

By the Committees on Appropriations; Health, Aging, and Long-Term Care; and Senator Peadar

309-2513-04

1 A bill to be entitled
2 An act relating to the Department of Health;
3 amending s. 381.005, F.S.; requiring hospitals
4 to offer immunizations against the influenza
5 virus and pneumococcal bacteria to all patients
6 65 years of age or older during specified time
7 periods, subject to the availability of the
8 vaccines; amending s. 395.0193, F.S., relating
9 to disciplinary powers; correcting references
10 to the Division of Medical Quality Assurance
11 and the department; amending s. 395.0197, F.S.;
12 requiring the Agency for Health Care
13 Administration to forward reports of adverse
14 incidents to the division; amending s.
15 395.3025, F.S.; providing requirements for a
16 facility administrator or records custodian
17 with respect to the certification of patient
18 records; specifying the charges for reproducing
19 records; revising purposes for which patient
20 records may be used; amending s. 395.7015,
21 F.S., relating to annual assessments;
22 correcting cross-references; amending s.
23 400.141, F.S.; providing requirements for the
24 production of records by nursing home
25 facilities; amending s. 400.145, F.S.;
26 providing requirements for a facility
27 administrator or records custodian with respect
28 to the certification of patient records;
29 allowing facilities to charge a reasonable fee
30 for certain copies of documents which are
31 provided to the department; amending s.

1 400.147, F.S.; requiring the Agency for Health
2 Care Administration to provide certain reports
3 to the division; amending s. 400.211, F.S.;
4 revising inservice training requirements for
5 nursing assistants; amending s. 400.423, F.S.;
6 requiring the Agency for Health Care
7 Administration to forward reports of adverse
8 incidents to the division; creating s. 400.455,
9 F.S.; providing requirements for the production
10 of records by assisted living facilities;
11 amending s. 456.005, F.S.; requiring the
12 department to obtain input from licensees in
13 developing long-range plans; amending s.
14 456.011, F.S.; providing procedures for
15 resolving a conflict between two or more
16 boards; authorizing the Secretary of Health to
17 resolve certain conflicts between boards;
18 amending s. 456.012, F.S.; limiting challenges
19 by a board to a declaratory statement; amending
20 s. 456.013, F.S.; increasing the period of
21 validity of a temporary license; authorizing a
22 rule allowing coursework to be completed by
23 certain teaching activities; revising
24 requirements for wall certificates; amending s.
25 381.00593, F.S., relating to the public school
26 volunteer program; correcting a
27 cross-reference; amending s. 456.017, F.S.;
28 revising requirements for examinations;
29 authorizing the department to post scores on
30 the Internet; creating s. 456.0195, F.S.;
31 requiring continuing education concerning

1 domestic violence, and HIV and AIDS; specifying
2 course content; providing for disciplinary
3 action for failure to comply with the
4 requirements; amending s. 456.025, F.S.;
5 revising reporting requirements for the
6 department concerning management of the boards;
7 amending s. 456.031, F.S.; revising
8 requirements for continuing education
9 concerning domestic violence; deleting a
10 reporting requirement; amending ss. 456.036 and
11 456.037, F.S.; authorizing the board or
12 department to require the display of a license;
13 amending s. 456.039, F.S., relating to
14 designated health care professionals;
15 correcting a cross-reference; amending s.
16 456.057, F.S.; specifying the charges for
17 healthcare practitioners to reproduce records
18 for the Department of Health; amending s.
19 456.063, F.S.; authorizing the board or the
20 department to adopt rules to determine the
21 sufficiency of an allegation of sexual
22 misconduct; amending s. 456.072, F.S.; revising
23 certain grounds for disciplinary action;
24 prohibiting the provision of a drug if the
25 patient does not have a valid professional
26 relationship with the prescribing practitioner;
27 providing for disciplinary action against an
28 impaired practitioner who is terminated from an
29 impaired practitioner program for failure to
30 comply, without good cause, with the terms of
31 his or her monitoring or treatment contract;

