; receipts; disposition.--

1091 (4) Each board, or the department if there is no board,  
1092 may charge a fee not to exceed \$25, as determined by rule, for  
1093 the issuance of a wall certificate pursuant to s. 456.013(3)~~(2)~~  
1094 requested by a licensee who was licensed prior to July 1, 1998,  
1095 or for the issuance of a duplicate wall certificate requested by  
1096 any licensee.

1097 (9) The department shall provide a ~~condensed~~ management  
1098 report of revenues and expenditures ~~budgets, finances,~~

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1099 performance measures ~~statistics~~, and necessary recommendations  
1100 to each board at least once a quarter. ~~The department shall~~  
1101 ~~identify and include in such presentations any changes, or~~  
1102 ~~projected changes, made to the board's budget since the last~~  
1103 ~~presentation.~~

1104 Section 28. Section 456.031, Florida Statutes, is amended  
1105 to read:

1106 456.031 Requirement for instruction on domestic  
1107 violence.--

1108 (1)(a) The appropriate board shall require each person  
1109 licensed or certified under chapter 458, chapter 459, part I of  
1110 chapter 464, chapter 466, chapter 467, chapter 490, or chapter  
1111 491 to complete a ~~1-hour~~ continuing education course, approved  
1112 by the board, on domestic violence, as defined in s. 741.28, as  
1113 part of initial licensure, biennial relicensure, or  
1114 recertification. The course shall consist of a skills-based  
1115 curriculum that includes practice protocols for identifying and  
1116 treating a victim of domestic violence consistent with the  
1117 profession and instructions on practical applications. For  
1118 purposes of this section, "skills-based curriculum" means a  
1119 curriculum that details methods of practical applications to  
1120 improve responses to domestic violence victims through  
1121 culturally competent methods of routine screening, assessment,  
1122 intervention, and health records documentation. Each licensee  
1123 must complete continuing education on domestic violence as  
1124 prescribed by board rule. Initial applicants for licensure shall  
1125 be allowed 1 year from the date of licensure to complete the  
1126 required course ~~information on the number of patients in that~~

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1127 ~~professional's practice who are likely to be victims of domestic~~  
1128 ~~violence and the number who are likely to be perpetrators of~~  
1129 ~~domestic violence, screening procedures for determining whether~~  
1130 ~~a patient has any history of being either a victim or a~~  
1131 ~~perpetrator of domestic violence, and instruction on how to~~  
1132 ~~provide such patients with information on, or how to refer such~~  
1133 ~~patients to, resources in the local community, such as domestic~~  
1134 ~~violence centers and other advocacy groups, that provide legal~~  
1135 ~~aid, shelter, victim counseling, batterer counseling, or child~~  
1136 ~~protection services.~~

1137 ~~(b) Each such licensee or certificateholder shall submit~~  
1138 ~~confirmation of having completed such course, on a form provided~~  
1139 ~~by the board, when submitting fees for each biennial renewal.~~

1140 ~~(c) The board may approve additional equivalent courses~~  
1141 ~~that may be used to satisfy the requirements of paragraph (a).~~  
1142 ~~Each licensing board that requires a licensee to complete an~~  
1143 ~~educational course pursuant to this subsection may include the~~  
1144 ~~hour required for completion of the course in the total hours of~~  
1145 ~~continuing education required by law for such profession unless~~  
1146 ~~the continuing education requirements for such profession~~  
1147 ~~consist of fewer than 30 hours biennially.~~

1148 ~~(b)(d)~~ Any person holding two or more licenses subject to  
1149 the provisions of this subsection shall be permitted to show  
1150 proof of having taken one board-approved course on domestic  
1151 violence, for purposes of initial licensure, relicensure, or  
1152 recertification for additional licenses.

1153 ~~(e) Failure to comply with the requirements of this~~  
1154 ~~subsection shall constitute grounds for disciplinary action~~

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1155 ~~under each respective practice act and under s. 456.072(1)(k).~~  
1156 ~~In addition to discipline by the board, the licensee shall be~~  
1157 ~~required to complete such course.~~

1158 ~~(2) The board shall also require, as a condition of~~  
1159 ~~granting a license under any chapter specified in paragraph~~  
1160 ~~(1)(a), that each applicant for initial licensure under the~~  
1161 ~~appropriate chapter complete an educational course acceptable to~~  
1162 ~~the board on domestic violence which is substantially equivalent~~  
1163 ~~to the course required in subsection (1). An applicant who has~~  
1164 ~~not taken such course at the time of licensure shall, upon~~  
1165 ~~submission of an affidavit showing good cause, be allowed 6~~  
1166 ~~months to complete such requirement.~~

1167 ~~(3)(a) In lieu of completing a course as required in~~  
1168 ~~subsection (1), a licensee or certificateholder may complete a~~  
1169 ~~course in end-of-life care and palliative health care, if the~~  
1170 ~~licensee or certificateholder has completed an approved domestic~~  
1171 ~~violence course in the immediately preceding biennium.~~

1172 ~~(b) In lieu of completing a course as required by~~  
1173 ~~subsection (1), a person licensed under chapter 466 who has~~  
1174 ~~completed an approved domestic violence education course in the~~  
1175 ~~immediately preceding 2 years may complete a course approved by~~  
1176 ~~the Board of Dentistry.~~

1177 ~~(2)(4) Each board may adopt rules to carry out the~~  
1178 ~~provisions of this section.~~

1179 ~~(5) Each board shall report to the President of the~~  
1180 ~~Senate, the Speaker of the House of Representatives, and the~~  
1181 ~~chairs of the appropriate substantive committees of the~~

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1182 ~~Legislature by March 1 of each year as to the implementation of~~  
1183 ~~and compliance with the requirements of this section.~~

1184 Section 29. Subsection (14) is added to section 456.036,  
1185 Florida Statutes, to read:

1186 456.036 Licenses; active and inactive status;  
1187 delinquency.--

1188 (14) The board or the department, if there is no board,  
1189 may require the display of a license.

1190 Section 30. Subsection (6) is added to section 456.037,  
1191 Florida Statutes, to read:

1192 456.037 Business establishments; requirements for active  
1193 status licenses; delinquency; discipline; applicability.--

1194 (6) The board or the department, if there is no board, may  
1195 require the display of a license.

1196 Section 31. Paragraph (a) of subsection (4) of section  
1197 456.039, Florida Statutes, is amended to read:

1198 456.039 Designated health care professionals; information  
1199 required for licensure.--

1200 (4)(a) An applicant for initial licensure must submit a  
1201 set of fingerprints to the Department of Health in accordance  
1202 with s. 458.311, s. 458.3115, s. 458.3124, ~~s. 458.313~~, s.  
1203 459.0055, s. 460.406, or s. 461.006.

1204 Section 32. Present subsections (16) through (19) of  
1205 section 456.057, Florida Statutes, are renumbered as subsections  
1206 (17) through (20), respectively, and a new subsection (16) is  
1207 added to said section to read:

1208 456.057 Ownership and control of patient records; report  
1209 or copies of records to be furnished.--

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1210 (16) A health care practitioner or records owner  
1211 furnishing copies of reports or records or making the reports or  
1212 records available for digital scanning pursuant to this section  
1213 may charge the department the reasonable costs of reproducing  
1214 the records.

1215 (a) Reasonable costs of reproducing copies of written or  
1216 typed documents or reports may not be more than:

1217 1. For the first 25 pages, \$1 per page.

1218 2. For each page in excess of 25 pages, 25 cents.

1219 (b) Reasonable costs of reproducing X rays and other  
1220 special kinds of records are the actual costs. The term "actual  
1221 costs" means the cost of the material and supplies used to  
1222 duplicate the record, as well as the labor costs associated with  
1223 the duplication.

1224 Section 33. Subsection (3) of section 456.063, Florida  
1225 Statutes, is amended to read:

1226 456.063 Sexual misconduct; disqualification for license,  
1227 certificate, or registration.--

1228 (3) Licensed health care practitioners shall report  
1229 allegations of sexual misconduct to the department, regardless  
1230 of the practice setting in which the alleged sexual misconduct  
1231 occurred. Each board or the department, if there is board, may  
1232 adopt rules to implement the requirements for reporting  
1233 allegations of sexual misconduct, including rules to determine  
1234 the sufficiency of the allegations.

1235 Section 34. Paragraphs (aa) and (bb) of subsection (1) of  
1236 section 456.072, Florida Statutes, are amended, paragraphs (ff)

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1237 and (gg) are added to said subsection, and subsection (7) is  
1238 added to said section, to read:

1239 456.072 Grounds for discipline; penalties; enforcement.--

1240 (1) The following acts shall constitute grounds for which  
1241 the disciplinary actions specified in subsection (2) may be  
1242 taken:

1243 (aa) Performing or attempting to perform health care  
1244 services on the wrong patient, a wrong-site procedure, a wrong  
1245 procedure, or an unauthorized procedure or a procedure that is  
1246 medically unnecessary or otherwise unrelated to the patient's  
1247 diagnosis or medical condition. For the purposes of this  
1248 paragraph, performing or attempting to perform health care  
1249 services includes invasive actions taken in furtherance of the  
1250 preparation of the patient, but does not include those  
1251 preparations that are noninvasive.

1252 (bb) Leaving a foreign body in a patient, such as a  
1253 sponge, clamp, forceps, surgical needle, or other paraphernalia  
1254 commonly used in surgical, examination, or other diagnostic  
1255 procedures. For the purposes of this paragraph, it shall be  
1256 legally presumed that retention of a foreign body is not in the  
1257 best interest of the patient and is not within the standard of  
1258 care of the profession, unless medically indicated and  
1259 documented in the patient record ~~regardless of the intent of the~~  
1260 ~~professional.~~

1261 (ff) Prescribing, administering, dispensing, or  
1262 distributing a legend drug, including a controlled substance,  
1263 when the practitioner knows or reasonably should know that the  
1264 receiving patient has not established a valid professional

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1265 relationship with the prescribing practitioner. A medical  
1266 questionnaire completed on the Internet or by telephone,  
1267 electronic transfer, or mail does not establish a valid  
1268 professional relationship.

1269 (gg) Being terminated from an impaired practitioner  
1270 program that is overseen by an impaired practitioner consultant  
1271 as described in s. 456.076 for failure to comply with the terms  
1272 of the monitoring or treatment contract entered into by the  
1273 licensee without good cause.

1274 (7) In addition to any other discipline imposed by final  
1275 order entered on or after July 1, 2004, for violation of any  
1276 practice act pursuant to this section, the board or the  
1277 department, if there is no board, shall assess a nonrefundable  
1278 fee to defray the costs of monitoring the licensee's compliance  
1279 with the order in the amount of \$25 per month for each month or  
1280 portion of a month set forth in the final order to complete the  
1281 length of term of the probation, suspension, or practice  
1282 restrictions imposed by the final order. Such assessment shall  
1283 be included in the terms of the final order. The board or the  
1284 department, if there is no board, may elect to assess the same  
1285 fee to offset other costs of monitoring compliance with the  
1286 terms imposed by a final order which does not include probation,  
1287 suspension, or practice restrictions.

1288 Section 35. Subsection (1) of section 456.073, Florida  
1289 Statutes, is amended to read:

1290 456.073 Disciplinary proceedings.--Disciplinary  
1291 proceedings for each board shall be within the jurisdiction of  
1292 the department.

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1293           (1) The department, for the boards under its jurisdiction,  
1294 shall cause to be investigated any complaint that is filed  
1295 before it if the complaint is in writing, signed by the  
1296 complainant, and legally sufficient. A complaint filed by a  
1297 state prisoner against a health care practitioner employed by or  
1298 otherwise providing health care services within a facility of  
1299 the Department of Corrections is not legally sufficient unless  
1300 there is a showing that the prisoner complainant has exhausted  
1301 all available administrative remedies within the state  
1302 correctional system before filing the complaint. However, if the  
1303 Department of Health determines after a preliminary inquiry of a  
1304 state prisoner's complaint that the practitioner may present a  
1305 serious threat to the health and safety of any individual who is  
1306 not a state prisoner, the Department of Health may determine  
1307 legal sufficiency and proceed with discipline. The Department of  
1308 Health shall be notified within 15 days after the Department of  
1309 Corrections disciplines or allows a health care practitioner to  
1310 resign for an offense related to the practice of his or her  
1311 profession. A complaint is legally sufficient if it contains  
1312 ultimate facts that show that a violation of this chapter, of  
1313 any of the practice acts relating to the professions regulated  
1314 by the department, or of any rule adopted by the department or a  
1315 regulatory board in the department has occurred. In order to  
1316 determine legal sufficiency, the department may require  
1317 supporting information or documentation. The department may  
1318 investigate, and the department or the appropriate board may  
1319 take appropriate final action on, a complaint even though the  
1320 original complainant withdraws it or otherwise indicates a

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1321 desire not to cause the complaint to be investigated or  
1322 prosecuted to completion. The department may investigate an  
1323 anonymous complaint if the complaint is in writing and is  
1324 legally sufficient, if the alleged violation of law or rules is  
1325 substantial, and if the department has reason to believe, after  
1326 preliminary inquiry, that the violations alleged in the  
1327 complaint are true. The department may investigate a complaint  
1328 made by a confidential informant if the complaint is legally  
1329 sufficient, if the alleged violation of law or rule is  
1330 substantial, and if the department has reason to believe, after  
1331 preliminary inquiry, that the allegations of the complainant are  
1332 true. The department may initiate an investigation if it has  
1333 reasonable cause to believe that a licensee or a group of  
1334 licensees has violated a Florida statute, a rule of the  
1335 department, or a rule of a board. Notwithstanding subsection  
1336 (13), the department may investigate information filed pursuant  
1337 to s. 456.041(4) relating to liability actions with respect to  
1338 practitioners licensed under chapter 458 or chapter 459 which  
1339 have been reported under s. 456.049 or s. 627.912 within the  
1340 previous 6 years for any paid claim that exceeds \$50,000. ~~Except~~  
1341 ~~as provided in ss. 458.331(9), 459.015(9), 460.413(5), and~~  
1342 ~~461.013(6),~~ When an investigation of any subject is undertaken,  
1343 the department shall promptly furnish to the subject or the  
1344 subject's attorney a copy of the complaint or document that  
1345 resulted in the initiation of the investigation. The subject may  
1346 submit a written response to the information contained in such  
1347 complaint or document within 30 ~~20~~ days after service to the  
1348 subject of the complaint or document. The subject's written

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1349 response shall be considered by the probable cause panel. The  
1350 right to respond does not prohibit the issuance of a summary  
1351 emergency order if necessary to protect the public. However, if  
1352 the secretary, or the secretary's designee, and the chair of the  
1353 respective board or the chair of its probable cause panel agree  
1354 in writing that such notification would be detrimental to the  
1355 investigation, the department may withhold notification. The  
1356 department may conduct an investigation without notification to  
1357 any subject if the act under investigation is a criminal  
1358 offense.

1359 Section 36. Section 456.42, Florida Statutes, is amended  
1360 to read:

1361 456.42 Written prescriptions for medicinal drugs.--A  
1362 written prescription for a medicinal drug issued by a health  
1363 care practitioner licensed by law to prescribe such drug must be  
1364 legibly printed or typed so as to be capable of being understood  
1365 by the pharmacist filling the prescription; must contain the  
1366 name of the prescribing practitioner, the name and strength of  
1367 the drug prescribed, the quantity of the drug prescribed in both  
1368 textual and numerical formats, and the directions for use of the  
1369 drug; must be dated with the month written out or abbreviated in  
1370 textual letters; and must be signed by the prescribing  
1371 practitioner on the day when issued.

1372 Section 37. Paragraphs (b) and (c) of subsection (2) of  
1373 section 457.105, Florida Statutes, are amended, and subsection  
1374 (3) is added to said section, to read:

1375 457.105 Licensure qualifications and fees.--

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1376 (2) A person may become licensed to practice acupuncture  
1377 if the person applies to the department and:

1378 (b) Has completed 60 college credits from an accredited  
1379 postsecondary institution as a prerequisite to enrollment and  
1380 completion of an authorized ~~in an authorized 3-year course of~~  
1381 ~~study in acupuncture and oriental medicine, and has completed a~~  
1382 ~~3-year course of study in acupuncture and oriental medicine, and~~  
1383 ~~effective July 31, 2001, a 4-year course of study in acupuncture~~  
1384 ~~and oriental medicine, which meets standards established by the~~  
1385 ~~board by rule, which standards include, but are not limited to,~~  
1386 ~~successful completion of academic courses in western anatomy,~~  
1387 ~~western physiology, western pathology, western biomedical~~  
1388 ~~terminology, first aid, and cardiopulmonary resuscitation (CPR).~~  
1389 However, any person who enrolled in an authorized course of  
1390 study in acupuncture before August 1, 1997, must have completed  
1391 only a 2-year course of study which meets standards established  
1392 by the board by rule, which standards must include, but are not  
1393 limited to, successful completion of academic courses in western  
1394 anatomy, western physiology, and western pathology.  
1395 Additionally, any person who enrolled in an authorized 3-year  
1396 course of study in acupuncture and oriental medicine prior to  
1397 July 31, 2001, must have completed 60 college credits from an  
1398 accredited postsecondary institution as a prerequisite to  
1399 enrollment in an authorized 3-year course of study in  
1400 acupuncture and oriental medicine, and completed a 3-year course  
1401 of study in acupuncture and oriental medicine which meets  
1402 standards established by the board by rule;

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1403 (c) Has successfully completed a board-approved national  
1404 certification process, is actively licensed in a state that has  
1405 examination requirements that are substantially equivalent to or  
1406 more stringent than those of this state, or passes the national  
1407 ~~an~~ examination approved administered by the board department,  
1408 which examination tests the applicant's competency and knowledge  
1409 of the practice of acupuncture and oriental medicine. At the  
1410 request of any applicant, oriental nomenclature for the points  
1411 shall be used in the examination. The examination shall include  
1412 a practical examination of the knowledge and skills required to  
1413 practice modern and traditional acupuncture and oriental  
1414 medicine, covering diagnostic and treatment techniques and  
1415 procedures; and

1416 (3) Notwithstanding the provisions of s. 120.60(1), upon  
1417 receipt of an application for a license, the board shall examine  
1418 the application and, within 30 days after such receipt, notify  
1419 the applicant of any apparent errors or omissions and request  
1420 any additional information the board is permitted by law to  
1421 require. Within 30 days after receipt of such additional  
1422 information, the board shall review the information and may  
1423 request additional information needed to clarify such additional  
1424 information or to answer new questions raised by or directly  
1425 related to such additional information. When appropriate, the  
1426 board may require the results of an evaluation through the  
1427 Professionals Resource Network as additional information,  
1428 clarifying information, or as the answer to new questions raised  
1429 by or directly related to information submitted by an applicant.  
1430 The department shall not deny a license for failure to correct

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1431 an error or omission or to supply additional information,  
1432 provide clarifying information, or answer new questions raised  
1433 by or directly related to additional information unless the  
1434 department timely notifies the applicant within the appropriate  
1435 30-day period. An application shall be considered complete upon  
1436 receipt of all requested information and correction of any error  
1437 or omission for which the applicant is timely notified or when  
1438 the time for such notification has expired. Each application for  
1439 a license shall be approved or denied within 90 days after  
1440 receipt of a completed application unless a shorter period of  
1441 time for department action is provided by law. The 90-day time  
1442 period shall be tolled by the initiation of a proceeding under  
1443 ss. 120.569 and 120.57. An application for a license must be  
1444 approved or denied within the 90-day or shorter time period,  
1445 within 15 days after the conclusion of a public hearing held on  
1446 the application, or within 45 days after a recommended order is  
1447 submitted to the department and the parties, whichever is later.  
1448 The board must approve any application for a license or an  
1449 examination required for licensure if the board has not approved  
1450 or denied the application within the time periods prescribed by  
1451 this subsection.

1452 Section 38. Section 457.107, Florida Statutes, is amended  
1453 to read:

1454 457.107 Renewal of licenses; continuing education.--

1455 (1) The department shall renew a license upon receipt of  
1456 the renewal application and the required fee set by the board by  
1457 rule, not to exceed \$500.

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1458 (2) The department shall adopt rules establishing a  
1459 procedure for the biennial renewal of licenses.

1460 (3) The board shall by rule prescribe continuing education  
1461 requirements, not to exceed 30 hours biennially, as a condition  
1462 for renewal of a license. ~~All education programs that contribute~~  
1463 ~~to the advancement, extension, or enhancement of professional~~  
1464 ~~skills and knowledge related to the practice of acupuncture,~~  
1465 ~~whether conducted by a nonprofit or profitmaking entity, are~~  
1466 ~~eligible for approval.~~ The continuing professional education  
1467 requirements must be in acupuncture or oriental medicine  
1468 subjects, including, but not limited to, anatomy, biological  
1469 sciences, adjunctive therapies, sanitation and sterilization,  
1470 emergency protocols, and diseases. The board may adopt rules  
1471 establishing standards for the approval of providers of  
1472 continuing education activities. The board shall have the  
1473 authority to set a fee, not to exceed \$100, for each continuing  
1474 education provider. The licensee shall retain in his or her  
1475 records the certificates of completion of continuing  
1476 professional education requirements to prove compliance with  
1477 this subsection. The board may request the ~~such~~ documentation  
1478 without cause from applicants who are selected at random. All  
1479 national and state acupuncture and oriental medicine  
1480 organizations and acupuncture and oriental medicine schools are  
1481 approved to provide continuing professional education in  
1482 accordance with this subsection.

1483 Section 39. Paragraph (c) of subsection (1) of section  
1484 457.109, Florida Statutes, is amended to read:

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1485 457.109 Disciplinary actions; grounds; action by the  
1486 board.--

1487 (1) The following acts constitute grounds for denial of a  
1488 license or disciplinary action, as specified in s. 456.072(2):

1489 (c) Being convicted or found guilty of, or entering a plea  
1490 of nolo contendere to, regardless of adjudication, in a court of  
1491 this state or other ~~any~~ jurisdiction, ~~of~~ a crime which directly  
1492 relates to the practice of acupuncture or to the ability to  
1493 practice acupuncture. ~~Any plea of nolo contendere shall be~~  
1494 ~~considered a conviction for purposes of this chapter.~~

1495 Section 40. Section 458.303, Florida Statutes, is amended  
1496 to read:

1497 458.303 Provisions not applicable to other practitioners;  
1498 exceptions, etc.--

1499 (1) The provisions of ss. 458.301, 458.303, 458.305,  
1500 458.307, 458.309, 458.311, ~~458.313,~~ 458.315, ~~458.317,~~ 458.319,  
1501 458.321, 458.327, 458.329, 458.331, 458.337, 458.339, 458.341,  
1502 458.343, 458.345, and 458.347 shall have no application to:

1503 (a) Other duly licensed health care practitioners acting  
1504 within their scope of practice authorized by statute.

1505 (b) Any physician lawfully licensed in another state or  
1506 territory or foreign country, when meeting duly licensed  
1507 physicians of this state in consultation.

1508 (c) Commissioned medical officers of the Armed Forces of  
1509 the United States and of the Public Health Service of the United  
1510 States while on active duty and while acting within the scope of  
1511 their military or public health responsibilities.

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1512 (d) Any person while actually serving without salary or  
1513 professional fees on the resident medical staff of a hospital in  
1514 this state, subject to the provisions of s. 458.321.

1515 (e) Any person furnishing medical assistance in case of an  
1516 emergency.

1517 (f) The domestic administration of recognized family  
1518 remedies.

1519 (g) The practice of the religious tenets of any church in  
1520 this state.

1521 (h) Any person or manufacturer who, without the use of  
1522 drugs or medicine, mechanically fits or sells lenses, artificial  
1523 eyes or limbs, or other apparatus or appliances or is engaged in  
1524 the mechanical examination of eyes for the purpose of  
1525 constructing or adjusting spectacles, eyeglasses, or lenses.

1526 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.  
1527 458.307, s. 458.309, s. 458.311, ~~s. 458.313~~, s. 458.319, s.  
1528 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.  
1529 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall  
1530 be construed to prohibit any service rendered by a registered  
1531 nurse or a licensed practical nurse, if such service is rendered  
1532 under the direct supervision and control of a licensed physician  
1533 who provides specific direction for any service to be performed  
1534 and gives final approval to all services performed. Further,  
1535 nothing in this or any other chapter shall be construed to  
1536 prohibit any service rendered by a medical assistant in  
1537 accordance with the provisions of s. 458.3485.

1538 Section 41. Section 458.311, Florida Statutes, is amended  
1539 to read:

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1540       (Substantial rewording of section. See  
1541       s. 458.311, F.S., for present text.)  
1542       458.311 Licensure; requirements; fees.--  
1543       (1) Any person desiring to be licensed as a physician  
1544       shall apply to the department on forms furnished by the  
1545       department. The department shall license each applicant who the  
1546       board certifies has met the provisions of this section.  
1547       (2) Each applicant must demonstrate that he or she:  
1548       (a) Has completed the application form and remitted a  
1549       nonrefundable application fee not to exceed \$500.  
1550       (b) Is at least 21 years of age.  
1551       (c) Is of good moral character.  
1552       (d) Has not committed any act or offense in this or any  
1553       other jurisdiction which would constitute grounds for discipline  
1554       pursuant to s. 458.331.  
1555       (e) Has submitted to the department a set of fingerprints  
1556       on a form and under procedures specified by the department,  
1557       along with a payment in an amount equal to the costs incurred by  
1558       the department for the criminal history check of the applicant.  
1559       (f) Has submitted to the department core credentials  
1560       verified by the Federation Credentials Verification Service of  
1561       the Federation of State Medical Boards.  
1562       (g) For an applicant holding a valid active license in  
1563       another state, has submitted evidence of the active licensed  
1564       practice of medicine in another jurisdiction for at least 2 of  
1565       the immediately preceding 4 years or evidence of successful  
1566       completion of either a board-approved postgraduate training  
1567       program within 2 years preceding filing of an application or a

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1568 board-approved clinical competency examination within the year  
1569 preceding the filing of an application for licensure. For  
1570 purposes of this paragraph, "active licensed practice of  
1571 medicine" means that practice of medicine by physicians,  
1572 including those employed by any governmental entity in community  
1573 health or public health, as defined by this chapter, those  
1574 designated as medical directors under s. 641.495(11) who are  
1575 practicing medicine, and those on the active teaching faculty of  
1576 an accredited medical school. If the applicant fails to meet the  
1577 requirements of this paragraph, the board may impose conditions  
1578 on the license, including, but not limited to, supervision of  
1579 practice.

1580 (3) Each applicant must demonstrate that he or she:

1581 (a) Is a graduate of an allopathic medical school or  
1582 allopathic college recognized and approved by an accrediting  
1583 agency recognized by the United States Department of Education  
1584 or is a graduate of an allopathic medical school or allopathic  
1585 college within a territorial jurisdiction of the United States  
1586 recognized by the accrediting agency of the governmental body of  
1587 that jurisdiction; or

1588 (b) Is a graduate of an allopathic international medical  
1589 school registered with the World Health Organization and has had  
1590 his or her medical credentials evaluated by the Educational  
1591 Commission for Foreign Medical Graduates, holds an active, valid  
1592 certificate issued by that commission, and has passed the  
1593 examination utilized by that commission. However, a graduate of  
1594 an international medical school need not present the certificate  
1595 issued by the Educational Commission for Foreign Medical

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1596 Graduates or pass the examination utilized by that commission if  
1597 the graduate has:

1598 1. Received a bachelor's degree from an accredited United  
1599 States college or university.

1600 2. Studied at a medical school which is recognized by the  
1601 World Health Organization.

1602 3. Completed all of the formal requirements of the  
1603 international medical school, except the internship or social  
1604 service requirements, and passed part I of the National Board of  
1605 Medical Examiners examination or the Educational Commission for  
1606 Foreign Medical Graduates examination equivalent.

1607 4. Completed an academic year of supervised clinical  
1608 training in a hospital affiliated with a medical school approved  
1609 by the Council on Medical Education of the American Medical  
1610 Association and, upon completion, passed part II of the National  
1611 Board of Medical Examiners examination or the Educational  
1612 Commission for Foreign Medical Graduates examination equivalent.

1613 (4) Each applicant must demonstrate that he or she has  
1614 completed an Accreditation Council for Graduate Medical  
1615 Education (ACGME) approved residency, as defined by board rule,  
1616 of at least 2 years, or a fellowship of at least 2 years in one  
1617 specialty area which is counted toward regular or subspecialty  
1618 certification by a board recognized and certified by the  
1619 American Board of Medical Specialties. However, applicants who  
1620 meet the requirements of paragraph (3)(a) who completed their  
1621 training prior to October 1, 2003, must demonstrate completion  
1622 of at least 1 year of an approved residency.

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1623 (5)(a) Each applicant must demonstrate that he or she has  
1624 complied with one of the following examination requirements:

1625 1. Prior to January 1, 2000, has obtained a passing score,  
1626 as established by board rule, on the licensure examination of  
1627 the National Board of Medical Examiners (NBME), the licensure  
1628 examination of the Federation of State Medical Boards of the  
1629 United States, Inc. (FLEX), the United States Medical Licensing  
1630 Examination (USMLE), or a combination thereof;

1631 2. On or after January 1, 2000, has obtained a passing  
1632 score on all three steps of the United States Medical Licensing  
1633 Examination (USMLE); or

1634 3. Has obtained a passing score on a state board  
1635 examination or the Canadian licensing examination (LLMCC) if the  
1636 applicant has a current active license in at least one other  
1637 jurisdiction of the United States or Canada and has practiced  
1638 pursuant to such licensure continuously for the immediately  
1639 preceding 10 years without encumbrance on the license.

1640 (b) As prescribed by board rule, the board may require an  
1641 applicant who does not pass any step of the national licensing  
1642 examination after five attempts to complete additional remedial  
1643 education or training.

1644 (c) As prescribed by board rule, the board may require an  
1645 applicant who does not pass all the steps of the United States  
1646 Medical Licensing Examination (USMLE) within 7 years to complete  
1647 additional remedial education or training or to retake the step  
1648 of the examination which the applicant first passed.

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1649       (6) The department and the board shall ensure through an  
1650 investigative process that applicants for licensure meet the  
1651 criteria of this section.

1652       (7) The board may not certify to the department for  
1653 licensure any applicant who is under investigation in another  
1654 jurisdiction for an offense which would constitute a violation  
1655 of this chapter until such investigation is completed. Upon  
1656 completion of the investigation, the provisions of s. 458.331  
1657 shall apply. Furthermore, the department may not issue an  
1658 unrestricted license to any individual who has committed any act  
1659 or offense in any jurisdiction which would constitute the basis  
1660 for disciplining a physician pursuant to s. 458.331. When the  
1661 board finds that an individual has committed an act or offense  
1662 in any jurisdiction which would constitute the basis for  
1663 disciplining a physician pursuant to s. 458.331, the board may  
1664 enter an order imposing one or more of the terms set forth in s.  
1665 456.072(2).

1666       (8) The board may adopt rules pursuant to ss. 120.536(1)  
1667 and 120.54 necessary to carry out the provisions of this  
1668 section, which shall be applied on a uniform and consistent  
1669 basis.

1670       (9) When the board determines that any applicant for  
1671 licensure has failed to meet, to the board's satisfaction, each  
1672 of the appropriate requirements set forth in this section, it  
1673 may enter an order requiring one or more of the following terms:

1674       (a) Refusal to certify to the department an application  
1675 for licensure, certification, or registration;

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1676 (b) Certification to the department of an application for  
1677 licensure, certification, or registration with restrictions on  
1678 the scope of practice of the licensee; or

1679 (c) Certification to the department of an application for  
1680 licensure, certification, or registration with placement of the  
1681 physician on probation for a period of time and subject to such  
1682 conditions as the board may specify, including, but not limited  
1683 to, requiring the physician to submit to treatment, attend  
1684 continuing education courses, submit to reexamination, or work  
1685 under the supervision of another physician.

1686 Section 42. Subsection (5) of section 458.3124, Florida  
1687 Statutes, is amended to read:

1688 458.3124 Restricted license; certain experienced foreign-  
1689 trained physicians.--

1690 (5) Notwithstanding s. 458.311(3) and (4)~~(1)(f)~~, a person  
1691 who successfully meets the requirements of this section and who  
1692 successfully passes Step III of the United States Medical  
1693 Licensing Examination is eligible for full licensure as a  
1694 physician.

1695 Section 43. Section 458.315, Florida Statutes, is amended  
1696 to read:

1697 (Substantial rewording of section. See  
1698 s. 458.315, F.S., for present text.)

1699 458.315 Limited licenses.--

1700 (1) Any person desiring to obtain a limited license shall  
1701 apply to the department on forms furnished by the department.  
1702 The department shall license each applicant who the board  
1703 certifies:

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1704       (a) Has submitted to the department, with an application  
1705 and fee not to exceed \$300, a statement that he or she has been  
1706 licensed to practice medicine in any jurisdiction or territory  
1707 of the United States or Canada for at least 2 years and intends  
1708 to practice only pursuant to the restrictions of a limited  
1709 license granted pursuant to this section. However, if the  
1710 physician will only use the limited license for noncompensated  
1711 practice and submits a statement from the employing agency or  
1712 institution stating that he or she will not receive compensation  
1713 for any service involving the practice of medicine, the  
1714 application fee and all licensure fees shall be waived.

1715       (b) Has submitted evidence of the active licensed practice  
1716 of medicine in any jurisdiction or territory of the United  
1717 States or Canada for at least 2 of the immediately preceding 4  
1718 years. For purposes of this paragraph, "active licensed practice  
1719 of medicine" means that practice of medicine by physicians,  
1720 including those employed by any governmental entity in community  
1721 health or public health, as defined by this chapter, those  
1722 designated as medical directors under s. 641.495(11) who are  
1723 practicing medicine, and those on the active teaching faculty of  
1724 an accredited medical school. If it has been more than 3 years  
1725 since active practice was conducted by the applicant, a licensed  
1726 physician approved by the board shall supervise the applicant  
1727 for a period of 6 months after he or she is granted a limited  
1728 license for practice, unless the board determines that a shorter  
1729 period of supervision will be sufficient to ensure that the  
1730 applicant is qualified for licensure. Procedures for such  
1731 supervision shall be established by the board.

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1732 (c) Has submitted to the department a set of fingerprints  
1733 on a form and under procedures by the department for the  
1734 criminal history check of the applicant.

1735 (d) Has not committed any act or offense in this or any  
1736 other jurisdiction which would constitute the basis for  
1737 disciplining a physician pursuant to s. 458.331.

1738 (2) After approval of an application under this section, a  
1739 limited license may not be issued until the applicant provides  
1740 to the board an affidavit that there have been no substantial  
1741 changes in his or her status since initial application.

1742 (3) The recipient of a limited license used for  
1743 noncompensated practice shall only practice in the employ of  
1744 programs or facilities that provide uncompensated health care  
1745 services by volunteer licensed health care professionals to low-  
1746 income persons whose family income does not exceed 120 percent  
1747 of the federal poverty level or to uninsured persons. These  
1748 facilities shall include, but not be limited to, the department,  
1749 community and migrant health centers funded under 42 U.S.C.  
1750 300ff-52, and volunteer health care provider programs contracted  
1751 with the department to provide uncompensated care under the  
1752 provisions of s. 766.1115.

1753 (4) The recipient of a limited license used for  
1754 compensated practice shall only practice in the employ of  
1755 certain programs and facilities that provide health care  
1756 services and are located within federally designated primary  
1757 care health professional shortage areas, unless otherwise  
1758 approved by the Secretary of Health. These programs and  
1759 facilities shall include, but not be limited to, the department,

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1760 the Department of Corrections, county or municipal correctional  
1761 facilities, the Department of Juvenile Justice, the Department  
1762 of Children and Family Services, and those programs and  
1763 facilities funded under 42 U.S.C. 300ff-52.

1764 (5) The recipient of a limited license shall, within 30  
1765 days after accepting employment, notify the board of all  
1766 approved institutions in which the licensee practices and all  
1767 approved institutions in which the licensee's practice  
1768 privileges have been denied. Evidence of noncompensated  
1769 employment shall be required for the fee waiver under paragraph  
1770 (1)(a).

1771 (6) Upon renewal of a limited license, a limited  
1772 licenseholder shall, in addition to complying with other  
1773 applicable provisions of this chapter, document compliance with  
1774 the restrictions prescribed in this section.

1775 (7) Any person holding an active or inactive license to  
1776 practice medicine in the state may convert that license to a  
1777 limited license for the purpose of providing volunteer,  
1778 uncompensated care for low-income Floridians. The licensee must  
1779 submit a statement from the employing agency or institution  
1780 stating that he or she will not receive compensation for any  
1781 service involving the practice of medicine. All licensure fees,  
1782 including neurological injury compensation assessments, shall be  
1783 waived.

1784 (8) Nothing in this section limits in any way any policy  
1785 by the board otherwise authorized by law to grant licenses to  
1786 physicians duly licensed in other states under conditions less  
1787 restrictive than the requirements of this section.

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1788  
1789 Notwithstanding any other provision of this section, the board  
1790 may refuse to authorize a physician otherwise qualified to  
1791 practice in the employ of any agency or institution otherwise  
1792 qualified if the agency or institution has caused or permitted  
1793 violations of the provisions of this chapter which it knew or  
1794 should have known were occurring.

1795       Section 44. Subsection (4) of section 458.319, Florida  
1796 Statutes, is amended to read:

1797       458.319 Renewal of license.--

1798       (4) ~~Notwithstanding the provisions of s. 456.033,~~ A  
1799 physician may complete continuing education on end-of-life care  
1800 and palliative care in lieu of continuing education in AIDS/HIV,  
1801 if that physician has completed the AIDS/HIV continuing  
1802 education in the immediately preceding biennium.

1803       Section 45. Paragraph (c) of subsection (5) of section  
1804 458.320, Florida Statutes, is amended to read:

1805       458.320 Financial responsibility.--

1806       (5) The requirements of subsections (1), (2), and (3) do  
1807 not apply to:

1808       (c) Any person holding a limited license pursuant to s.  
1809 458.315 ~~458.317~~ and practicing under the scope of such limited  
1810 license.

1811       Section 46. Subsection (9) of section 458.331, Florida  
1812 Statutes, is amended to read:

1813       458.331 Grounds for disciplinary action; action by the  
1814 board and department.--

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HOUSE AMENDMENT

Bill No. CS/CS/SB 2170

Amendment No. (for drafter's use only)

1815           (9) When an investigation of a physician is undertaken,  
1816 the department shall promptly furnish to the physician or the  
1817 physician's attorney a copy of the complaint or document which  
1818 resulted in the initiation of the investigation. For purposes of  
1819 this subsection, such documents include, but are not limited to:  
1820 the pertinent portions of an annual report submitted to the  
1821 department pursuant to s. 395.0197(6); a report of an adverse  
1822 incident which is provided to the department pursuant to s.  
1823 395.0197; a report of peer review disciplinary action submitted  
1824 to the department pursuant to s. 395.0193(4) or s. 458.337,  
1825 providing that the investigations, proceedings, and records  
1826 relating to such peer review disciplinary action shall continue  
1827 to retain their privileged status even as to the licensee who is  
1828 the subject of the investigation, as provided by ss. 395.0193(8)  
1829 and 458.337(3); a report of a closed claim submitted pursuant to  
1830 s. 627.912; a presuit notice submitted pursuant to s.  
1831 766.106(2); and a petition brought under the Florida Birth-  
1832 Related Neurological Injury Compensation Plan, pursuant to s.  
1833 766.305(2). The physician may submit a written response to the  
1834 information contained in the complaint or document which  
1835 resulted in the initiation of the investigation within 30 ~~45~~  
1836 days after service to the physician of the complaint or  
1837 document. The physician's written response shall be considered  
1838 by the probable cause panel.

1839           Section 47. Paragraph (c) of subsection (1) of section  
1840 458.345, Florida Statutes, is amended to read:

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1841 458.345 Registration of resident physicians, interns, and  
1842 fellows; list of hospital employees; prescribing of medicinal  
1843 drugs; penalty.--

1844 (1) Any person desiring to practice as a resident  
1845 physician, assistant resident physician, house physician,  
1846 intern, or fellow in fellowship training which leads to  
1847 subspecialty board certification in this state, or any person  
1848 desiring to practice as a resident physician, assistant resident  
1849 physician, house physician, intern, or fellow in fellowship  
1850 training in a teaching hospital in this state as defined in s.  
1851 408.07(44) or s. 395.805(2), who does not hold a valid, active  
1852 license issued under this chapter shall apply to the department  
1853 to be registered and shall remit a fee not to exceed \$300 as set  
1854 by the board. The department shall register any applicant the  
1855 board certifies has met the following requirements:

1856 (c) Is a graduate of a medical school or college as  
1857 specified in s. 458.311(3)(1)(f).