1 authorizing the department to impose a fee to
2 defray the costs of monitoring a licensee's
3 compliance with an order; amending s. 456.073,
4 F.S.; revising certain procedures for
5 investigations concerning a disciplinary
6 proceeding; amending s. 457.105, F.S.; revising
7 requirements for licensure to practice
8 acupuncture; amending s. 457.107, F.S.;
9 removing certain education programs as eligible
10 for continuing education credit; authorizing
11 the Board of Acupuncture to adopt rules for
12 establishing standards for providers of
13 continuing education activities; amending s.
14 457.109, F.S.; clarifying circumstances under
15 which the department may take disciplinary
16 action; amending s. 458.303, F.S., relating to
17 certain exceptions to the practice acts;
18 correcting cross-references; amending s.
19 458.311, F.S.; revising licensure requirements
20 for physicians; amending s. 458.3124, F.S.,
21 relating to restricted licenses; correcting a
22 cross-reference; amending s. 458.315, F.S.;
23 revising requirements for issuing a limited
24 license to practice as a physician; providing
25 for waiver of fees and assessments; amending s.
26 458.319, F.S., relating to continuing
27 education; conforming provisions; amending s.
28 458.320, F.S., relating to financial
29 responsibility; correcting a cross-reference;
30 amending s. 458.331, F.S.; revising
31 requirements for a physician in responding to a

1 | complaint or other document; amending s.
2 | 458.345, F.S., relating to the registration of
3 | residents, interns, and fellows; correcting a
4 | cross-reference; amending s. 458.347, F.S.;
5 | revising requirements for licensure as a
6 | physician assistant; revising requirements for
7 | temporary licensure; authorizing the board to
8 | mandate requirements for continuing medical
9 | education, including alternative methods for
10 | obtaining credits; amending s. 459.008, F.S.;
11 | authorizing the board to require by rule
12 | continuing medical education and approve
13 | alternative methods of obtaining credits;
14 | amending s. 459.015, F.S.; revising
15 | requirements for an osteopathic physician in
16 | responding to a complaint or other document;
17 | amending s. 459.021, F.S.; revising certain
18 | requirements for registration as a resident,
19 | intern, or fellow; amending s. 460.406, F.S.,
20 | relating to the licensure of chiropractic
21 | physicians; correcting a reference; revising
22 | requirements for chiropractic physician
23 | licensure to allow a student in his or her
24 | final year of an accredited chiropractic school
25 | to apply for licensure; amending ss. 460.413
26 | and 461.013, F.S.; revising requirements for a
27 | chiropractic physician and podiatric physician
28 | in responding to a complaint or other document;
29 | amending s. 461.014, F.S.; revising the
30 | interval at which hospitals with podiatric
31 | residency programs submit lists of podiatric

1 residents; amending s. 463.006, F.S., relating
2 to optometry; correcting a reference; amending
3 and reenacting s. 464.009, F.S.; amending s.
4 464.0205, F.S., relating to volunteer nurses;
5 correcting a cross-reference; amending s.
6 464.201, F.S.; defining the term "practice of a
7 certified nursing assistant"; amending s.
8 464.202, F.S.; requiring rules for practice as
9 a certified nursing assistant which specify the
10 scope of authorized practice and level of
11 supervision required; amending s. 464.203,
12 F.S.; revising screening requirements for
13 certified nursing assistants; amending s.
14 464.204, F.S., relating to disciplinary
15 actions; clarifying a cross-reference; amending
16 s. 465.0075, F.S.; clarifying requirements for
17 certain continuing education for pharmacists;
18 amending s. 465.022, F.S.; requiring that a
19 pharmacy permit be issued only to a person or
20 corporate officers who are 18 years of age or
21 older and of good moral character; requiring
22 that certain persons applying for a pharmacy
23 permit submit fingerprints for a criminal
24 history check; amending s. 465.023, F.S.;
25 authorizing the department to deny a pharmacy
26 permit application for specified reasons;
27 specifying additional criteria for denying,
28 revoking or suspending a pharmacy permit;
29 amending s. 465.025, F.S.; revising
30 requirements for the substitution of drugs;
31 deleting requirements that a pharmacy establish