1858 Section 48. Paragraphs (b), (c), (d), (e), (f), and (g) of  
1859 subsection (7) of section 458.347, Florida Statutes, are amended  
1860 to read:

1861 458.347 Physician assistants.--

1862 (7) PHYSICIAN ASSISTANT LICENSURE.--

1863 ~~(b)1. Notwithstanding subparagraph (a)2. and sub-~~  
1864 ~~subparagraph (a)3.a., the department shall examine each~~  
1865 ~~applicant who the Board of Medicine certifies:~~

1866 ~~a. Has completed the application form and remitted a~~  
1867 ~~nonrefundable application fee not to exceed \$500 and an~~  
1868 ~~examination fee not to exceed \$300, plus the actual cost to the~~

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1869 | ~~department to provide the examination. The examination fee is~~  
1870 | ~~refundable if the applicant is found to be ineligible to take~~  
1871 | ~~the examination. The department shall not require the applicant~~  
1872 | ~~to pass a separate practical component of the examination. For~~  
1873 | ~~examinations given after July 1, 1998, competencies measured~~  
1874 | ~~through practical examinations shall be incorporated into the~~  
1875 | ~~written examination through a multiple choice format. The~~  
1876 | ~~department shall translate the examination into the native~~  
1877 | ~~language of any applicant who requests and agrees to pay all~~  
1878 | ~~costs of such translation, provided that the translation request~~  
1879 | ~~is filed with the board office no later than 9 months before the~~  
1880 | ~~scheduled examination and the applicant remits translation fees~~  
1881 | ~~as specified by the department no later than 6 months before the~~  
1882 | ~~scheduled examination, and provided that the applicant~~  
1883 | ~~demonstrates to the department the ability to communicate orally~~  
1884 | ~~in basic English. If the applicant is unable to pay translation~~  
1885 | ~~costs, the applicant may take the next available examination in~~  
1886 | ~~English if the applicant submits a request in writing by the~~  
1887 | ~~application deadline and if the applicant is otherwise eligible~~  
1888 | ~~under this section. To demonstrate the ability to communicate~~  
1889 | ~~orally in basic English, a passing score or grade is required,~~  
1890 | ~~as determined by the department or organization that developed~~  
1891 | ~~it, on the test for spoken English (TSE) by the Educational~~  
1892 | ~~Testing Service (ETS), the test of English as a foreign language~~  
1893 | ~~(TOEFL) by ETS, a high school or college level English course,~~  
1894 | ~~or the English examination for citizenship, Immigration and~~  
1895 | ~~Naturalization Service. A notarized copy of an Educational~~  
1896 | ~~Commission for Foreign Medical Graduates (ECFMG) certificate may~~

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1897 ~~also be used to demonstrate the ability to communicate in basic~~  
1898 ~~English; and~~

1899 ~~b.(I) Is an unlicensed physician who graduated from a~~  
1900 ~~foreign medical school listed with the World Health Organization~~  
1901 ~~who has not previously taken and failed the examination of the~~  
1902 ~~National Commission on Certification of Physician Assistants and~~  
1903 ~~who has been certified by the Board of Medicine as having met~~  
1904 ~~the requirements for licensure as a medical doctor by~~  
1905 ~~examination as set forth in s. 458.311(1), (3), (4), and (5),~~  
1906 ~~with the exception that the applicant is not required to have~~  
1907 ~~completed an approved residency of at least 1 year and the~~  
1908 ~~applicant is not required to have passed the licensing~~  
1909 ~~examination specified under s. 458.311 or hold a valid, active~~  
1910 ~~certificate issued by the Educational Commission for Foreign~~  
1911 ~~Medical Graduates; was eligible and made initial application for~~  
1912 ~~certification as a physician assistant in this state between~~  
1913 ~~July 1, 1990, and June 30, 1991; and was a resident of this~~  
1914 ~~state on July 1, 1990, or was licensed or certified in any state~~  
1915 ~~in the United States as a physician assistant on July 1, 1990;~~  
1916 ~~or~~

1917 ~~(II) Completed all coursework requirements of the Master~~  
1918 ~~of Medical Science Physician Assistant Program offered through~~  
1919 ~~the Florida College of Physician's Assistants prior to its~~  
1920 ~~closure in August of 1996. Prior to taking the examination, such~~  
1921 ~~applicant must successfully complete any clinical rotations that~~  
1922 ~~were not completed under such program prior to its termination~~  
1923 ~~and any additional clinical rotations with an appropriate~~  
1924 ~~physician assistant preceptor, not to exceed 6 months, that are~~

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1925 ~~determined necessary by the council. The boards shall determine,~~  
1926 ~~based on recommendations from the council, the facilities under~~  
1927 ~~which such incomplete or additional clinical rotations may be~~  
1928 ~~completed and shall also determine what constitutes successful~~  
1929 ~~completion thereof, provided such requirements are comparable to~~  
1930 ~~those established by accredited physician assistant programs.~~

1931 ~~This sub-sub-subparagraph is repealed July 1, 2001.~~

1932       ~~2. The department may grant temporary licensure to an~~  
1933 ~~applicant who meets the requirements of subparagraph 1. Between~~  
1934 ~~meetings of the council, the department may grant temporary~~  
1935 ~~licensure to practice based on the completion of all temporary~~  
1936 ~~licensure requirements. All such administratively issued~~  
1937 ~~licenses shall be reviewed and acted on at the next regular~~  
1938 ~~meeting of the council. A temporary license expires 30 days~~  
1939 ~~after receipt and notice of scores to the licenseholder from the~~  
1940 ~~first available examination specified in subparagraph 1.~~  
1941 ~~following licensure by the department. An applicant who fails~~  
1942 ~~the proficiency examination is no longer temporarily licensed,~~  
1943 ~~but may apply for a one-time extension of temporary licensure~~  
1944 ~~after reapplying for the next available examination. Extended~~  
1945 ~~licensure shall expire upon failure of the licenseholder to sit~~  
1946 ~~for the next available examination or upon receipt and notice of~~  
1947 ~~scores to the licenseholder from such examination.~~

1948       ~~3. Notwithstanding any other provision of law, the~~  
1949 ~~examination specified pursuant to subparagraph 1. shall be~~  
1950 ~~administered by the department only five times. Applicants~~  
1951 ~~certified by the board for examination shall receive at least 6~~  
1952 ~~months' notice of eligibility prior to the administration of the~~

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1953 ~~initial examination. Subsequent examinations shall be~~  
1954 ~~administered at 1-year intervals following the reporting of the~~  
1955 ~~scores of the first and subsequent examinations. For the~~  
1956 ~~purposes of this paragraph, the department may develop, contract~~  
1957 ~~for the development of, purchase, or approve an examination that~~  
1958 ~~adequately measures an applicant's ability to practice with~~  
1959 ~~reasonable skill and safety. The minimum passing score on the~~  
1960 ~~examination shall be established by the department, with the~~  
1961 ~~advice of the board. Those applicants failing to pass that~~  
1962 ~~examination or any subsequent examination shall receive notice~~  
1963 ~~of the administration of the next examination with the notice of~~  
1964 ~~scores following such examination. Any applicant who passes the~~  
1965 ~~examination and meets the requirements of this section shall be~~  
1966 ~~licensed as a physician assistant with all rights defined~~  
1967 ~~thereby.~~

1968 (b)~~(e)~~ The license must be renewed biennially. Each  
1969 renewal must include:

- 1970 1. A renewal fee not to exceed \$500 as set by the boards.  
1971 2. A sworn statement of no felony convictions in the  
1972 previous 2 years.

1973 (c)~~(d)~~ Each licensed physician assistant shall biennially  
1974 complete 100 hours of continuing medical education or shall hold  
1975 a current certificate issued by the National Commission on  
1976 Certification of Physician Assistants.

1977 (d)~~(e)~~ Upon employment as a physician assistant, a  
1978 licensed physician assistant must notify the department in  
1979 writing within 30 days after such employment or after any  
1980 subsequent changes in the supervising physician. The

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1981 notification must include the full name, Florida medical license  
1982 number, specialty, and address of the supervising physician.

1983 ~~(e)(f)~~ Notwithstanding subparagraph (a)2., the department  
1984 may grant a temporary license to a recent graduate of an  
1985 approved program, as specified in subsection (6), who expects to  
1986 take the first examination administered by the National  
1987 Commission on Certification of Physician Assistants available  
1988 for registration after the applicant's graduation, ~~a temporary~~  
1989 ~~license~~. The temporary license shall expire 1 year after the  
1990 date of graduation ~~30 days after receipt of scores of the~~  
1991 ~~proficiency examination administered by the National Commission~~  
1992 ~~on Certification of Physician Assistants~~. Between meetings of  
1993 the council, the department may grant a temporary license to  
1994 practice pursuant to this subsection ~~based on the completion of~~  
1995 ~~all temporary licensure requirements~~. All such administratively  
1996 issued licenses shall be reviewed and acted on at the next  
1997 regular meeting of the council. The recent graduate may be  
1998 licensed prior to employment, but must comply with paragraph (d)  
1999 ~~(e)~~. An applicant who has passed the National Commission on  
2000 Certification of Physician Assistants ~~proficiency~~ examination  
2001 may be granted permanent licensure. ~~An applicant failing the~~  
2002 ~~proficiency examination is no longer temporarily licensed, but~~  
2003 ~~may reapply for a 1-year extension of temporary licensure. An~~  
2004 ~~applicant may not be granted more than two temporary licenses~~  
2005 ~~and may not be licensed as a physician assistant until he or she~~  
2006 ~~passes the examination administered by the National Commission~~  
2007 ~~on Certification of Physician Assistants~~. As prescribed by board  
2008 rule, the council may require an applicant who does not pass the

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2009 | national licensing examination after five or more attempts to  
2010 | complete additional remedial education or training. The council  
2011 | shall prescribe the additional requirements in a manner that  
2012 | permits the applicant to complete the requirements and be  
2013 | reexamined within 2 years after the date the applicant petitions  
2014 | the council to retake the examination a sixth or subsequent  
2015 | time.

2016 |        ~~(f)~~~~(g)~~ The Board of Medicine may impose any of the  
2017 | penalties authorized under ss. 456.072 and 458.331(2) upon a  
2018 | physician assistant if the physician assistant or the  
2019 | supervising physician has been found guilty of or is being  
2020 | investigated for any act that constitutes a violation of this  
2021 | chapter or chapter 456.

2022 |        Section 49. Subsections (4) and (5) of section 459.008,  
2023 | Florida Statutes, are amended to read:

2024 |        459.008 Renewal of licenses and certificates.--

2025 |        (4) The board shall, by rule, prescribe continuing  
2026 | education programs and courses, not to exceed 40 hours  
2027 | biennially, as a condition for renewal of a license. Such  
2028 | programs and courses must build on the basic educational  
2029 | requirements for licensure as an osteopathic physician and must  
2030 | be approved by the board. Notwithstanding any other provision of  
2031 | law, the board, by rule, may mandate specific continuing medical  
2032 | education requirements and may approve, by rule, alternative  
2033 | methods of obtaining continuing education credits, including,  
2034 | but not limited to, attending a board meeting at which another  
2035 | licensee is disciplined, serving as a volunteer expert witness  
2036 | for the department in a disciplinary case, and serving as a

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2037 member of a probable cause panel following the expiration of a  
2038 board member's term.

2039 (5) ~~Notwithstanding the provisions of s. 456.033,~~ An  
2040 osteopathic physician may complete continuing education on end-  
2041 of-life and palliative care in lieu of continuing education in  
2042 AIDS/HIV, if that physician has completed the AIDS/HIV  
2043 continuing education in the immediately preceding biennium.

2044 Section 50. Subsection (9) of section 459.015, Florida  
2045 Statutes, is amended to read:

2046 459.015 Grounds for disciplinary action; action by the  
2047 board and department.--

2048 (9) When an investigation of an osteopathic physician is  
2049 undertaken, the department shall promptly furnish to the  
2050 osteopathic physician or his or her attorney a copy of the  
2051 complaint or document which resulted in the initiation of the  
2052 investigation. For purposes of this subsection, such documents  
2053 include, but are not limited to: the pertinent portions of an  
2054 annual report submitted to the department pursuant to s.  
2055 395.0197(6); a report of an adverse incident which is provided  
2056 to the department pursuant to s. 395.0197; a report of peer  
2057 review disciplinary action submitted to the department pursuant  
2058 to s. 395.0193(4) or s. 459.016, provided that the  
2059 investigations, proceedings, and records relating to such peer  
2060 review disciplinary action shall continue to retain their  
2061 privileged status even as to the licensee who is the subject of  
2062 the investigation, as provided by ss. 395.0193(8) and  
2063 459.016(3); a report of a closed claim submitted pursuant to s.  
2064 627.912; a presuit notice submitted pursuant to s. 766.106(2);

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2065 and a petition brought under the Florida Birth-Related  
2066 Neurological Injury Compensation Plan, pursuant to s.  
2067 766.305(2). The osteopathic physician may submit a written  
2068 response to the information contained in the complaint or  
2069 document which resulted in the initiation of the investigation  
2070 within 30 ~~45~~ days after service to the osteopathic physician of  
2071 the complaint or document. The osteopathic physician's written  
2072 response shall be considered by the probable cause panel.

2073 Section 51. Subsections (1), (2), and (5) of section  
2074 459.021, Florida Statutes, are amended to read:

2075 459.021 Registration of resident physicians, interns, and  
2076 fellows; list of hospital employees; penalty.--

2077 (1) Any person who holds a degree of Doctor of Osteopathic  
2078 Medicine from a college of osteopathic medicine recognized and  
2079 approved by the American Osteopathic Association who desires to  
2080 practice as a resident physician, assistant resident physician,  
2081 house physician, intern, or fellow in fellowship training which  
2082 leads to subspecialty board certification in this state, or any  
2083 person desiring to practice as a resident physician, assistant  
2084 resident physician, house physician, intern, or fellow in  
2085 fellowship training in a teaching hospital in this state as  
2086 defined in s. 408.07(44) or s. 395.805(2), who does not hold an  
2087 active license issued under this chapter shall apply to the  
2088 department to be registered, on an application provided by the  
2089 department, within 30 days prior to ~~of~~ commencing such a  
2090 training program and shall remit a fee not to exceed \$300 as set  
2091 by the board.

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2092 (2) Any person required to be registered under this  
2093 section shall renew such registration annually and shall remit a  
2094 renewal fee not to exceed \$300 as set by the board. Such  
2095 registration shall be terminated upon the registrant's receipt  
2096 of an active license issued under this chapter. No person shall  
2097 be registered under this section for an aggregate of more than 5  
2098 years, unless additional years are approved by the board.

2099 (5) It is a misdemeanor of the second degree, punishable  
2100 as provided in s. 775.082 or s. 775.083, for any hospital or  
2101 teaching hospital, and also for the superintendent,  
2102 administrator, and other person or persons having administrative  
2103 authority in such hospital to willfully:

2104 (a) ~~Fe~~ Employ the services in such hospital of any person  
2105 listed in subsection (3), unless such person is registered with  
2106 the department under the law or the holder of a license to  
2107 practice osteopathic medicine under this chapter.

2108 (b) ~~Fe~~ Fail to furnish to the department the list and  
2109 information required by subsection (3).

2110 Section 52. Paragraphs (c) and (d) of subsection (1) of  
2111 section 460.406, Florida Statutes, are amended and subsection  
2112 (5) is added to said section, to read:

2113 460.406 Licensure by examination.--

2114 (1) Any person desiring to be licensed as a chiropractic  
2115 physician shall apply to the department to take the licensure  
2116 examination. There shall be an application fee set by the board  
2117 not to exceed \$100 which shall be nonrefundable. There shall  
2118 also be an examination fee not to exceed \$500 plus the actual  
2119 per applicant cost to the department for purchase of portions of

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2120 the examination from the National Board of Chiropractic  
2121 Examiners or a similar national organization, which may be  
2122 refundable if the applicant is found ineligible to take the  
2123 examination. The department shall examine each applicant who the  
2124 board certifies has:

2125 (c) Submitted proof satisfactory to the department that he  
2126 or she is a graduate of or is within 6 months of graduating from  
2127 a chiropractic college which is accredited by or has status with  
2128 the Council on Chiropractic Education or its predecessor agency.  
2129 However, any applicant who is a graduate of a chiropractic  
2130 college that was initially accredited by the Council on  
2131 Chiropractic Education in 1995, who graduated from such college  
2132 within the 4 years immediately preceding such accreditation, and  
2133 who is otherwise qualified shall be eligible to take the  
2134 examination. No application for a license to practice  
2135 chiropractic medicine shall be denied solely because the  
2136 applicant is a graduate of a chiropractic college that  
2137 subscribes to one philosophy of chiropractic medicine as  
2138 distinguished from another.

2139 (d)1. For an applicant who has matriculated in a  
2140 chiropractic college prior to July 2, 1990, completed at least 2  
2141 years of residence college work, consisting of a minimum of one-  
2142 half the work acceptable for a bachelor's degree granted on the  
2143 basis of a 4-year period of study, in a college or university  
2144 accredited by an accrediting agency recognized and approved by  
2145 the United States Department of Education. However, prior to  
2146 being certified by the board to sit for the examination, each  
2147 applicant who has matriculated in a chiropractic college after

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2148 July 1, 1990, shall have been granted a bachelor's degree, based  
2149 upon 4 academic years of study, by a college or university  
2150 accredited by a regional accrediting agency which is a member of  
2151 the Council for Higher Education Accreditation or the United  
2152 States Department of Education, or by their successor  
2153 organizations ~~Commission on Recognition of Postsecondary~~  
2154 ~~Accreditation.~~

2155         2. Effective July 1, 2000, completed, prior to  
2156 matriculation in a chiropractic college, at least 3 years of  
2157 residence college work, consisting of a minimum of 90 semester  
2158 hours leading to a bachelor's degree in a liberal arts college  
2159 or university accredited by an accrediting agency recognized and  
2160 approved by the United States Department of Education. However,  
2161 prior to being certified by the board to sit for the  
2162 examination, each applicant who has matriculated in a  
2163 chiropractic college after July 1, 2000, shall have been granted  
2164 a bachelor's degree from an institution holding accreditation  
2165 for that degree from a regional accrediting agency which is  
2166 recognized by the United States Department of Education. The  
2167 applicant's chiropractic degree must consist of credits earned  
2168 in the chiropractic program and may not include academic credit  
2169 for courses from the bachelor's degree.

2170         (5) A student in a school or college of chiropractic  
2171 accredited by the Council on Chiropractic Education, or its  
2172 successors, in the final 6 months prior to his or her scheduled  
2173 graduation from the program may file an application pursuant to  
2174 subsection (1), take all examinations required for licensure,  
2175 submit a set of fingerprints, and pay all fees required for

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2176 | licensure. A chiropractic student who takes and successfully  
2177 | passes the licensure examinations and who otherwise meets all  
2178 | requirements for licensure as a chiropractic physician during  
2179 | his or her final 6 months of study must graduate and supply  
2180 | proof of graduation to the department before being certified for  
2181 | licensure pursuant to s. 460.406.

2182 |       Section 53. Subsection (5) of section 460.413, Florida  
2183 | Statutes, is amended to read:

2184 |       460.413 Grounds for disciplinary action; action by board  
2185 | or department.--

2186 |       (5) When an investigation of a chiropractic physician is  
2187 | undertaken, the department shall promptly furnish to the  
2188 | chiropractic physician or her or his attorney a copy of the  
2189 | complaint or document which resulted in the initiation of the  
2190 | investigation. The chiropractic physician may submit a written  
2191 | response to the information contained in such complaint or  
2192 | document within 30 ~~45~~ days after service to the chiropractic  
2193 | physician of the complaint or document. The chiropractic  
2194 | physician's written response shall be considered by the probable  
2195 | cause panel.

2196 |       Section 54. Subsection (6) of section 461.013, Florida  
2197 | Statutes, is amended to read:

2198 |       461.013 Grounds for disciplinary action; action by the  
2199 | board; investigations by department.--

2200 |       (6) When an investigation of a podiatric physician is  
2201 | undertaken, the department shall promptly furnish to the  
2202 | podiatric physician or her or his attorney a copy of the  
2203 | complaint or document which resulted in the initiation of the

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2204 investigation. The podiatric physician may submit a written  
2205 response to the information contained in such complaint or  
2206 document within 30 45 days after service to the podiatric  
2207 physician of the complaint or document. The podiatric  
2208 physician's written response shall be considered by the probable  
2209 cause panel.

2210 Section 55. Paragraph (b) of subsection (1) of section  
2211 463.006, Florida Statutes, is amended to read:

2212 463.006 Licensure and certification by examination.--

2213 (1) Any person desiring to be a licensed practitioner  
2214 pursuant to this chapter shall apply to the department to take  
2215 the licensure and certification examinations. The department  
2216 shall examine each applicant who the board determines has:

2217 (b) Submitted proof satisfactory to the department that  
2218 she or he:

2219 1. Is at least 18 years of age.

2220 2. Has graduated from an accredited school or college of  
2221 optometry approved by rule of the board.

2222 3. Is of good moral character.

2223 4. Has successfully completed at least 110 hours of  
2224 transcript-quality coursework and clinical training in general  
2225 and ocular pharmacology as determined by the board, at an  
2226 institution that:

2227 a. Has facilities for both didactic and clinical  
2228 instructions in pharmacology. ~~and~~

2229 b. Is accredited by a regional or professional accrediting  
2230 organization that is recognized and approved by the Council for  
2231 Higher Education ~~Commission on Recognition of Postsecondary~~

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2232 Accreditation or the United States Department of Education, or  
2233 by their successor organizations.

2234 5. Has completed at least 1 year of supervised experience  
2235 in differential diagnosis of eye disease or disorders as part of  
2236 the optometric training or in a clinical setting as part of the  
2237 optometric experience.

2238 Section 56. Subsection (4) of section 461.014, Florida  
2239 Statutes, is amended to read:

2240 461.014 Residency.--The board shall encourage and develop  
2241 podiatric residency programs in hospitals in this state and  
2242 shall establish such programs by the promulgation of rules,  
2243 subject to the following conditions:

2244 (4) Every hospital having a residency program shall  
2245 annually ~~semiannually~~, on ~~January 1~~ and July 1 of each year,  
2246 provide the board with a list of podiatric residents and such  
2247 other information as is required by the board.

2248 Section 57. Paragraph (a) of subsection (4) of section  
2249 464.0205, Florida Statutes, is amended to read:

2250 464.0205 Retired volunteer nurse certificate.--

2251 (4) A retired volunteer nurse receiving certification from  
2252 the board shall:

2253 (a) Work under the direct supervision of the director of a  
2254 county health department, a physician working under a limited  
2255 license issued pursuant to s. 458.315 ~~458.317~~ or s. 459.0075, a  
2256 physician licensed under chapter 458 or chapter 459, an advanced  
2257 registered nurse practitioner certified under s. 464.012, or a  
2258 registered nurse licensed under s. 464.008 or s. 464.009.

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2259 Section 58. Subsection (6) is added to section 464.201,  
2260 Florida Statutes, to read:

2261 464.201 Definitions.--As used in this part, the term:

2262 (6) "Practice of a certified nursing assistant" means  
2263 providing care and assisting persons with tasks relating to the  
2264 activities of daily living. Such tasks are those associated with  
2265 personal care, maintaining mobility, nutrition and hydration,  
2266 toileting and elimination, assistive devices, safety and  
2267 cleanliness, data gathering, reporting abnormal signs and  
2268 symptoms, postmortem care, patient socialization and reality  
2269 orientation, end-of-life care, cardiopulmonary resuscitation and  
2270 emergency care, residents' or patients' rights, documentation of  
2271 nursing assistant services, and other tasks that a certified  
2272 nurse assistant may perform after training beyond that required  
2273 for initial certification and upon validation of competence in  
2274 that skill by a registered nurse. This subsection does not  
2275 restrict the ability of any person who is otherwise trained and  
2276 educated from performing such tasks.

2277 Section 59. Paragraph (c) of subsection (1) of section  
2278 464.009, Florida Statutes, is amended to read:

2279 464.009 Licensure by endorsement.--

2280 (1) The department shall issue the appropriate license by  
2281 endorsement to practice professional or practical nursing to an  
2282 applicant who, upon applying to the department and remitting a  
2283 fee set by the board not to exceed \$100, demonstrates to the  
2284 board that he or she:

2285 (c) Has actively practiced nursing in another state,  
2286 jurisdiction, or territory of the United States for 2 of the

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2287 preceding 3 years without having his or her license acted  
2288 against by the licensing authority of any jurisdiction.  
2289 Applicants who become licensed under ~~pursuant~~ to this paragraph  
2290 must complete within 6 months after licensure a Florida laws and  
2291 rules course that is approved by the board. Once the department  
2292 has received the results of the national criminal history check  
2293 and has determined that the applicant has no criminal history,  
2294 the appropriate license by endorsement shall be issued to the  
2295 applicant. ~~This paragraph is repealed July 1, 2004, unless~~  
2296 ~~reenacted by the Legislature.~~

2297 Section 60. Section 464.202, Florida Statutes, is amended  
2298 to read:

2299 464.202 Duties and powers of the board.--The board shall  
2300 maintain, or contract with or approve another entity to  
2301 maintain, a state registry of certified nursing assistants. The  
2302 registry must consist of the name of each certified nursing  
2303 assistant in this state; other identifying information defined  
2304 by board rule; certification status; the effective date of  
2305 certification; other information required by state or federal  
2306 law; information regarding any crime or any abuse, neglect, or  
2307 exploitation as provided under chapter 435; and any disciplinary  
2308 action taken against the certified nursing assistant. The  
2309 registry shall be accessible to the public, the  
2310 certificateholder, employers, and other state agencies. The  
2311 board shall adopt by rule testing procedures for use in  
2312 certifying nursing assistants and shall adopt rules regulating  
2313 the practice of certified nursing assistants which specify the  
2314 scope of practice authorized and level of supervision required

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2315 for the practice of certified nursing assistants ~~to enforce this~~  
2316 ~~part~~. The board may contract with or approve another entity or  
2317 organization to provide the examination services, including the  
2318 development and administration of examinations. The board shall  
2319 require that the contract provider offer certified nursing  
2320 assistant applications via the Internet, and may require the  
2321 contract provider to accept certified nursing assistant  
2322 applications for processing via the Internet. The board shall  
2323 require the contract provider to provide the preliminary results  
2324 of the certified nursing examination on the date the test is  
2325 administered. The provider shall pay all reasonable costs and  
2326 expenses incurred by the board in evaluating the provider's  
2327 application and performance during the delivery of services,  
2328 including examination services and procedures for maintaining  
2329 the certified nursing assistant registry.

2330 Section 61. Subsections (1), (5), and (7) of section  
2331 464.203, Florida Statutes, are amended, and subsection (8) is  
2332 added to said section, to read:

2333 464.203 Certified nursing assistants; certification  
2334 requirement.--

2335 (1) The board shall issue a certificate to practice as a  
2336 certified nursing assistant to any person who demonstrates a  
2337 minimum competency to read and write and successfully passes the  
2338 required statewide criminal screening through the Department of  
2339 Law Enforcement, including Level I screening pursuant to chapter  
2340 435 or, if the applicant has not maintained continuous residency  
2341 within the state for 5 years immediately preceding the date of  
2342 application, Level II screening which includes a fingerprint

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2343 | check through the Department of Law Enforcement and the Federal  
2344 | Bureau of Investigation pursuant to chapter 435, Level I or  
2345 | Level II screening pursuant to s. 400.215 and meets one of the  
2346 | following requirements:

2347 |       (a) Has successfully completed an approved training  
2348 | program and achieved a minimum score, established by rule of the  
2349 | board, on the nursing assistant competency examination, which  
2350 | consists of a written portion and skills-demonstration portion  
2351 | approved by the board and administered at a site and by  
2352 | personnel approved by the department.

2353 |       (b) Has achieved a minimum score, established by rule of  
2354 | the board, on the nursing assistant competency examination,  
2355 | which consists of a written portion and skills-demonstration  
2356 | portion, approved by the board and administered at a site and by  
2357 | personnel approved by the department and:

- 2358 |           1. Has a high school diploma, or its equivalent; or  
2359 |           2. Is at least 18 years of age.

2360 |       (c) Is currently certified in another state; is listed on  
2361 | that state's certified nursing assistant registry; and has not  
2362 | been found to have committed abuse, neglect, or exploitation in  
2363 | that state.

2364 |       (d) Has completed the curriculum developed under the  
2365 | Enterprise Florida Jobs and Education Partnership Grant and  
2366 | achieved a minimum score, established by rule of the board, on  
2367 | the nursing assistant competency examination, which consists of  
2368 | a written portion and skills-demonstration portion, approved by  
2369 | the board and administered at a site and by personnel approved  
2370 | by the department.

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2371 (5) Certification as a nursing assistant, in accordance  
2372 with this part, may be renewed ~~continues in effect~~ until such  
2373 time as the nursing assistant allows a period of 24 consecutive  
2374 months to pass during which period the nursing assistant fails  
2375 to perform any nursing-related services for monetary  
2376 compensation. When a nursing assistant fails to perform any  
2377 nursing-related services for monetary compensation for a period  
2378 of 24 consecutive months, the nursing assistant must complete a  
2379 new training and competency evaluation program or a new  
2380 competency evaluation program.

2381 (7) A certified nursing assistant shall complete 12 ~~18~~  
2382 hours of inservice training during each calendar year. The  
2383 certified nursing assistant shall be responsible for maintaining  
2384 documentation demonstrating compliance with these provisions.  
2385 The Council on Certified Nursing Assistants, in accordance with  
2386 s. 464.2085(2)(b), shall propose rules to implement this  
2387 subsection.

2388 (8) The department shall renew a certificate upon receipt  
2389 of the renewal application and imposition of a fee of not less  
2390 than \$20 and not more than \$50 biennially. The department shall  
2391 adopt rules establishing a procedure for the biennial renewal of  
2392 certificates. Any certificate not renewed by July 1, 2006, is  
2393 void.

2394 Section 62. Paragraph (b) of subsection (1) of section  
2395 464.204, Florida Statutes, is amended to read:

2396 464.204 Denial, suspension, or revocation of  
2397 certification; disciplinary actions.--

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2398 (1) The following acts constitute grounds for which the  
2399 board may impose disciplinary sanctions as specified in  
2400 subsection (2):

2401 (b) ~~Intentionally~~ Violating any provision of parts I and  
2402 II of this chapter, chapter 456, or the rules adopted by the  
2403 board.

2404 Section 63. Subsection (2) of section 465.0075, Florida  
2405 Statutes, is amended to read:

2406 465.0075 Licensure by endorsement; requirements; fee.--

2407 (2) An applicant licensed in another state for a period in  
2408 excess of 2 years from the date of application for licensure in  
2409 this state shall submit a total of at least 30 hours of board-  
2410 approved continuing education for the 24 months ~~2 calendar years~~  
2411 immediately preceding application.

2412 Section 64. Subsections (2) and (4) of section 465.022,  
2413 Florida Statutes, are amended to read:

2414 465.022 Pharmacies; general requirements; fees.--

2415 (2) A pharmacy permit shall be issued only to a person who  
2416 is at least 18 years of age and of good moral character, to a  
2417 partnership whose partners are at least 18 years of age and of  
2418 good moral character, or to a corporation that ~~which~~ is  
2419 registered pursuant to chapter 607 or chapter 617 whose  
2420 officers, directors, and shareholders with an ownership interest  
2421 of 5 percent or more are at least 18 years of age and of good  
2422 moral character.

2423 (4)(a) An application for a pharmacy permit must include a  
2424 set of fingerprints from each person with an ownership interest  
2425 of 5 percent or more and from any person who, directly or

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2426 indirectly, manages, oversees, or controls the operation of the  
2427 applicant, including officers and directors of a corporation.  
2428 For corporations with over \$100 million of assets in this state,  
2429 the department may, as an alternative, require a set of the  
2430 fingerprints of up to five corporate officers who are involved  
2431 in the management and operation of the pharmacy. A requirement  
2432 that fingerprints of a corporate officer be submitted may be  
2433 satisfied when those fingerprints are on file with a state  
2434 agency and available to the department. The application must be  
2435 accompanied by payment of the costs incurred by the department  
2436 for the criminal history checks.

2437 (b) The department shall submit the fingerprints provided  
2438 by the applicant to the Department of Law Enforcement for a  
2439 statewide criminal history check and the Department of Law  
2440 Enforcement shall forward the fingerprints to the Federal Bureau  
2441 of Investigation for a national criminal history check.

2442 (c) After the application has been filed with the board  
2443 and the permit fee provided in this section has been received,  
2444 the board shall cause the application to be fully investigated,  
2445 both as to the qualifications of the applicant and the  
2446 prescription department manager or consultant pharmacist  
2447 designated to be in charge and as to the premises and location  
2448 described in the application.

2449 Section 65. Section 465.023, Florida Statutes, is amended  
2450 to read:

2451 465.023 Pharmacy permittee; disciplinary action.--

2452 (1) The department or the board may deny a pharmacy permit  
2453 application or revoke or suspend the permit of any pharmacy

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2454 | perimtee, and may fine, place on probation, or otherwise  
2455 | discipline any pharmacy perimtee when the applicant for a  
2456 | pharmacy permit, pharmacy perimtee, or any officer, director,  
2457 | or agent of an applicant or perimtee who has:

2458 |       (a) Obtained a permit by misrepresentation or fraud or  
2459 | through an error of the department or the board;

2460 |       (b) Attempted to procure, or has procured, a permit for  
2461 | any other person by making, or causing to be made, any false  
2462 | representation;

2463 |       (c) Violated any of the requirements of this chapter or  
2464 | any of the rules of the Board of Pharmacy; of chapter 499, known  
2465 | as the "Florida Drug and Cosmetic Act"; of 21 U.S.C. ss. 301-  
2466 | 392, known as the "Federal Food, Drug, and Cosmetic Act"; of 21  
2467 | U.S.C. ss. 821 et seq., known as the Comprehensive Drug Abuse  
2468 | Prevention and Control Act; or of chapter 893; or

2469 |       (d) Been convicted or found guilty, regardless of  
2470 | adjudication, of a felony or any other crime involving moral  
2471 | turpitude in any of the courts of this state, of any other  
2472 | state, or of the United States.

2473 |       (e) Been convicted or disciplined by a regulatory agency  
2474 | of the Federal Government or a regulatory agency of another  
2475 | state for any offense that would constitute a violation of this  
2476 | chapter; or

2477 |       (f) Been convicted of, found guilty of, or entered a plea  
2478 | of guilty or nolo contendere to, regardless of adjudication, a  
2479 | crime in any jurisdiction which relates to the practice of, or  
2480 | the ability to practice, the profession of pharmacy.

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2481 (2) If a pharmacy permit is revoked or suspended, the  
2482 owner, manager, or proprietor shall cease to operate the  
2483 establishment as a pharmacy as of the effective date of the such  
2484 suspension or revocation. In the event of the such revocation or  
2485 suspension, the owner, manager, or proprietor shall remove from  
2486 the premises all signs and symbols identifying the premises as a  
2487 pharmacy. The period of the such suspension shall be prescribed  
2488 by the Board of Pharmacy, but in no case shall it exceed 1 year.  
2489 In the event that the permit is revoked, the person owning or  
2490 operating the establishment shall not be entitled to make  
2491 application for a permit to operate a pharmacy for a period of 1  
2492 year from the date of the such revocation. Upon the effective  
2493 date of the such revocation, the permittee shall advise the  
2494 Board of Pharmacy of the disposition of the medicinal drugs  
2495 located on the premises. The Such disposition shall be subject  
2496 to continuing supervision and approval by the Board of Pharmacy.

2497 Section 66. Subsections (2) and (5) of section 465.025,  
2498 Florida Statutes, are amended, and subsections (6) through (8)  
2499 are renumbered as subsections (5) through (7), respectively, to  
2500 read:

2501 465.025 Substitution of drugs.--

2502 (2) A pharmacist who receives a prescription for a brand  
2503 name drug shall, unless requested otherwise by the purchaser,  
2504 substitute a less expensive, generically equivalent drug product  
2505 that is+

2506 ~~(a)~~ distributed by a business entity doing business, and  
2507 subject to suit and service of legal process, in the United  
2508 States; ~~and~~

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2509 ~~(b) Listed in the formulary of generic and brand name drug~~  
2510 ~~products as provided in subsection (5) for the brand name drug~~  
2511 ~~prescribed,~~

2512  
2513 unless the prescriber writes the words "MEDICALLY NECESSARY," in  
2514 her or his own handwriting, on the face of a written  
2515 prescription or unless, in the case of an electronically  
2516 transmitted prescription, the prescriber indicates in the  
2517 transmitted prescription that the brand name drug is medically  
2518 necessary or, in the case of an oral prescription, the  
2519 prescriber expressly indicates to the pharmacist that the brand  
2520 name drug prescribed is medically necessary.

2521 ~~(5) Each community pharmacy shall establish a formulary of~~  
2522 ~~generic and brand name drug products which, if selected as the~~  
2523 ~~drug product of choice, would not pose a threat to the health~~  
2524 ~~and safety of patients receiving prescription medication. In~~  
2525 ~~compiling the list of generic and brand name drug products for~~  
2526 ~~inclusion in the formulary, the pharmacist shall rely on drug~~  
2527 ~~product research, testing, information, and formularies compiled~~  
2528 ~~by other pharmacies, by states, by the United States Department~~  
2529 ~~of Health, Education, and Welfare, by the United States~~  
2530 ~~Department of Health and Human Services, or by any other source~~  
2531 ~~which the pharmacist deems reliable. Each community pharmacy~~  
2532 ~~shall make such formulary available to the public, the Board of~~  
2533 ~~Pharmacy, or any physician requesting same. This formulary shall~~  
2534 ~~be revised following each addition, deletion, or modification of~~  
2535 ~~said formulary.~~

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2536 Section 67. Subsection (1) of section 465.0251, Florida  
2537 Statutes, is amended to read:

2538 465.0251 Generic drugs; removal from formulary under  
2539 specified circumstances.--

2540 (1) The Board of Pharmacy and the Board of Medicine shall  
2541 remove any generic named drug product from the formulary  
2542 established by s. 465.025(~~5~~)(6), if every commercially marketed  
2543 equivalent of that drug product is "A" rated as therapeutically  
2544 equivalent to a reference listed drug or is a reference listed  
2545 drug as referred to in "Approved Drug Products with Therapeutic  
2546 Equivalence Evaluations" (Orange Book) published by the United  
2547 States Food and Drug Administration.

2548 Section 68. Subsection (7) is added to section 465.026,  
2549 Florida Statutes, to read:

2550 465.026 Filling of certain prescriptions.--Nothing  
2551 contained in this chapter shall be construed to prohibit a  
2552 pharmacist licensed in this state from filling or refilling a  
2553 valid prescription which is on file in a pharmacy located in  
2554 this state or in another state and has been transferred from one  
2555 pharmacy to another by any means, including any electronic  
2556 means, under the following conditions:

2557 (7) A community pharmacy licensed under this chapter that  
2558 only receives and transfers prescriptions for dispensing by  
2559 another pharmacy may transfer a prescription for a medicinal  
2560 drug listed in Schedule II under chapter 893. The pharmacy  
2561 receiving the prescription may ship, mail, or deliver into this  
2562 state, in any manner, the dispensed Schedule II medicinal drug  
2563 under the following conditions:

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2564       (a) The pharmacy receiving and dispensing the transferred  
2565 prescription maintains at all times a valid, unexpired license,  
2566 permit, or registration to operate the pharmacy in compliance  
2567 with the laws of the state in which the pharmacy is located and  
2568 from which the medicinal drugs are dispensed;

2569       (b) The community pharmacy and the receiving pharmacy are  
2570 owned and operated by the same person and share a centralized  
2571 database; and

2572       (c) The community pharmacy ensures its compliance with  
2573 federal laws and subsections (1)-(5).

2574       Section 69. Section 465.0255, Florida Statutes, is amended  
2575 to read:

2576       465.0255 Expiration date of medicinal drugs; display;  
2577 related use and storage instructions.--

2578       (1) The manufacturer, repackager, or other distributor of  
2579 any medicinal drug shall display the expiration date of each  
2580 drug in a readable fashion on the container and on its  
2581 packaging. The term "readable" means conspicuous and bold.

2582       (2) Each pharmacist for a community pharmacy dispensing  
2583 medicinal drugs and each practitioner dispensing medicinal drugs  
2584 on an outpatient basis shall display on the outside of the  
2585 container of each medicinal drug dispensed, or in other written  
2586 form delivered to the purchaser: ~~7~~

2587       (a) The expiration date when provided by the manufacturer,  
2588 repackager, or other distributor of the drug; ~~or and~~

2589       (b) An earlier beyond-use date for expirations, which may  
2590 be up to 1 year after the date of dispensing.

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2592 The dispensing pharmacist or practitioner must provide  
2593 information concerning the expiration date to the purchaser upon  
2594 request and must provide appropriate instructions regarding the  
2595 proper use and storage of the drug.

2596 (3) Nothing in This section does not shall impose  
2597 liability on the dispensing pharmacist or practitioner for  
2598 damages related to, or caused by, a medicinal drug that loses  
2599 its effectiveness prior to the expiration date displayed by the  
2600 dispensing pharmacist or practitioner.

2601 (4)(3) The provisions of this section are intended to  
2602 notify the patient receiving a medicinal drug of the information  
2603 required by this section, and the dispensing pharmacist or  
2604 practitioner shall not be liable for the patient's failure to  
2605 heed such notice or to follow the instructions for storage.