1 a formulary of generic and brand name drugs;
2 amending s. 465.0251, F.S., relating to generic
3 drugs; correcting a cross-reference; amending
4 s. 465.0265, F.S.; providing requirements for
5 central fill pharmacies that prepare
6 prescriptions on behalf of pharmacies; amending
7 s. 465.026, F.S.; authorizing a community
8 pharmacy to transfer a prescription for certain
9 controlled substances; amending s. 466.007,
10 F.S.; revising requirements for dental
11 hygienists in qualifying for examination;
12 amending s. 466.021, F.S.; revising records
13 requirements concerning unlicensed persons
14 employed by a dentist; amending s. 467.009,
15 F.S., relating to midwifery programs;
16 correcting references; amending s. 467.013,
17 F.S.; providing for placing a midwife license
18 on inactive status pursuant to rule of the
19 department; deleting requirements for
20 reactivating an inactive license; amending s.
21 467.0135, F.S.; revising requirements for fees,
22 to conform; amending s. 467.017, F.S.; revising
23 requirements for the emergency care plan;
24 amending s. 468.1155, F.S., relating to the
25 practice of speech-language pathology and
26 audiology; correcting references; amending s.
27 468.352, F.S.; revising and providing
28 definitions applicable to the regulation of
29 respiratory therapy; amending s. 468.355, F.S.;
30 revising provisions relating to respiratory
31 therapy licensure and testing requirements;

1 amending s. 468.368, F.S.; revising exemptions
2 from respiratory therapy licensure
3 requirements; repealing s. 468.356, F.S.,
4 relating to the approval of educational
5 programs; repealing s. 468.357, F.S., relating
6 to licensure by examination; amending s.
7 468.509, F.S., relating to
8 dietitian/nutritionists; correcting references;
9 amending s. 468.707, F.S., relating to
10 licensure as an athletic trainer; conforming
11 provisions to changes made by the act; amending
12 s. 480.041, F.S.; revising requirements for
13 licensure as a massage therapist; requiring the
14 department to provide for a written examination
15 for the practice of colonic irrigation;
16 amending s. 486.021, F.S., relating to the
17 practice of physical therapy; redefining the
18 term "direct supervision"; amending s. 486.031,
19 F.S., relating to licensure requirements;
20 correcting references; amending s. 486.051,
21 F.S.; revising examination requirements;
22 amending s. 486.081, F.S.; providing for
23 licensure by endorsement for physical
24 therapists licensed in another jurisdiction;
25 amending s. 486.102, F.S.; revising
26 requirements for licensure; correcting
27 reference; amending s. 486.104, F.S.; revising
28 examination requirements for a physical
29 therapist assistant; amending s. 486.107, F.S.;
30 providing for licensure by endorsement for
31 physical therapist assistants licensed in

1 another jurisdiction; amending s. 486.109,
2 F.S.; revising requirements for continuing
3 education; amending s. 486.161, F.S.; providing
4 an exemption from licensure for certain
5 physical therapists affiliated with a team or
6 organization temporarily located in the state;
7 amending s. 486.172, F.S.; clarifying
8 provisions governing the qualifications of
9 immigrants for examination; amending s.
10 490.005, F.S., relating to psychological
11 services; correcting references; amending s.
12 491.005, F.S., relating to clinical,
13 counseling, and psychotherapy services;
14 revising licensure requirements; correcting
15 references; amending s. 491.006, F.S.;
16 providing requirements for licensure by
17 endorsement as a mental health counselor;
18 amending ss. 491.009 and 491.0145, F.S.;
19 clarifying provisions governing the discipline
20 of a certified master social worker; creating
21 s. 491.0146, F.S.; providing for the validity
22 of certain licenses to practice as a certified
23 master social worker; amending s. 491.0147,
24 F.S.; providing an exemption from liability for
25 disclosure of confidential information under
26 certain circumstances; amending s. 817.505,
27 F.S.; clarifying provisions prohibiting actions
28 that constitute patient brokering; amending s.
29 817.567, F.S., relating to making false claims
30 of a degree or title; correcting a reference;
31 amending s. 1009.992, F.S., relating to the