2606 Section 70. Subsection (4) of section 465.0265, Florida  
2607 Statutes, is renumbered as subsection (8), and new subsections  
2608 (4), (5), (6), and (7) are added to said section, to read:

2609 465.0265 Centralized prescription filling.--

2610 (4) A pharmacy that performs centralized prescription  
2611 filling services may not mail or otherwise deliver a filled  
2612 prescription directly to a patient or individual practitioner if  
2613 the prescription was filled on behalf of another. The filled  
2614 prescription must be transported to the originating pharmacy for  
2615 dispensing.

2616 (5) A central fill pharmacy may only prepare prescriptions  
2617 on behalf of pharmacies with which it has a contractual  
2618 agreement to provide such services, or with which it shares a  
2619 common owner. The central fill pharmacy is required to keep a

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2620 list of pharmacies for which it has agreed to provide such  
2621 services and must verify the Drug Enforcement Administration  
2622 registration of any pharmacy with which it conducts business  
2623 prior to sending or receiving controlled substance  
2624 prescriptions.

2625 (6) Pharmacies shall keep a list of those central fill  
2626 pharmacies permitted to prepare prescriptions on their behalf  
2627 and verify that they are Drug Enforcement Administration  
2628 registrants.

2629 (7) A central fill pharmacy shall comply with the same  
2630 security requirements applicable to pharmacies, including the  
2631 general requirement to maintain effective controls and  
2632 procedures to guard against theft and diversion of controlled  
2633 substances.

2634 Section 71. Paragraph (a) of subsection (3) of section  
2635 466.007, Florida Statutes, is amended to read:

2636 466.007 Examination of dental hygienists.--

2637 (3) A graduate of a dental college or school shall be  
2638 entitled to take the examinations required in this section to  
2639 practice dental hygiene in this state if, in addition to the  
2640 requirements specified in subsection (2), the graduate meets the  
2641 following requirements:

2642 (a) Submits the following credentials for review by the  
2643 board:

2644 1. Transcripts totaling 4 academic years of postsecondary  
2645 dental education ~~of predental education and dental education~~  
2646 ~~totaling 5 academic years of postsecondary education, including~~  
2647 ~~4 academic years of dental education; and~~

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2648           2. A dental school diploma which is comparable to a D.D.S.  
2649 or D.M.D.

2650  
2651 Such credentials shall be submitted in a manner provided by rule  
2652 of the board. The board shall approve those credentials which  
2653 comply with this paragraph and with rules of the board adopted  
2654 pursuant to this paragraph. The provisions of this paragraph  
2655 notwithstanding, an applicant of a foreign dental college or  
2656 school not accredited in accordance with s. 466.006(2)(b) who  
2657 cannot produce the credentials required by this paragraph, as a  
2658 result of political or other conditions in the country in which  
2659 the applicant received his or her education, may seek the  
2660 board's approval of his or her educational background by  
2661 submitting, in lieu of the credentials required in this  
2662 paragraph, such other reasonable and reliable evidence as may be  
2663 set forth by board rule. The board shall not accept such other  
2664 evidence until it has made a reasonable attempt to obtain the  
2665 credentials required by this paragraph from the educational  
2666 institutions the applicant is alleged to have attended, unless  
2667 the board is otherwise satisfied that such credentials cannot be  
2668 obtained.

2669           Section 72. Paragraph (c) of subsection (1) of section  
2670 466.0135, Florida Statutes, is redesignated as paragraph (d),  
2671 and a new paragraph (c) is added to said subsection, to read:

2672           466.0135 Continuing education; dentists.--

2673           (1) In addition to the other requirements for renewal set  
2674 out in this chapter, each licensed dentist shall be required to  
2675 complete biennially not less than 30 hours of continuing

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2676 professional education in dental subjects. Programs of  
2677 continuing education shall be programs of learning that  
2678 contribute directly to the dental education of the dentist and  
2679 may include, but shall not be limited to, attendance at  
2680 lectures, study clubs, college postgraduate courses, or  
2681 scientific sessions of conventions; and research, graduate  
2682 study, teaching, or service as a clinician. Programs of  
2683 continuing education shall be acceptable when adhering to the  
2684 following general guidelines:

2685 (c) In addition to subsection (b), the board may authorize  
2686 up to 2 hours of continuing education credit for a course on  
2687 practice management that includes, but is not limited to,  
2688 principles of ethical practice management, provider substance  
2689 abuse, effective communications with patients, time management,  
2690 and burn out prevention.

2691 Section 73. Section 466.021, Florida Statutes, is amended  
2692 to read:

2693 466.021 Employment of unlicensed persons by dentist;  
2694 penalty.--Every duly licensed dentist who uses the services of  
2695 any unlicensed person for the purpose of constructing, altering,  
2696 repairing, or duplicating any denture, partial denture, bridge  
2697 splint, or orthodontic or prosthetic appliance shall be required  
2698 to furnish such unlicensed person with a written work order in  
2699 such form as prescribed by rule of the board. This form shall be  
2700 dated and signed by such dentist and shall include the patient's  
2701 name or number with sufficient descriptive information to  
2702 clearly identify the case for each separate and individual piece  
2703 of work. A copy of such work order shall be retained in a

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2704 | ~~permanent~~ file in the dentist's office for a period of 4 ~~2~~  
2705 | years, and the original work order shall be retained in a  
2706 | ~~permanent~~ file for a period of 4 ~~2~~ years by such unlicensed  
2707 | person in her or his place of business. Such ~~permanent~~ file of  
2708 | work orders to be kept by such dentist or by such unlicensed  
2709 | person shall be open to inspection at any reasonable time by the  
2710 | department or its duly constituted agent. Failure of the dentist  
2711 | to keep such ~~permanent~~ records of such work orders shall subject  
2712 | the dentist to suspension or revocation of her or his license to  
2713 | practice dentistry. Failure of such unlicensed person to have in  
2714 | her or his possession a work order as required by this section  
2715 | shall be admissible evidence of a violation of this chapter and  
2716 | shall constitute a misdemeanor of the second degree, punishable  
2717 | as provided in s. 775.082 or s. 775.083. Nothing in this section  
2718 | shall preclude a registered dental laboratory from working for  
2719 | another registered dental laboratory, provided that such work is  
2720 | performed pursuant to written authorization, in a form to be  
2721 | prescribed by rule of the board, which evidences that the  
2722 | originating laboratory has obtained a valid work order and which  
2723 | sets forth the work to be performed. Furthermore, nothing in  
2724 | this section shall preclude a registered laboratory from  
2725 | providing its services to dentists licensed and practicing in  
2726 | another state, provided that such work is requested or otherwise  
2727 | authorized in written form which clearly identifies the name and  
2728 | address of the requesting dentist and which sets forth the work  
2729 | to be performed.

2730 |       Section 74. Subsection (8) of section 467.009, Florida  
2731 | Statutes, is amended to read:

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2732 467.009 Midwifery programs; education and training  
2733 requirements.--

2734 (8) Nonpublic educational institutions that conduct  
2735 approved midwifery programs shall be accredited by an  
2736 accrediting agency recognized and approved by the Council for  
2737 Higher Education Accreditation or the United States Department  
2738 of Education, or by their successor organizations, a member of  
2739 the Commission on Recognition of Postsecondary Accreditation and  
2740 shall be licensed by the Commission for Independent State Board  
2741 of Nonpublic Career Education.

2742 Section 75. Section 467.013, Florida Statutes, is amended  
2743 to read:

2744 467.013 Inactive status.--A licensee may request that his  
2745 or her license be placed in an inactive status by making  
2746 application to the department pursuant to department rule and  
2747 paying a fee.

2748 ~~(1) An inactive license may be renewed for one additional~~  
2749 ~~biennium upon application to the department and payment of the~~  
2750 ~~applicable biennium renewal fee. The department shall establish~~  
2751 ~~by rule procedures and fees for applying to place a license on~~  
2752 ~~inactive status, renewing an inactive license, and reactivating~~  
2753 ~~an inactive license. The fee for any of these procedures may not~~  
2754 ~~exceed the biennial renewal fee established by the department.~~

2755 ~~(2) Any license that is not renewed by the end of the~~  
2756 ~~biennium established by the department automatically reverts to~~  
2757 ~~involuntary inactive status unless the licensee has applied for~~  
2758 ~~voluntary inactive status. Such license may be reactivated only~~

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2759 ~~if the licensee meets the requirements for reactivating the~~  
2760 ~~license established by department rule.~~

2761 ~~(3) A midwife who desires to reactivate an inactive~~  
2762 ~~license shall apply to the department, complete the reactivation~~  
2763 ~~application, remit the applicable fees, and submit proof of~~  
2764 ~~compliance with the requirements for continuing education~~  
2765 ~~established by department rule.~~

2766 ~~(4) Each licensed midwife whose license has been placed on~~  
2767 ~~inactive status for more than 1 year must complete continuing~~  
2768 ~~education hours as a condition of reactivating the inactive~~  
2769 ~~license.~~

2770 ~~(5) The licensee shall submit to the department evidence~~  
2771 ~~of participation in 10 hours of continuing education, approved~~  
2772 ~~by the department and clinically related to the practice of~~  
2773 ~~midwifery, for each year of the biennium in which the license~~  
2774 ~~was inactive. This requirement is in addition to submitting~~  
2775 ~~evidence of completing the continuing education required for the~~  
2776 ~~most recent biennium in which the licensee held an active~~  
2777 ~~license.~~

2778 Section 76. Section 467.0135, Florida Statutes, is amended  
2779 to read:

2780 467.0135 Fees.--The department shall establish fees for  
2781 application, ~~examination,~~ initial licensure, renewal of active  
2782 status licensure, licensure by endorsement, inactive status,  
2783 delinquent status, and reactivation of an inactive status  
2784 license. The appropriate fee must be paid at the time of  
2785 application and is payable to the Department of Health, in  
2786 accordance with rules adopted by the department. A fee is

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2787 nonrefundable, unless otherwise provided by rule. A fee may not  
2788 exceed:

2789 ~~(1) Five hundred dollars for examination.~~

2790 (1)(2) Five hundred dollars for initial licensure.

2791 (2)(3) Five hundred dollars for renewal of an active  
2792 status license licensure.

2793 (3)(4) Two hundred dollars for application, ~~which fee is~~  
2794 nonrefundable.

2795 (4)(5) Five hundred dollars for renewal ~~reactivation~~ of an  
2796 inactive status license.

2797 (5)(6) Five hundred dollars for licensure by endorsement.

2798  
2799 A fee for inactive status, reactivation of an inactive status  
2800 license, or delinquency may not exceed the fee established by  
2801 the department for biennial renewal of an active status license.  
2802 All fees collected under this section shall be deposited in the  
2803 Medical Quality Assurance Trust Fund.

2804 Section 77. Subsection (1) of section 467.017, Florida  
2805 Statutes, is amended to read:

2806 467.017 Emergency care plan; immunity.--

2807 (1) Every licensed midwife shall develop a written plan  
2808 for the appropriate delivery of emergency care. A copy of the  
2809 plan shall accompany any application for license issuance and  
2810 must be made available upon request of the department ~~or~~

2811 ~~renewal~~. The plan shall address the following:

2812 (a) Consultation with other health care providers.

2813 (b) Emergency transfer.

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2814 (c) Access to neonatal intensive care units and  
2815 obstetrical units or other patient care areas.

2816 Section 78. Paragraph (b) of subsection (3) of section  
2817 468.1155, Florida Statutes, is amended to read:

2818 468.1155 Provisional license; requirements.--

2819 (3) The department shall issue a provisional license to  
2820 practice audiology to each applicant who the board certifies  
2821 has:

2822 (b) Received a master's degree or is currently enrolled in  
2823 a doctoral degree program with a major emphasis in audiology  
2824 from an institution of higher learning which is, or at the time  
2825 the applicant was enrolled and graduated was, accredited by an  
2826 accrediting agency recognized by the Council for Higher  
2827 Education Accreditation or the United States Department of  
2828 Education, or by their successor organizations, or from an  
2829 institution which is a member in good standing with the  
2830 Association of Universities and Colleges of Canada. An applicant  
2831 who graduated from or is currently enrolled in a program at a  
2832 university or college outside the United States or Canada must  
2833 present documentation of the determination of equivalency to  
2834 standards established by the Council for Higher Education  
2835 Accreditation in order to qualify. The applicant must have  
2836 completed 60 semester hours that include:

2837 1. Fundamental information applicable to the normal  
2838 development and use of speech, hearing, and language;  
2839 information about training in management of speech, hearing, and  
2840 language disorders; and information supplementary to these  
2841 fields.

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2842 2. Six semester hours in speech-language pathology.

2843 3. Thirty of the required 60 semester hours in courses  
2844 acceptable toward a graduate degree by the college or university  
2845 in which these courses were taken, of which 24 semester hours  
2846 must be in audiology.

2847 Section 79. Section 468.352, Florida Statutes, is amended  
2848 to read:

2849 (Substantial rewording of section. See  
2850 s. 468.352, F.S., for present text.)

2851 468.352 Definitions.--As used in this part, the term:

2852 (1) "Board" means the Board of Respiratory Care.

2853 (2) "Certified respiratory therapist" means any person  
2854 licensed pursuant to this part who is certified by the National  
2855 Board for Respiratory Care or its successor; who is employed to  
2856 deliver respiratory care services under the order of a physician  
2857 licensed pursuant to chapter 458 or chapter 459, in accordance  
2858 with protocols established by a hospital or other health care  
2859 provider or the board; and who functions in situations of  
2860 unsupervised patient contact requiring individual judgment.

2861 (3) "Critical care" means care given to a patient in any  
2862 setting involving a life-threatening emergency.

2863 (4) "Department" means the Department of Health.

2864 (5) "Direct supervision" means practicing under the  
2865 direction of a licensed, registered, or certified respiratory  
2866 therapist who is physically on the premises and readily  
2867 available, as defined by the board.

2868 (6) "Physician supervision" means supervision and control  
2869 by a physician licensed under chapter 458 or chapter 459 who

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2870 assumes the legal liability for the services rendered by the  
2871 personnel employed in his or her office. Except in the case of  
2872 an emergency, physician supervision requires the easy  
2873 availability of the physician within the office or the physical  
2874 presence of the physician for consultation and direction of the  
2875 actions of the persons who deliver respiratory care services.

2876 (7) "Practice of respiratory care" or "respiratory  
2877 therapy" means the allied health specialty associated with the  
2878 cardiopulmonary system that is practiced under the orders of a  
2879 physician licensed under chapter 458 or chapter 459 and in  
2880 accordance with protocols, policies, and procedures established  
2881 by a hospital or other health care provider or the board,  
2882 including the assessment, diagnostic evaluation, treatment,  
2883 management, control, rehabilitation, education, and care of  
2884 patients in all care settings.

2885 (8) "Registered respiratory therapist" means any person  
2886 licensed under this part who is registered by the National Board  
2887 for Respiratory Care or its successor; who is employed to  
2888 deliver respiratory care services under the order of a physician  
2889 licensed under chapter 458 or chapter 459, in accordance with  
2890 protocols established by a hospital or other health care  
2891 provider or the board; and who functions in situations of  
2892 unsupervised patient contact requiring individual judgment.

2893 (9) "Respiratory care practitioner" means any person  
2894 licensed under this part who is employed to deliver respiratory  
2895 care services, under direct supervision, pursuant to the order  
2896 of a physician licensed under chapter 458 or chapter 459.

2897 (10) "Respiratory care services" includes:

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- 2898        (a) Evaluation and disease management.
- 2899        (b) Diagnostic and therapeutic use of respiratory
- 2900 equipment, devices, or medical gas.
- 2901        (c) Administration of drugs, as duly ordered or prescribed
- 2902 by a physician licensed under chapter 458 or chapter 459 and in
- 2903 accordance with protocols, policies, and procedures established
- 2904 by a hospital or other health care provider or the board.
- 2905        (d) Initiation, management, and maintenance of equipment
- 2906 to assist and support ventilation and respiration.
- 2907        (e) Diagnostic procedures, research, and therapeutic
- 2908 treatment and procedures, including measurement of ventilatory
- 2909 volumes, pressures, and flows; specimen collection and analysis
- 2910 of blood for gas transport and acid/base determinations;
- 2911 pulmonary function testing; and other related physiological
- 2912 monitoring of cardiopulmonary systems.
- 2913        (f) Cardiopulmonary rehabilitation.
- 2914        (g) Cardiopulmonary resuscitation, advanced cardiac life
- 2915 support, neonatal resuscitation, and pediatric advanced life
- 2916 support, or equivalent functions.
- 2917        (h) Insertion and maintenance of artificial airways and
- 2918 intravascular catheters.
- 2919        (i) Education of patients, families, the public, or other
- 2920 health care providers, including disease process and management
- 2921 programs and smoking prevention and cessation programs.
- 2922        (j) Initiation and management of hyperbaric oxygen.

2923        Section 80. Section 468.355, Florida Statutes, is amended  
2924 to read:

2925        (Substantial rewording of section. See

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2926 s. 468.355, F.S., for present text.)

2927 468.355 Licensure requirements.--To be eligible for  
2928 licensure by the board, an applicant must be an active certified  
2929 respiratory therapist or an active registered respiratory  
2930 therapist as designated by the National Board for Respiratory  
2931 Care or its successor.

2932 Section 81. Section 468.368, Florida Statutes, is amended  
2933 to read:

2934 (Substantial rewording of section. See

2935 s. 468.368, F.S., for present text.)

2936 468.368 Exemptions.--This part may not be construed to  
2937 prevent or restrict the practice, service, or activities of:

2938 (1) Any person licensed in this state by any other law  
2939 from engaging in the profession or occupation for which he or  
2940 she is licensed.

2941 (2) Any legally qualified person in this state or another  
2942 state or territory who is employed by the United States  
2943 Government or any agency thereof, while such person is  
2944 discharging his or her official duties.

2945 (3) A friend or family member who is providing respiratory  
2946 care services to an ill person and who does not represent  
2947 himself or herself as a respiratory care practitioner or  
2948 respiratory therapist.

2949 (4) An individual providing respiratory care services in  
2950 an emergency who does not represent himself or herself as a  
2951 respiratory care practitioner or respiratory therapist.

2952 (5) Any individual employed to deliver, assemble, set up,  
2953 or test equipment for use in a home, upon the order of a

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2954 physician licensed pursuant to chapter 458 or chapter 459. This  
2955 subsection does not authorize the practice of respiratory care  
2956 without a license.

2957 (6) Any individual certified or registered as a pulmonary  
2958 function technologist who is credentialed by the National Board  
2959 for Respiratory Care for performing cardiopulmonary diagnostic  
2960 studies.

2961 (7) Any student who is enrolled in an accredited  
2962 respiratory care program approved by the board, while performing  
2963 respiratory care as an integral part of a required course.

2964 (8) A surrogate family member who is delivering incidental  
2965 respiratory care to a noninstitutionalized person and who does  
2966 not represent himself or herself as a respiratory care  
2967 practitioner or respiratory therapist.

2968 (9) Any individual credentialed by the Underseas  
2969 Hyperbaric Society in hyperbaric medicine or its equivalent, as  
2970 determined by the board, while performing related duties. This  
2971 subsection does not authorize the practice of respiratory care  
2972 without a license.

2973 Section 82. Paragraph (a) of subsection (2) of section  
2974 468.509, Florida Statutes, is amended to read:

2975 468.509 Dietitian/nutritionist; requirements for  
2976 licensure.--

2977 (2) The agency shall examine any applicant who the board  
2978 certifies has completed the application form and remitted the  
2979 application and examination fees specified in s. 468.508 and  
2980 who:

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2981 (a)1. Possesses a baccalaureate or postbaccalaureate  
2982 degree with a major course of study in human nutrition, food and  
2983 nutrition, dietetics, or food management, or an equivalent major  
2984 course of study, from a school or program accredited, at the  
2985 time of the applicant's graduation, by the appropriate  
2986 accrediting agency recognized by the Council for Higher  
2987 Education Commission on Recognition of Postsecondary  
2988 Accreditation or ~~and~~ the United States Department of Education,  
2989 or by their successor organizations; and

2990 2. Has completed a preprofessional experience component of  
2991 not less than 900 hours or has education or experience  
2992 determined to be equivalent by the board; or

2993 Section 83. Section 468.707, Florida Statutes, is amended  
2994 to read:

2995 468.707 Licensure by examination; requirements.--

2996 ~~(1)~~ Any person desiring to be licensed as an athletic  
2997 trainer shall apply to the department on a form approved by the  
2998 department.

2999 ~~(1)(a)~~ The department shall license each applicant who:

3000 ~~(a)1.~~ Has completed the application form and remitted the  
3001 required fees.

3002 ~~(b)2.~~ Is at least 21 years of age.

3003 ~~(c)3.~~ Has obtained a baccalaureate degree from a college  
3004 or university accredited by an accrediting agency recognized and  
3005 approved by the United States Department of Education or the  
3006 Council for Higher Education Commission on Recognition of  
3007 Postsecondary Accreditation, or by their successor  
3008 organizations, or approved by the board.

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3009        (d)4- Has completed coursework from a college or  
3010 university accredited by an accrediting agency recognized and  
3011 approved by the United States Department of Education or the  
3012 Council for Higher Education Commission on Recognition of  
3013 Postsecondary Accreditation, or by their successor  
3014 organizations, or approved by the board, in each of the  
3015 following areas, as provided by rule: health, human anatomy,  
3016 kinesiology/biomechanics, human physiology, physiology of  
3017 exercise, basic athletic training, and advanced athletic  
3018 training.

3019        (e)5- Has current certification in standard first aid and  
3020 cardiovascular pulmonary resuscitation from the American Red  
3021 Cross or an equivalent certification as determined by the board.

3022        (f)6- Has, within 2 of the preceding 5 years, attained a  
3023 minimum of 800 hours of athletic training experience under the  
3024 direct supervision of a licensed athletic trainer or an athletic  
3025 trainer certified by the National Athletic Trainers' Association  
3026 or a comparable national athletic standards organization.

3027        (g)7- Has passed an examination administered or approved  
3028 by the board.

3029        (2)(b) The department shall also license each applicant  
3030 who:

3031        (a)1- Has completed the application form and remitted the  
3032 required fees no later than October 1, 1996.

3033        (b)2- Is at least 21 years of age.

3034        (c)3- Has current certification in standard first aid and  
3035 cardiovascular pulmonary resuscitation from the American Red  
3036 Cross or an equivalent certification as determined by the board.

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3037        ~~(d)1.4.a.~~ Has practiced athletic training for at least 3  
3038 of the 5 years preceding application; or

3039        ~~2.b.~~ Is currently certified by the National Athletic  
3040 Trainers' Association or a comparable national athletic  
3041 standards organization.

3042        ~~(2) Pursuant to the requirements of s. 456.034, each~~  
3043 ~~applicant shall complete a continuing education course on human~~  
3044 ~~immunodeficiency virus and acquired immune deficiency syndrome~~  
3045 ~~as part of initial licensure.~~

3046        Section 84. Subsections (2) and (3) of section 468.711,  
3047 Florida Statutes, are amended to read:

3048        468.711 Renewal of license; continuing education.--

3049        (2) The board may, by rule, prescribe continuing education  
3050 requirements, not to exceed 24 hours biennially. The criteria  
3051 for continuing education shall be approved by the board ~~and~~  
3052 ~~shall include 4 hours in standard first aid and cardiovascular~~  
3053 ~~pulmonary resuscitation from the American Red Cross or~~  
3054 ~~equivalent training as determined by the board.~~

3055        ~~(3) Pursuant to the requirements of s. 456.034, each~~  
3056 ~~licensee shall complete a continuing education course on human~~  
3057 ~~immunodeficiency virus and acquired immune deficiency syndrome~~  
3058 ~~as part of biennial relicensure.~~

3059        Section 85. Section 468.723, Florida Statutes, is amended  
3060 to read:

3061        468.723 Exemptions.--Nothing in this part shall be  
3062 construed as preventing or restricting:

3063        (1) The professional practice of a licensee of the  
3064 department who is acting within the scope of such practice.

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3065 (2) A student athletic trainer acting under the direct  
3066 supervision of a licensed athletic trainer.

3067 ~~(3) A person employed as a teacher apprentice trainer I, a~~  
3068 ~~teacher apprentice trainer II, or a teacher athletic trainer~~  
3069 ~~under s. 1012.46.~~

3070 (3)(4) A person from administering standard first aid  
3071 treatment to an athlete.

3072 (4)(5) A person licensed under chapter 548, provided such  
3073 person is acting within the scope of such license.

3074 (5)(6) A person providing personal training instruction  
3075 for exercise, aerobics, or weightlifting, if the person does not  
3076 represent himself or herself as able to provide "athletic  
3077 trainer" services and if any recognition or treatment of  
3078 injuries is limited to the provision of first aid.

3079 Section 86. Subsection (5) is added to section 480.034,  
3080 Florida Statutes, to read:

3081 480.034 Exemptions.--

3082 (5) The establishment licensure requirements of this act  
3083 do not apply to massage therapists licensed under this chapter  
3084 or to the office of a health care practitioner licensed under  
3085 chapter 457, chapter 458, chapter 459, chapter 460, chapter 461,  
3086 chapter 466, or chapter 486, if massage therapy provided by a  
3087 massage therapist at the office is only provided to the patients  
3088 of the health care practitioner.

3089 Section 87. Section 480.041, Florida Statutes, is amended  
3090 to read:

3091 480.041 Massage therapists; qualifications; licensure;  
3092 endorsement.--

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3093 (1) Any person is qualified for licensure as a massage  
3094 therapist under this act who:

3095 (a) Has completed an application form and submitted the  
3096 appropriate fee to the department;

3097 (b) Is at least 18 years of age and ~~or~~ has received a high  
3098 school diploma or graduate equivalency diploma;

3099 (c)~~(b)~~ Has completed a course of study at a board-approved  
3100 massage school ~~or has completed an apprenticeship program that~~  
3101 ~~meets standards adopted by the board;~~ and

3102 (d)~~(e)~~ Has received a passing grade on a board-approved  
3103 national an examination certified administered by the  
3104 department.

3105 (2) ~~Every person desiring to be examined for licensure as~~  
3106 ~~a massage therapist shall apply to the department in writing~~  
3107 ~~upon forms prepared and furnished by the department. Such~~  
3108 Applicants for licensure shall be subject to the provisions of  
3109 s. 480.046(1). Applicants may take an examination administered  
3110 by the department only upon meeting the requirements of this  
3111 section as determined by the board.

3112 ~~(3) Upon an applicant's passing the examination and paying~~  
3113 ~~the initial licensure fee, the department shall issue to the~~  
3114 ~~applicant a license, valid until the next scheduled renewal~~  
3115 ~~date, to practice massage.~~

3116 (3)~~(4)~~ The board shall adopt rules:

3117 (a) Establishing a minimum training program for  
3118 apprentices.

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3119 (b) Providing for educational standards, examination, and  
3120 certification for the practice of colonic irrigation, as defined  
3121 in s. 480.033(5)~~(6)~~, by massage therapists.

3122 (c) Specifying licensing procedures for practitioners  
3123 desiring to be licensed in this state who hold an active license  
3124 and have practiced in any other state, territory, or  
3125 jurisdiction of the United States or any foreign national  
3126 jurisdiction which has licensing standards substantially similar  
3127 to, equivalent to, or more stringent than the standards of this  
3128 state.

3129 (4) Notwithstanding s. 456.017(1)(c)2., the department  
3130 shall adopt rules for the for the administration of a state-  
3131 developed written examination for the practice of colonic  
3132 irrigation and such examination will be administered until a  
3133 national examination is certified by the department.

3134 Section 88. Paragraph (h) of subsection (1) of section  
3135 480.044, Florida Statutes, is amended, and paragraphs (i)  
3136 through (l) are redesignated as paragraphs (h) through (k),  
3137 respectively, to read:

3138 480.044 Fees; disposition.--

3139 (1) The board shall set fees according to the following  
3140 schedule:

3141 ~~(h) Fee for apprentice: not to exceed \$100.~~

3142 Section 89. Subsection (9) of section 486.021, Florida  
3143 Statutes, is amended to read:

3144 486.021 Definitions.--In this chapter, unless the context  
3145 otherwise requires, the term:

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3146 (9) "Direct supervision" means supervision by a physical  
3147 therapist who is licensed pursuant to this chapter. Except in a  
3148 case of emergency, direct supervision requires the physical  
3149 presence of the licensed physical therapist for consultation and  
3150 direction of the actions of a physical therapist or physical  
3151 therapist assistant ~~who is practicing under a temporary permit~~  
3152 ~~and who is a candidate for licensure by examination.~~

3153 Section 90. Section 486.031, Florida Statutes, is amended  
3154 to read:

3155 486.031 Physical therapist; licensing requirements.--To be  
3156 eligible for licensing as a physical therapist, an applicant  
3157 must:

3158 (1) Be at least 18 years old.†

3159 (2) Be of good moral character.† ~~and~~

3160 (3)(a) Have been graduated from a school of physical  
3161 therapy which has been approved for the educational preparation  
3162 of physical therapists by an the appropriate accrediting agency  
3163 recognized by the Council for Higher Education Commission on  
3164 ~~Recognition of Postsecondary~~ Accreditation or the United States  
3165 Department of Education, or by their successor organizations, at  
3166 the time of her or his graduation and have passed, to the  
3167 satisfaction of the board, the American Registry Examination  
3168 prior to 1971 or a national examination approved by the board to  
3169 determine her or his fitness for practice as a physical  
3170 therapist as hereinafter provided;

3171 (b) Have received a diploma from a program in physical  
3172 therapy in a foreign country and have educational credentials  
3173 deemed equivalent to those required for the educational

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3174 preparation of physical therapists in this country, as  
3175 recognized by the appropriate agency as identified by the board,  
3176 and have passed to the satisfaction of the board an examination  
3177 to determine her or his fitness for practice as a physical  
3178 therapist as hereinafter provided; or

3179 (c) Be entitled to licensure without examination as  
3180 provided in s. 486.081.

3181 Section 91. Section 486.051, Florida Statutes, is amended  
3182 to read:

3183 486.051 Physical therapist; examination of applicant.--The  
3184 examinations of an applicant for licensing as a physical  
3185 therapist shall be in accordance with rules adopted by the  
3186 board, to test the applicant's qualifications and shall include  
3187 the taking of a test by the applicant. If an applicant fails to  
3188 pass the examination in three attempts, the applicant ~~shall not~~  
3189 ~~be eligible for reexamination unless she or he completes~~  
3190 ~~additional educational or training requirements prescribed by~~  
3191 ~~the board. An applicant who has completed the additional~~  
3192 ~~educational or training requirements prescribed by the board may~~  
3193 ~~take the examination on two more occasions. If the applicant has~~  
3194 ~~failed to pass the examination after five attempts, she or he is~~  
3195 no longer eligible to take the examination.

3196 Section 92. Section 486.081, Florida Statutes, is amended  
3197 to read:

3198 486.081 Physical therapist; issuance of license by  
3199 endorsement without examination to a person licensed in another  
3200 jurisdiction ~~passing examination of another authorized examining~~  
3201 ~~board; fee.--~~

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3202 (1) The board may cause a license to be issued through the  
3203 department by endorsement ~~without examination~~ to any applicant  
3204 who presents evidence satisfactory to the board, under oath or  
3205 affirmation, of having passed the American Registry Examination  
3206 prior to 1971 or of licensure in another jurisdiction ~~an~~  
3207 ~~examination in physical therapy before a similar lawfully~~  
3208 ~~authorized examining board of another state, the District of~~  
3209 ~~Columbia, a territory, or a foreign country~~, if the standards  
3210 for licensure in physical therapy in such other jurisdiction  
3211 ~~state, district, territory, or foreign country~~ are determined by  
3212 the board to be as high as those of this state, as established  
3213 by rules adopted pursuant to this chapter. Any person who holds  
3214 a license pursuant to this section may use the words "physical  
3215 therapist" or "physiotherapist," or the letters "P.T.," in  
3216 connection with her or his name or place of business to denote  
3217 her or his licensure hereunder.

3218 (2) At the time of making application for licensure by  
3219 endorsement ~~without examination~~ pursuant to the terms of this  
3220 section, the applicant shall pay to the department a fee not to  
3221 exceed \$175 as fixed by the board, no part of which will be  
3222 returned.

3223 (3) An applicant seeking reentry into the profession who  
3224 has not been in active practice within the last 3 years prior to  
3225 applying for licensure shall submit to the board documentation  
3226 of competence to practice as required by rule of the board.

3227 Section 93. Section 486.102, Florida Statutes, is amended  
3228 to read:

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3229           486.102 Physical therapist assistant; licensing  
3230 requirements.--To be eligible for licensing by the board as a  
3231 physical therapist assistant, an applicant must:  
3232           (1) Be at least 18 years old.‡  
3233           (2) Be of good moral character.‡~~and~~  
3234           (3)(a) Be a graduate of a professional physical therapy  
3235 assistant education program which is accredited by an ~~Have been~~  
3236 ~~graduated from a school giving a course of not less than 2 years~~  
3237 ~~for physical therapist assistants, which has been approved for~~  
3238 ~~the educational preparation of physical therapist assistants by~~  
3239 ~~the appropriate accrediting agency recognized by the Council for~~  
3240 Higher Education Commission on Recognition of Postsecondary  
3241 Accreditation or the United States Department of Education, or  
3242 by their successor organizations, or which is approved by the  
3243 board at the time of the applicant's her or his graduation. An  
3244 applicant must ~~and~~ have passed to the satisfaction of the board  
3245 an examination to determine the applicant's eligibility for  
3246 licensure to her or his fitness for practice as a physical  
3247 therapist assistant as hereinafter provided;  
3248           (b) Be a graduate of a physical therapy assistant program  
3249 ~~Have been graduated from a school giving a course for physical~~  
3250 ~~therapist assistants in a foreign country and have educational~~  
3251 ~~credentials deemed equivalent to those required for the~~  
3252 ~~educational preparation of physical therapist assistants in this~~  
3253 ~~country, as recognized by the appropriate agency as identified~~  
3254 ~~by the board, and passed to the satisfaction of the board an~~  
3255 ~~examination to determine~~ the applicant's eligibility for

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3256 ~~licensure to her or his fitness for~~ practice as a physical  
3257 therapist assistant as hereinafter provided; or

3258 (c) Be entitled to licensure by endorsement ~~without~~  
3259 ~~examination~~ as provided in s. 486.107.

3260 Section 94. Section 486.104, Florida Statutes, is amended  
3261 to read:

3262 486.104 Physical therapist assistant; examination of  
3263 applicant.--The examinations ~~examination~~ of an applicant for  
3264 licensing as a physical therapist assistant shall be in  
3265 accordance with rules adopted by the board, to test the  
3266 applicant's qualifications and shall include the taking of tests  
3267 ~~a test~~ by the applicant. If an applicant fails to pass the  
3268 examination in three attempts, the applicant ~~shall not be~~  
3269 ~~eligible for reexamination unless she or he completes additional~~  
3270 ~~educational or training requirements prescribed by the board. An~~  
3271 ~~applicant who has completed the additional educational or~~  
3272 ~~training requirements prescribed by the board may take the~~  
3273 ~~examination on two more occasions. If the applicant has failed~~  
3274 ~~to pass the examination after five attempts, she or he is no~~  
3275 longer eligible to take the examination.

3276 Section 95. Section 486.107, Florida Statutes, is amended  
3277 to read:

3278 486.107 Physical therapist assistant; issuance of license  
3279 by endorsement ~~without examination~~ to a person licensed in  
3280 another jurisdiction; fee.--

3281 (1) The board may cause a license to be issued through the  
3282 department by endorsement ~~without examination~~ to any applicant  
3283 who presents evidence to the board, under oath, of licensure in

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3284 another jurisdiction state, ~~the District of Columbia, or a~~  
3285 ~~territory~~, if the standards for registering as a physical  
3286 therapist assistant or licensing of a physical therapist  
3287 assistant, as the case may be, in such other jurisdiction state  
3288 are determined by the board to be as high as those of this  
3289 state, as established by rules adopted pursuant to this chapter.  
3290 Any person who holds a license pursuant to this section may use  
3291 the words "physical therapist assistant," or the letters  
3292 "P.T.A.," in connection with her or his name to denote licensure  
3293 hereunder.

3294 (2) At the time of making application for licensing by  
3295 endorsement ~~without examination~~ pursuant to the terms of this  
3296 section, the applicant shall pay to the department a fee not to  
3297 exceed \$175 as fixed by the board, no part of which will be  
3298 returned.

3299 (3) An applicant seeking reentry into the profession who  
3300 has not been in active practice within the last 3 years prior to  
3301 applying for licensure shall submit to the board documentation  
3302 of competence to practice as required by rule of the board.

3303 Section 96. Subsection (2) of section 486.109, Florida  
3304 Statutes, is amended to read:

3305 486.109 Continuing education.--

3306 (2) The board will accept ~~shall approve~~ only those courses  
3307 sponsored by a college or university which provides a curriculum  
3308 for professional education of ~~training~~ physical therapists or  
3309 physical therapist assistants which is accredited by, or has  
3310 status with an accrediting agency approved by, the United States  
3311 Department of Education as determined by board rule, or courses

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3312 sponsored or approved by the Florida Physical Therapy  
3313 Association or the American Physical Therapy Association.

3314 Section 97. Paragraph (c) is added to subsection (2) of  
3315 section 486.161, Florida Statutes, to read:

3316 486.161 Exemptions.--

3317 (2) No provision of this chapter shall be construed to  
3318 prohibit:

3319 (c) Any physical therapist who is licensed in another  
3320 jurisdiction of the United States or credentialed in another  
3321 country from performing physical therapy if that person, by  
3322 contract or employment, is providing such physical therapy to  
3323 individuals affiliated with or employed by established athletic  
3324 teams, athletic organizations, or performing arts companies  
3325 temporarily practicing, competing, or performing in the state  
3326 for no more than 60 days in a calendar year.

3327 Section 98. Paragraph (b) of subsection (2) of section  
3328 490.005, Florida Statutes, is amended to read:

3329 490.005 Licensure by examination.--

3330 (2) Any person desiring to be licensed as a school  
3331 psychologist shall apply to the department to take the licensure  
3332 examination. The department shall license each applicant who the  
3333 department certifies has:

3334 (b) Submitted satisfactory proof to the department that  
3335 the applicant:

3336 1. Has received a doctorate, specialist, or equivalent  
3337 degree from a program primarily psychological in nature and has  
3338 completed 60 semester hours or 90 quarter hours of graduate  
3339 study, in areas related to school psychology as defined by rule

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3340 of the department, from a college or university which at the  
3341 time the applicant was enrolled and graduated was accredited by  
3342 an accrediting agency recognized and approved by the Council for  
3343 Higher Education Accreditation or the United States Department  
3344 of Education, or by their successor organizations, ~~Commission on~~  
3345 Recognition of Postsecondary Accreditation or from an  
3346 institution which is publicly recognized as a member in good  
3347 standing with the Association of Universities and Colleges of  
3348 Canada.

3349 2. Has had a minimum of 3 years of experience in school  
3350 psychology, 2 years of which must be supervised by an individual  
3351 who is a licensed school psychologist or who has otherwise  
3352 qualified as a school psychologist supervisor, by education and  
3353 experience, as set forth by rule of the department. A doctoral  
3354 internship may be applied toward the supervision requirement.

3355 3. Has passed an examination provided by the department.

3356 Section 99. Paragraph (a) of subsection (2) of section  
3357 490.014, Florida Statutes, is amended to read:

3358 490.014 Exemptions.--

3359 (2) No person shall be required to be licensed or  
3360 provisionally licensed under this chapter who:

3361 (a) Is a salaried employee of a government agency or a  
3362 private provider contracting with a government agency for  
3363 performance of the same essential services previously provided  
3364 by the agency; developmental services program, mental health,  
3365 alcohol, or drug abuse facility operating pursuant to chapter  
3366 393, chapter 394, or chapter 397; subsidized child care program,  
3367 subsidized child care case management program, or child care

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3368 resource and referral program operating pursuant to chapter 402;  
3369 child-placing or child-caring agency licensed pursuant to  
3370 chapter 409; domestic violence center certified pursuant to  
3371 chapter 39; accredited academic institution; or research  
3372 institution, if such employee is performing duties for which he  
3373 or she was trained and hired solely within the confines of such  
3374 agency, facility, or institution, so long as the employee is not  
3375 held out to the public as a psychologist pursuant to s.  
3376 490.012(1)(a).

3377 Section 100. Paragraphs (c) and (d) of subsection (1),  
3378 paragraphs (b), (c), and (d) of subsection (3), and paragraphs  
3379 (b), (c), and (d) of subsection (4) of section 491.005, Florida  
3380 Statutes, are amended, paragraph (f) is added to subsection (1),  
3381 paragraph (g) is added to subsection (3), and paragraph (f) is  
3382 added to subsection (4) of said section, to read:

3383 491.005 Licensure by examination.--

3384 (1) CLINICAL SOCIAL WORK.--Upon verification of  
3385 documentation and payment of a fee not to exceed \$200, as set by  
3386 board rule, plus the actual per applicant cost to the department  
3387 for purchase of the examination from the American Association of  
3388 State Social Worker's Boards or a similar national organization,  
3389 the department shall issue a license as a clinical social worker  
3390 to an applicant who the board certifies:

3391 (c) Has had not less than 2 years of clinical social work  
3392 experience, which took place subsequent to completion of a  
3393 graduate degree in social work at an institution meeting the  
3394 accreditation requirements of this section, under the  
3395 supervision of a licensed clinical social worker or the

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3396 equivalent who is a qualified supervisor as determined by the  
3397 board. An individual who intends to practice in Florida to  
3398 satisfy clinical experience requirements must register pursuant  
3399 to s. 491.0045 prior to commencing practice. If the applicant's  
3400 graduate program was not a program which emphasized direct  
3401 clinical patient or client health care services as described in  
3402 subparagraph (b)2., the supervised experience requirement must  
3403 take place after the applicant has completed a minimum of 15  
3404 semester hours or 22 quarter hours of the coursework required. A  
3405 doctoral internship may be applied toward the clinical social  
3406 work experience requirement. The clinical experience requirement  
3407 may be met by work performed on or off the premises of the  
3408 supervising clinical social worker or the equivalent, provided  
3409 that all work is performed under the direct supervision of the  
3410 ~~off-premises work is not the independent private practice~~  
3411 ~~rendering of clinical social work that does not have a licensed~~  
3412 ~~mental health professional, as determined by the board, on the~~  
3413 ~~premises at the same time the intern is providing services.~~

3414 (d) Has passed a theory and practice examination approved  
3415 provided by the board department for this purpose, which shall  
3416 only be taken following completion of the clinical experience  
3417 requirement.

3418 (f) Has satisfied all coursework requirements in this  
3419 section by successfully completing the required course as a  
3420 student or by teaching the required graduate course as an  
3421 instructor or professor in an accredited institution.

3422 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification of  
3423 documentation and payment of a fee not to exceed \$200, as set by

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3424 board rule, plus the actual cost to the department for the  
3425 purchase of the examination from the Association of Marital and  
3426 Family Therapy Regulatory Board, or similar national  
3427 organization, the department shall issue a license as a marriage  
3428 and family therapist to an applicant who the board certifies:

3429 (b)1. Has a minimum of a master's degree with major  
3430 emphasis in marriage and family therapy, or a closely related  
3431 field, and has completed all of the following requirements:

3432 a. Thirty-six semester hours or 48 quarter hours of  
3433 graduate coursework, which must include a minimum of 3 semester  
3434 hours or 4 quarter hours of graduate-level course credits in  
3435 each of the following nine areas: dynamics of marriage and  
3436 family systems; marriage therapy and counseling theory and  
3437 techniques; family therapy and counseling theory and techniques;  
3438 individual human development theories throughout the life cycle;  
3439 personality theory or general counseling theory and techniques;  
3440 psychopathology; human sexuality theory and counseling  
3441 techniques; psychosocial theory; and substance abuse theory and  
3442 counseling techniques. Courses in research, evaluation,  
3443 appraisal, assessment, or testing theories and procedures;  
3444 thesis or dissertation work; or practicums, internships, or  
3445 fieldwork may not be applied toward this requirement.

3446 b. A minimum of one graduate-level course of 3 semester  
3447 hours or 4 quarter hours in legal, ethical, and professional  
3448 standards issues in the practice of marriage and family therapy  
3449 or a course determined by the board to be equivalent.

3450 c. A minimum of one graduate-level course of 3 semester  
3451 hours or 4 quarter hours in diagnosis, appraisal, assessment,

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3452 and testing for individual or interpersonal disorder or  
3453 dysfunction; and a minimum of one 3-semester-hour or 4-quarter-  
3454 hour graduate-level course in behavioral research which focuses  
3455 on the interpretation and application of research data as it  
3456 applies to clinical practice. Credit for thesis or dissertation  
3457 work, practicums, internships, or fieldwork may not be applied  
3458 toward this requirement.

3459         d. A minimum of one supervised clinical practicum,  
3460 internship, or field experience in a marriage and family  
3461 counseling setting, during which the student provided 180 direct  
3462 client contact hours of marriage and family therapy services  
3463 under the supervision of an individual who met the requirements  
3464 for supervision under paragraph (c). This requirement may be met  
3465 by a supervised practice experience which took place outside the  
3466 academic arena, but which is certified as equivalent to a  
3467 graduate-level practicum or internship program which required a  
3468 minimum of 180 direct client contact hours of marriage and  
3469 family therapy services currently offered within an academic  
3470 program of a college or university accredited by an accrediting  
3471 agency approved by the United States Department of Education, or  
3472 an institution which is publicly recognized as a member in good  
3473 standing with the Association of Universities and Colleges of  
3474 Canada or a training institution accredited by the Commission on  
3475 Accreditation for Marriage and Family Therapy Education  
3476 recognized by the United States Department of Education.  
3477 Certification shall be required from an official of such  
3478 college, university, or training institution.

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3479           2. If the course title which appears on the applicant's  
3480 transcript does not clearly identify the content of the  
3481 coursework, the applicant shall be required to provide  
3482 additional documentation, including, but not limited to, a  
3483 syllabus or catalog description published for the course.  
3484

3485 The required master's degree must have been received in an  
3486 institution of higher education which at the time the applicant  
3487 graduated was: fully accredited by a regional accrediting body  
3488 recognized by the Council for Higher Education Accreditation or  
3489 the United States Department of Education, or by their successor  
3490 organizations ~~Commission on Recognition of Postsecondary~~  
3491 ~~Accreditation~~; publicly recognized as a member in good standing  
3492 with the Association of Universities and Colleges of Canada; or  
3493 an institution of higher education located outside the United  
3494 States and Canada, which at the time the applicant was enrolled  
3495 and at the time the applicant graduated maintained a standard of  
3496 training substantially equivalent to the standards of training  
3497 of those institutions in the United States which are accredited  
3498 by a regional accrediting body recognized by the Council for  
3499 Higher Education Accreditation or the United States Department  
3500 of Education, or by their successor organizations ~~Commission on~~  
3501 ~~Recognition of Postsecondary Accreditation~~. Such foreign  
3502 education and training must have been received in an institution  
3503 or program of higher education officially recognized by the  
3504 government of the country in which it is located as an  
3505 institution or program to train students to practice as  
3506 professional marriage and family therapists or psychotherapists.

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3507 The burden of establishing that the requirements of this  
3508 provision have been met shall be upon the applicant, and the  
3509 board shall require documentation, such as, but not limited to,  
3510 an evaluation by a foreign equivalency determination service, as  
3511 evidence that the applicant's graduate degree program and  
3512 education were equivalent to an accredited program in this  
3513 country. An applicant with a master's degree from a program  
3514 which did not emphasize marriage and family therapy may complete  
3515 the coursework requirement in a training institution fully  
3516 accredited by the Commission on Accreditation for Marriage and  
3517 Family Therapy Education recognized by the United States  
3518 Department of Education.

3519 (c) Has had not less than 2 years of clinical experience  
3520 during which 50 percent of the applicant's clients were  
3521 receiving marriage and family therapy services, which must be at  
3522 the post-master's level under the supervision of a licensed  
3523 marriage and family therapist with at least 5 years of  
3524 experience, or the equivalent, who is a qualified supervisor as  
3525 determined by the board. An individual who intends to practice  
3526 in Florida to satisfy the clinical experience requirements must  
3527 register pursuant to s. 491.0045 prior to commencing practice.  
3528 If a graduate has a master's degree with a major emphasis in  
3529 marriage and family therapy or a closely related field that did  
3530 not include all the coursework required under sub-subparagraphs  
3531 (b)1.a.-c., credit for the post-master's level clinical  
3532 experience shall not commence until the applicant has completed  
3533 a minimum of 10 of the courses required under sub-subparagraphs  
3534 (b)1.a.-c., as determined by the board, and at least 6 semester

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3535 hours or 9 quarter hours of the course credits must have been  
3536 completed in the area of marriage and family systems, theories,  
3537 or techniques. Within the 3 years of required experience, the  
3538 applicant shall provide direct individual, group, or family  
3539 therapy and counseling, to include the following categories of  
3540 cases: unmarried dyads, married couples, separating and  
3541 divorcing couples, and family groups including children. A  
3542 doctoral internship may be applied toward the clinical  
3543 experience requirement. The clinical experience requirement may  
3544 be met by work performed on or off the premises of the  
3545 supervising marriage and family therapist or the equivalent,  
3546 provided that all work is performed under the direct supervision  
3547 of the off-premises work is not the independent private practice  
3548 rendering of marriage and family therapy services that does not  
3549 have a licensed mental health professional, as determined by the  
3550 board, on the premises at the same time the intern is providing  
3551 services.

3552 (d) Has passed a theory and practice examination approved  
3553 provided by the board department for this purpose, which shall  
3554 only be taken following completion of the clinical experience  
3555 requirement.

3556 (g) Has satisfied all coursework requirements in this  
3557 section by successfully completing the required course as a  
3558 student or by teaching the required graduate course as an  
3559 instructor or professor in an accredited institution.

3560 (4) MENTAL HEALTH COUNSELING.--Upon verification of  
3561 documentation and payment of a fee not to exceed \$200, as set by  
3562 board rule, plus the actual per applicant cost to the department

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3563 for purchase of the examination from the Professional  
3564 Examination Service for the National Academy of Certified  
3565 Clinical Mental Health Counselors or a similar national  
3566 organization, the department shall issue a license as a mental  
3567 health counselor to an applicant who the board certifies:

3568 (b)1. Has a minimum of an earned master's degree from a  
3569 mental health counseling program accredited by the Council for  
3570 the Accreditation of Counseling and Related Educational Programs  
3571 that consists of at least 60 semester hours or 80 quarter hours  
3572 of clinical and didactic instruction, including a course in  
3573 human sexuality and a course in substance abuse. If the master's  
3574 degree is earned from a program related to the practice of  
3575 mental health counseling that is not accredited by the Council  
3576 for the Accreditation of Counseling and Related Educational  
3577 Programs, then the coursework and practicum, internship, or  
3578 fieldwork must consist of at least 60 semester hours or 80  
3579 quarter hours and meet the following requirements:

3580 a. Thirty-three semester hours or 44 quarter hours of  
3581 graduate coursework, which must include a minimum of 3 semester  
3582 hours or 4 quarter hours of graduate-level coursework in each of  
3583 the following 11 content areas: counseling theories and  
3584 practice; human growth and development; diagnosis and treatment  
3585 of psychopathology; human sexuality; group theories and  
3586 practice; individual evaluation and assessment; career and  
3587 lifestyle assessment; research and program evaluation; social  
3588 and cultural foundations; counseling in community settings; and  
3589 substance abuse. Courses in research, thesis or dissertation

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3590 work, practicums, internships, or fieldwork may not be applied  
3591 toward this requirement.

3592 b. A minimum of 3 semester hours or 4 quarter hours of  
3593 graduate-level coursework in legal, ethical, and professional  
3594 standards issues in the practice of mental health counseling,  
3595 which includes goals, objectives, and practices of professional  
3596 counseling organizations, codes of ethics, legal considerations,  
3597 standards of preparation, certifications and licensing, and the  
3598 role identity and professional obligations of mental health  
3599 counselors. Courses in research, thesis or dissertation work,  
3600 practicums, internships, or fieldwork may not be applied toward  
3601 this requirement.

3602 c. The equivalent, as determined by the board, of at least  
3603 1,000 hours of university-sponsored supervised clinical  
3604 practicum, internship, or field experience as required in the  
3605 accrediting standards of the Council for Accreditation of  
3606 Counseling and Related Educational Programs for mental health  
3607 counseling programs. This experience may not be used to satisfy  
3608 the post-master's clinical experience requirement.

3609 2. If the course title which appears on the applicant's  
3610 transcript does not clearly identify the content of the  
3611 coursework, the applicant shall be required to provide  
3612 additional documentation, including, but not limited to, a  
3613 syllabus or catalog description published for the course.

3614  
3615 Education and training in mental health counseling must have  
3616 been received in an institution of higher education which at the  
3617 time the applicant graduated was: fully accredited by a regional

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3618 accrediting body recognized by the Council for Higher Education  
3619 Accreditation or the United States Department of Education, or  
3620 by their successor organizations ~~Commission on Recognition of~~  
3621 ~~Postsecondary Accreditation~~; publicly recognized as a member in  
3622 good standing with the Association of Universities and Colleges  
3623 of Canada; or an institution of higher education located outside  
3624 the United States and Canada, which at the time the applicant  
3625 was enrolled and at the time the applicant graduated maintained  
3626 a standard of training substantially equivalent to the standards  
3627 of training of those institutions in the United States which are  
3628 accredited by a regional accrediting body recognized by the  
3629 Council for Higher Education Accreditation or the United States  
3630 Department of Education, or by their successor organizations  
3631 ~~Commission on Recognition of Postsecondary Accreditation~~. Such  
3632 foreign education and training must have been received in an  
3633 institution or program of higher education officially recognized  
3634 by the government of the country in which it is located as an  
3635 institution or program to train students to practice as mental  
3636 health counselors. The burden of establishing that the  
3637 requirements of this provision have been met shall be upon the  
3638 applicant, and the board shall require documentation, such as,  
3639 but not limited to, an evaluation by a foreign equivalency  
3640 determination service, as evidence that the applicant's graduate  
3641 degree program and education were equivalent to an accredited  
3642 program in this country.

3643 (c) Has had not less than 2 years of clinical experience  
3644 in mental health counseling, which must be at the post-master's  
3645 level under the supervision of a licensed mental health

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3646 counselor or the equivalent who is a qualified supervisor as  
3647 determined by the board. An individual who intends to practice  
3648 in Florida to satisfy the clinical experience requirements must  
3649 register pursuant to s. 491.0045 prior to commencing practice.  
3650 If a graduate has a master's degree with a major related to the  
3651 practice of mental health counseling that did not include all  
3652 the coursework required under sub-subparagraphs (b)1.a.-b.,  
3653 credit for the post-master's level clinical experience shall not  
3654 commence until the applicant has completed a minimum of seven of  
3655 the courses required under sub-subparagraphs (b)1.a.-b., as  
3656 determined by the board, one of which must be a course in  
3657 psychopathology or abnormal psychology. A doctoral internship  
3658 may be applied toward the clinical experience requirement. The  
3659 clinical experience requirement may be met by work performed on  
3660 or off the premises of the supervising mental health counselor  
3661 or the equivalent, provided that all work is performed under the  
3662 direct supervision of ~~the off-premises work is not the~~  
3663 ~~independent private practice rendering of services that does not~~  
3664 ~~have~~ a licensed mental health professional, as determined by the  
3665 board, ~~on the premises at the same time the intern is providing~~  
3666 ~~services.~~

3667 (d) Has passed a theory and practice examination approved  
3668 provided by the board department for this purpose, which shall  
3669 only be taken following completion of the clinical experience  
3670 requirement.

3671 (f) Has satisfied all coursework requirements in this  
3672 section by successfully completing the required course as a

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3673 | student or by teaching the required graduate course as an  
3674 | instructor or professor in an accredited institution.

3675 |       Section 101. Subsection (3) is added to section 491.006,  
3676 | Florida Statutes, to read:

3677 |       491.006 Licensure or certification by endorsement.--

3678 |       (3) An applicant for licensure by endorsement as a mental  
3679 | health counselor who has completed the 2 years of post-master's  
3680 | clinical experience prior to completing the required course in  
3681 | psychopathology or abnormal psychology and has been licensed in  
3682 | another state for 5 of the last 6 years without being subject to  
3683 | disciplinary action, may be licensed by the board upon  
3684 | successful completion of the required course in psychopathology  
3685 | or abnormal psychology.

3686 |       Section 102. Subsection (2) of section 491.009, Florida  
3687 | Statutes, is amended to read:

3688 |       491.009 Discipline.--

3689 |       (2) The department, in the case of a certified master  
3690 | social worker, or, ~~in the case of psychologists,~~ the board, may  
3691 | enter an order denying licensure or imposing any of the  
3692 | penalties in s. 456.072(2) against any applicant for licensure  
3693 | or licensee who is found guilty of violating any provision of  
3694 | subsection (1) of this section or who is found guilty of  
3695 | violating any provision of s. 456.072(1).

3696 |       Section 103. Paragraph (a) of subsection (4) of section  
3697 | 491.014, Florida Statutes, is amended to read:

3698 |       491.014 Exemptions.--

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3699 (4) No person shall be required to be licensed,  
3700 provisionally licensed, registered, or certified under this  
3701 chapter who:

3702 (a) Is a salaried employee of a government agency or a  
3703 private provider contracting with a government agency for  
3704 performance of the same essential services previously provided  
3705 by the agency; developmental services program, mental health,  
3706 alcohol, or drug abuse facility operating pursuant to chapter  
3707 393, chapter 394, or chapter 397; subsidized child care program,  
3708 subsidized child care case management program, or child care  
3709 resource and referral program operating pursuant to chapter 402;  
3710 child-placing or child-caring agency licensed pursuant to  
3711 chapter 409; domestic violence center certified pursuant to  
3712 chapter 39; accredited academic institution; or research  
3713 institution, if such employee is performing duties for which he  
3714 or she was trained and hired solely within the confines of such  
3715 agency, facility, or institution, so long as the employee is not  
3716 held out to the public as a clinical social worker, mental  
3717 health counselor, or marriage and family therapist.

3718 Section 104. Section 491.0145, Florida Statutes, is  
3719 amended to read:

3720 491.0145 Certified master social worker.--The department  
3721 may not adopt any rules that would cause any person who was not  
3722 licensed as a certified master social worker in accordance with  
3723 this chapter on January 1, 1990, to become licensed. The  
3724 department may certify an applicant for a designation as a  
3725 certified master social worker upon the following conditions:

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3726 (1) The applicant completes an application to be provided  
3727 by the department and pays a nonrefundable fee not to exceed  
3728 \$250 to be established by rule of the department. The completed  
3729 application must be received by the department at least 60 days  
3730 before the date of the examination in order for the applicant to  
3731 qualify to take the scheduled exam.

3732 (2) The applicant submits proof satisfactory to the  
3733 department that the applicant has received a doctoral degree in  
3734 social work, or a master's degree with a major emphasis or  
3735 specialty in clinical practice or administration, including, but  
3736 not limited to, agency administration and supervision, program  
3737 planning and evaluation, staff development, research, community  
3738 organization, community services, social planning, and human  
3739 service advocacy. Doctoral degrees must have been received from  
3740 a graduate school of social work which at the time the applicant  
3741 was enrolled and graduated was accredited by an accrediting  
3742 agency approved by the United States Department of Education.  
3743 Master's degrees must have been received from a graduate school  
3744 of social work which at the time the applicant was enrolled and  
3745 graduated was accredited by the Council on Social Work Education  
3746 or the Canadian Association of Schools of Social Work or by one  
3747 that meets comparable standards.

3748 (3) The applicant has had at least 3 years' experience, as  
3749 defined by rule, including, but not limited to, clinical  
3750 services or administrative activities as defined in subsection  
3751 (2), 2 years of which must be at the post-master's level under  
3752 the supervision of a person who meets the education and  
3753 experience requirements for certification as a certified master

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3754 social worker, as defined by rule, or licensure as a clinical  
3755 social worker under this chapter. A doctoral internship may be  
3756 applied toward the supervision requirement.

3757 (4) Any person who holds a master's degree in social work  
3758 from institutions outside the United States may apply to the  
3759 department for certification if the academic training in social  
3760 work has been evaluated as equivalent to a degree from a school  
3761 accredited by the Council on Social Work Education. Any such  
3762 person shall submit a copy of the academic training from the  
3763 Foreign Equivalency Determination Service of the Council on  
3764 Social Work Education.

3765 (5) The applicant has passed an examination required by  
3766 the department for this purpose. The nonrefundable fee for such  
3767 examination may not exceed \$250 as set by department rule.

3768 (6) Nothing in this chapter shall be construed to  
3769 authorize a certified master social worker to provide clinical  
3770 social work services.

3771 Section 105. Section 491.0146, Florida Statutes, is  
3772 created to read:

3773 491.0146 Saving clause.--All licenses to practice as a  
3774 certified master social worker issued pursuant to this chapter  
3775 and valid on October 1, 2002, shall remain in full force and  
3776 effect.

3777 Section 106. Subsection (3) of section 491.0147, Florida  
3778 Statutes, is amended to read:

3779 491.0147 Confidentiality and privileged  
3780 communications.--Any communication between any person licensed  
3781 or certified under this chapter and her or his patient or client

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3782 shall be confidential. This secrecy may be waived under the  
3783 following conditions:

3784 (3)(a) When there is a clear and immediate probability of  
3785 physical harm to the patient or client, to other individuals, or  
3786 to society and the person licensed or certified under this  
3787 chapter communicates the information only to the potential  
3788 victim, appropriate family member, or law enforcement or other  
3789 appropriate authorities.

3790 (b) There shall be no civil or criminal liability arising  
3791 from the disclosure of otherwise confidential communications by  
3792 a person licensed or certified under this chapter when the  
3793 disclosure is made pursuant to paragraph (a).

3794 Section 107. Paragraph (b) of subsection (4) of section  
3795 766.314, Florida Statutes, is amended to read:

3796 766.314 Assessments; plan of operation.--

3797 (4) The following persons and entities shall pay into the  
3798 association an initial assessment in accordance with the plan of  
3799 operation:

3800 (b)1. On or before October 15, 1988, all physicians  
3801 licensed pursuant to chapter 458 or chapter 459 as of October 1,  
3802 1988, other than participating physicians, shall be assessed an  
3803 initial assessment of \$250, which must be paid no later than  
3804 December 1, 1988.

3805 2. Any such physician who becomes licensed after September  
3806 30, 1988, and before January 1, 1989, shall pay into the  
3807 association an initial assessment of \$250 upon licensure.

3808 3. Any such physician who becomes licensed on or after  
3809 January 1, 1989, shall pay an initial assessment equal to the

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3810 most recent assessment made pursuant to this paragraph,  
3811 paragraph (5)(a), or paragraph (7)(b).

3812 4. However, if the physician is a physician specified in  
3813 this subparagraph, the assessment is not applicable:

3814 a. A resident physician, assistant resident physician, or  
3815 intern in an approved postgraduate training program, as defined  
3816 by the Board of Medicine or the Board of Osteopathic Medicine by  
3817 rule;

3818 b. A retired physician who has withdrawn from the practice  
3819 of medicine but who maintains an active license as evidenced by  
3820 an affidavit filed with the Department of Health. Prior to  
3821 reentering the practice of medicine in this state, a retired  
3822 physician as herein defined must notify the Board of Medicine or  
3823 the Board of Osteopathic Medicine and pay the appropriate  
3824 assessments pursuant to this section;

3825 c. A physician who holds a limited license pursuant to s.  
3826 458.315 ~~458.317~~ and who is not being compensated for medical  
3827 services;

3828 d. A physician who is employed full time by the United  
3829 States Department of Veterans Affairs and whose practice is  
3830 confined to United States Department of Veterans Affairs  
3831 hospitals; or

3832 e. A physician who is a member of the Armed Forces of the  
3833 United States and who meets the requirements of s. 456.024.

3834 f. A physician who is employed full time by the State of  
3835 Florida and whose practice is confined to state-owned  
3836 correctional institutions, a county health department, or state-

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3837 owned mental health or developmental services facilities, or who  
3838 is employed full time by the Department of Health.

3839 Section 108. Paragraph (a) of subsection (2) of section  
3840 817.505, Florida Statutes, is amended to read:

3841 817.505 Patient brokering prohibited; exceptions;  
3842 penalties.--

3843 (2) For the purposes of this section, the term:

3844 (a) "Health care provider or health care facility" means  
3845 any person or entity licensed, certified, or registered with the  
3846 Department of Health or the Agency for Health Care  
3847 Administration; any person or entity that has contracted with  
3848 the Agency for Health Care Administration to provide goods or  
3849 services to Medicaid recipients as provided under s. 409.907; a  
3850 county health department established under part I of chapter  
3851 154; any community service provider contracting with the  
3852 Department of Children and Family Services to furnish alcohol,  
3853 drug abuse, or mental health services under part IV of chapter  
3854 394; any substance abuse service provider licensed under chapter  
3855 397; or any federally supported primary care program such as a  
3856 migrant or community health center authorized under ss. 329 and  
3857 330 of the United States Public Health Services Act.

3858 Section 109. Paragraph (a) of subsection (1) of section  
3859 817.567, Florida Statutes, is amended to read:

3860 817.567 Making false claims of academic degree or title.--

3861 (1) No person in the state may claim, either orally or in  
3862 writing, to possess an academic degree, as defined in s.  
3863 1005.02, or the title associated with said degree, unless the

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3864 person has, in fact, been awarded said degree from an  
3865 institution that is:

3866 (a) Accredited by a regional or professional accrediting  
3867 agency recognized by the United States Department of Education  
3868 or the Council for Higher Education ~~Commission on Recognition of~~  
3869 ~~Postsecondary~~ Accreditation, or by their successor  
3870 organizations;

3871 Section 110. Subsection (13) of section 1009.992, Florida  
3872 Statutes, is amended to read:

3873 1009.992 Definitions.--As used in this act:

3874 (13) "Institution" means any college or university which,  
3875 by virtue of law or charter, is accredited by and holds  
3876 membership in the Council for Higher Education ~~Commission on~~  
3877 ~~Recognition of Postsecondary~~ Accreditation, or by its successor  
3878 organization; which grants baccalaureate or associate degrees;  
3879 which is not a pervasively sectarian institution; and which does  
3880 not discriminate in the admission of students on the basis of  
3881 race, color, religion, sex, or creed.

3882 Section 111. Section 1012.46, Florida Statutes, is amended  
3883 to read:

3884 1012.46 Athletic trainers.--

3885 (1) School districts may establish and implement an  
3886 athletic injuries prevention and treatment program. Central to  
3887 this program should be the employment and availability of  
3888 persons trained in the prevention and treatment of physical  
3889 injuries which may occur during athletic activities. The program  
3890 should reflect opportunities for progressive advancement and  
3891 compensation in employment as provided in subsection (2) and

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3892 meet certain other minimum standards developed by the Department  
3893 of Education. The goal of the Legislature is to have school  
3894 districts employ and have available a full-time ~~teacher~~ athletic  
3895 trainer in each high school in the state.

3896 (2) To the extent practicable, a school district program  
3897 should include the following employment classification and  
3898 advancement scheme:

3899 (a) First responder.--To qualify as a first responder, a  
3900 person must possess a professional, temporary, part-time,  
3901 adjunct, or substitute certificate pursuant to s. 1012.56, be  
3902 certified in cardiopulmonary resuscitation, first aid, and have  
3903 15 semester hours in courses such as care and prevention of  
3904 athletic injuries, anatomy, physiology, nutrition, counseling,  
3905 and other similar courses approved by the Commissioner of  
3906 Education. This person may only administer first aid and similar  
3907 care and shall not hold themselves out to the school district or  
3908 public as an athletic trainer pursuant to part XIII of chapter  
3909 468.

3910 (b) ~~Teacher~~ Athletic trainer.--To qualify as an a ~~teacher~~  
3911 athletic trainer, a person must be licensed as required by part  
3912 XIII of chapter 468 and may be utilized by the school district  
3913 as possess a professional, temporary, part-time, adjunct, or  
3914 substitute certificate pursuant to s. 1012.35, s. 1012.56 or s.  
3915 1012.57, ~~and be licensed as required by part XIII of chapter~~  
3916 ~~468.~~

3917 Section 112. Reactivation of license for clinical research  
3918 purposes.--

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Amendment No. (for drafter's use only)

3919       (1) Any person who is licensed to practice medicine in the  
3920 state and who left the practice of medicine for purposes of  
3921 retirement and who, at the time of retirement, was in good  
3922 standing with the board may apply to have his or her license  
3923 reactivated, without examination, for purposes of solely  
3924 providing medical services to patients in a clinical research  
3925 setting. Such person must not have been out of the practice of  
3926 medicine for more than 15 years at the time of application under  
3927 this section.

3928       (2) The board shall, by rule, set the reactivation fee,  
3929 not to exceed \$300.

3930       (3) This section shall only apply to persons who meet all  
3931 of the following criteria:

3932       (a) A person of not less than 85 years of age on July 1,  
3933 2004.

3934       (b) A person who is providing medical services as part of  
3935 a clinical study that has been reviewed and approved by a  
3936 federal, state, or local institutional review board.

3937       (4) This section is repealed June 30, 2005, unless  
3938 reviewed and saved from repeal through reenactment by the  
3939 Legislature.

3940       Section 113. Sections 456.033, 456.034, 458.313, 458.3147,  
3941 458.316, 458.3165, and 458.317, Florida Statutes, are repealed.

3942       Section 114. Effective January 1, 2005, sections 468.356  
3943 and 468.357, Florida Statutes, are repealed.

3944       Section 115. Except as otherwise provided herein, this act  
3945 shall take effect upon becoming a law.  
3946

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Amendment No. (for drafter's use only)

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

Remove the entire title and insert:

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; providing for reasonable costs of copies; 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.

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HOUSE AMENDMENT

Bill No. CS/CS/SB 2170

Amendment No. (for drafter's use only)

3975 | 400.9905, F.S.; providing definitions for different types  
3976 | of specialized clinics including mobile clinics and  
3977 | portable equipment providers, and chief financial officer;  
3978 | exempting certain oncology and radiation therapy from  
3979 | clinic licensure; providing intent for retroactive  
3980 | exemption; amending s. 400.991, F.S.; revising clinic  
3981 | licensing requirements; requiring a separate clinic  
3982 | license for each mobile clinic; providing certain  
3983 | applicants do not have to submit fingerprints; providing  
3984 | for retroactive operation; amending s. 400.9935, F.S.;  
3985 | revising clinic responsibilities; providing for chief  
3986 | financial officer to review clinic billings; providing for  
3987 | a fee; amending s. 400.995, F.S.; revising provisions  
3988 | providing for agency administrative penalties; authorizing  
3989 | denial, revocation, or suspension of licenses; requiring  
3990 | the Agency for Health Care Administration to refund  
3991 | certain licensure fees to subsequently exempted  
3992 | applicants; providing criteria; specifying certain clinics  
3993 | not in violation of certain provisions for failing to  
3994 | apply for a clinic license under certain circumstances;  
3995 | amending s. 456.005, F.S.; providing for licensee input to  
3996 | long-range plans for regulation of health professions;  
3997 | amending s. 456.011, F.S.; providing procedures to resolve  
3998 | differences in interpretation of practice acts by  
3999 | different boards; amending s. 456.012, F.S.; protecting  
4000 | board declaratory statements from challenge by another  
4001 | board; amending s. 456.013, F.S.; requiring temporary  
4002 | licenses to be issued according to rules; removing certain

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HOUSE AMENDMENT

Bill No. CS/CS/SB 2170

Amendment No. (for drafter's use only)

4003 requirements for content of continuing education; amending  
4004 s. 456.017, F.S.; providing for electronic posting of  
4005 examination scores; providing for alternative examination  
4006 procedures for certain physician assistants; creating s.  
4007 456.020, F.S.; providing for content of continuing  
4008 education to include domestic violence, HIV/AIDS, and  
4009 prevention of medical errors; providing requirements for  
4010 completion of continuing education courses; amending s.  
4011 456.025, F.S.; conforming a cross reference; requiring  
4012 management reports on revenue and expenditures if needed;  
4013 amending s. 456.031, F.S.; requiring continuing education  
4014 on domestic violence to be skills based; amending ss.  
4015 456.036 and 456.037, F.S.; providing for rule to require  
4016 display of license; amending s. 456.057, F.S.; providing  
4017 for costs of copying records; amending s. 456.063, F.S.;  
4018 providing rulemaking authority for reporting allegations  
4019 of sexual misconduct; amending s. 456.072, F.S.;  
4020 clarifying grounds for discipline for performing or  
4021 attempting to perform health care services on the wrong  
4022 patient or that are otherwise wrong or unnecessary or  
4023 leaving a foreign body in the patient; providing for  
4024 discipline for prescribing, administering, dispensing, or  
4025 distributing certain medications without a valid  
4026 professional relationship; providing for additional costs  
4027 to be assessed as part of any penalty or other form of  
4028 discipline; amending s. 456.073, F.S.; correcting a cross  
4029 reference; extending the time to make a certain request;  
4030 amending s. 456.42, F.S.; authorizing abbreviation of the

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HOUSE AMENDMENT

Bill No. CS/CS/SB 2170

Amendment No. (for drafter's use only)

4031 month required in the date on a written drug prescription;  
4032 amending s. 457.105, F.S.; providing prerequisites for  
4033 training requirements for licensure to practice  
4034 acupuncture; providing time period for review of  
4035 application for licensure; amending s. 457.107, F.S.;  
4036 revising provisions relating to renewal of licenses;  
4037 providing for regulations for acupuncture, continuing  
4038 education providers; amending s. 457.109, F.S.; providing  
4039 for a plea of nolo contendere to certain offenses relating  
4040 to the practice of acupuncture as grounds for discipline;  
4041 amending ss. 458.311 and 458.315, F.S.; consolidating and  
4042 revising provisions relating to requirements for licensure  
4043 of physicians; amending ss. 458.331, 459.015, 460.413, and  
4044 461.013, F.S.; reducing the time period for certain  
4045 physicians to respond to information contained in a  
4046 complaint; amending ss. 458.347 and 468.711, F.S.;  
4047 deleting obsolete provisions for licensure; amending s.  
4048 459.008, F.S.; providing for rules regarding continuing  
4049 education for osteopathic physicians; deleting a cross  
4050 reference; amending s. 459.021, F.S.; providing limit on  
4051 fees for renewal of registration of resident physicians,  
4052 interns, and fellows; revising elements of a crime  
4053 relating to employment and reporting of such persons;  
4054 amending s. 460.406, F.S.; revising the name of an  
4055 accrediting agency; revising requirements for chiropractic  
4056 physician licensure to allow a student in his or her final  
4057 6 months of an accredited chiropractic school to apply for  
4058 licensure; amending s. 461.014, F.S.; revising certain

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HOUSE AMENDMENT

Bill No. CS/CS/SB 2170

Amendment No. (for drafter's use only)

4059 |       podiatry residency program requirements; amending ss.  
4060 |       463.006, 467.009, 468.1155, 468.509, 486.031, 490.005,  
4061 |       817.567, and 1009.992, F.S.; revising the name of an  
4062 |       accrediting agency; amending s. 464.009, F.S.; revising  
4063 |       provisions providing for licensure by endorsement;  
4064 |       amending s. 464.201, F.S.; defining the scope of practice  
4065 |       of certified nursing assistants; amending s. 464.202,  
4066 |       F.S.; providing for rules to establish scope of practice  
4067 |       and level of supervision for certified nursing assistants;  
4068 |       amending s. 464.203, F.S.; clarifying requirements for  
4069 |       criminal history checks of certified nursing assistants;  
4070 |       reducing the hours of inservice training required each  
4071 |       year; providing for biennial renewal of certification,  
4072 |       including fees; amending s. 464.204, F.S.; revising a  
4073 |       ground for disciplinary action for specificity and removal  
4074 |       of the requirement of intentionality; amending s. 465.022,  
4075 |       F.S.; providing additional requirements for a community  
4076 |       pharmacy permit; requiring background checks, including  
4077 |       fingerprints; limiting number of persons fingerprinted for  
4078 |       large corporations; amending s. 465.023, F.S.; revising  
4079 |       provisions for disciplinary actions for pharmacy  
4080 |       permittees; providing grounds for suspension, revocation,  
4081 |       or denial of a permit; amending s. 465.025, F.S.; removing  
4082 |       requirement for each community pharmacy to have a generic  
4083 |       drug substitution formulary; providing requirements for  
4084 |       electronic prescriptions for brand name drugs; amending s.  
4085 |       465.0255, F.S.; revising requirements for expiration dates  
4086 |       of medicinal drugs; amending s. 465.026, F.S.; creating an

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Amendment No. (for drafter's use only)

4087 | exception to the requirements for filling or refilling a  
4088 | transferred prescription for a medicinal drug listed in  
4089 | Schedule II under ch. 893, F.S.; amending s. 465.0265,  
4090 | F.S.; prohibiting certain pharmacies from filling  
4091 | prescriptions directly to a patient or provider; amending  
4092 | s. 466.007, F.S.; requiring 4 years of postsecondary  
4093 | dental education to qualify to take the examinations to  
4094 | practice dental hygiene; amending s. 466.0135, F.S.;  
4095 | allowing for course in practice management; amending s.  
4096 | 466.021, F.S.; increasing the time that records of work  
4097 | orders for unlicensed persons must be retained; amending  
4098 | s. 467.013, F.S.; providing for inactive licensure status  
4099 | for midwives pursuant to rule; deleting certain provisions  
4100 | to conform; amending s. 467.0135, F.S.; revising midwifery  
4101 | licensure status and fees; amending s. 467.017, F.S.;  
4102 | requiring a midwife's emergency care plan to be available  
4103 | to the department upon request; amending s. 468.352, F.S.;  
4104 | revising and providing definitions applicable to the  
4105 | regulation of respiratory therapy; amending s. 468.355,  
4106 | F.S.; revising provisions relating to respiratory therapy  
4107 | licensure and testing requirements; amending s. 468.368,  
4108 | F.S.; revising exemptions from respiratory therapy  
4109 | licensure requirements; amending s. 468.707, F.S.;  
4110 | revising name of accrediting agency; deleting a provision  
4111 | relating to a continuing education course on HIV/AIDS for  
4112 | initial licensure as an athletic trainer; amending s.  
4113 | 468.711, F.S.; deleting certain course requirements;  
4114 | amending s. 468.723, F.S.; eliminating teacher trainer

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Bill No. CS/CS/SB 2170

Amendment No. (for drafter's use only)

4115 exemption; amending s. 480.033, F.S.; amending definitions  
4116 relations to massage therapy; amending s. 480.034, F.S.;  
4117 exempting certain massage therapists from premises  
4118 licensure; amending s. 480.041, F.S.; revising  
4119 requirements for licensure of massage therapists; removing  
4120 provisions relating to apprentices; requiring rules for  
4121 state colonic irrigation examination; amending ss. 480.044  
4122 and 486.021, F.S., to conform; amending s. 480.046, F.S.;  
4123 providing conditions for suspension or revocation of a  
4124 massage establishment license; amending s. 486.051, F.S.;  
4125 reducing opportunities to retake the physical therapist  
4126 licensure examination; amending s. 486.081, F.S.; revising  
4127 provisions for physical therapist licensure by endorsement  
4128 and reactivating such a license; amending s. 486.102,  
4129 F.S.; revising licensing requirements for physical  
4130 therapist assistants; revising name of accrediting agency;  
4131 amending s. 486.104, F.S.; reducing opportunities to  
4132 retake physical therapist assistant licensure examination;  
4133 amending s. 486.107, F.S.; revising provisions for  
4134 physical therapist assistant licensure by endorsement and  
4135 reactivating such a license; amending s. 486.109, F.S.;  
4136 revising continuing education requirements; amending s.  
4137 486.161, F.S.; exempting out-of-state licensed physical  
4138 therapists from Florida licensure when in the state  
4139 temporarily serving athletes; amending s. 491.005, F.S.;  
4140 revising names of accrediting agencies; requiring direct  
4141 supervision of clinical experience for licensure;  
4142 requiring completion of clinical experience prior to

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## HOUSE AMENDMENT

Bill No. CS/CS/SB 2170

Amendment No. (for drafter's use only)

4143 written examination; permitting teaching of a certain  
4144 course to count for successful completion; amending s.  
4145 491.006, F.S.; providing for substitution of certain  
4146 experience for required course; amending s. 491.009, F.S.;  
4147 providing for discipline of certified master social  
4148 workers by the department; amending s. 491.014, F.S.;  
4149 extending employment protection to licensed psychologists  
4150 and clinical counselors under certain circumstances;  
4151 amending s. 491.0145, F.S.; prohibiting the licensure of a  
4152 certified master social worker if not licensed before a  
4153 certain date; creating s. 491.0146, F.S.; providing a  
4154 saving clause for certified master social workers licensed  
4155 from a certain date; amending s. 491.0147, F.S.; providing  
4156 protection for disclosure; amending s. 817.505, F.S.;  
4157 adding certain entities licensed by the department to  
4158 those prohibited from patient brokering; amending s.  
4159 1012.46, F.S.; eliminating provisions for teacher athletic  
4160 trainers; allowing for certain relicensure; repealing ss.  
4161 456.033, 456.034, 458.313, 458.3147, 458.316, 458.3165,  
4162 and 458.317, F.S., relating to requirements for  
4163 instruction on HIV/AIDS, licensure by endorsement,  
4164 temporary certificate for visiting physicians, public  
4165 health certificates, public psychiatry certificates, and  
4166 limited licenses, respectively; repealing s. 468.356,  
4167 F.S., relating to the approval of educational programs;  
4168 repealing s. 468.357, F.S., relating to licensure by  
4169 examination; providing effective dates.

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