1 Florida Higher Education Loan Authority Act;
2 correcting a reference; amending s. 468.711,
3 F.S.; deleting the requirement that continuing
4 education for athletic trainers include first
5 aid; amending s. 468.723, F.S.; revising
6 exemptions from licensure requirements;
7 amending s. 1012.46, F.S.; providing that a
8 first responder for a school district may not
9 represent himself or herself as an athletic
10 trainer; providing for reactivation of a
11 license to practice medicine by certain retired
12 practitioners; providing conditions on such
13 reactivation; providing for a fee; providing
14 powers, including rulemaking powers, of the
15 Board of Medicine; providing for future review
16 and expiration; amending s. 466.0135, F.S.;
17 providing additional requirements for
18 continuing education for dentists; amending s.
19 480.034, F.S.; exempting certain massage
20 therapists from premises licensure; repealing
21 ss. 456.033, 456.034, 458.313, 458.3147,
22 458.316, 458.3165, 458.317, 468.711(3), and
23 480.044(1)(h), F.S., relating to instruction
24 concerning HIV and AIDS, licensure by
25 endorsement of physicians, medical school
26 eligibility, public health and public
27 psychiatry certificates, limited licenses, and
28 examination fees; providing an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Present subsection (2) of section 381.005,
2 Florida Statutes, is redesignated as subsection (3), and a new
3 subsection (2) is added to that section, to read:

4 381.005 Primary and preventive health services.--

5 (2) Between October 1, or earlier if the vaccination
6 is available, and February 1 of every year, subject to the
7 availability of an adequate supply of the necessary vaccine,
8 each hospital licensed under chapter 395 shall implement a
9 program to offer immunizations against the influenza virus and
10 pneumococcal bacteria to all patients 65 years of age or
11 older, in accordance with the recommendations of the Advisory
12 Committee on Immunization Practices of the United States
13 Centers for Disease Control and Prevention and subject to the
14 clinical judgment of the responsible practitioner.

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

17 395.0193 Licensed facilities; peer review;

18 disciplinary powers; agency or partnership with physicians.--

19 (4) Pursuant to ss. 458.337 and 459.016, any
20 disciplinary actions taken under subsection (3) shall be
21 reported in writing to the Division of Medical Health Quality
22 Assurance of the Department of Health ~~agency~~ within 30 working
23 days after its initial occurrence, regardless of the pendency
24 of appeals to the governing board of the hospital. The
25 notification shall identify the disciplined practitioner, the
26 action taken, and the reason for such action. All final
27 disciplinary actions taken under subsection (3), if different
28 from those which were reported to the division ~~agency~~ within
29 30 days after the initial occurrence, shall be reported within
30 10 working days to the Division of Medical Health Quality
31 Assurance of the department ~~agency~~ in writing and shall

1 specify the disciplinary action taken and the specific grounds
2 therefor. The division shall review each report and determine
3 whether it potentially involved conduct by the licensee that
4 is subject to disciplinary action, in which case s. 456.073
5 shall apply. The reports are not subject to inspection under
6 s. 119.07(1) even if the division's investigation results in a
7 finding of probable cause.

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

10 395.0197 Internal risk management.--

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

16 (a) The death of a patient;

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

18 (c) The performance of a surgical procedure on the
19 wrong patient;

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

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

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

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

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

1
2 The agency may grant extensions to this reporting requirement
3 for more than 15 days upon justification submitted in writing
4 by the facility administrator to the agency. The agency may
5 require an additional, final report. These reports shall not
6 be available to the public under ~~pursuant to~~ s. 119.07(1) or
7 any other law providing access to public records, nor be
8 discoverable or admissible in any civil or administrative
9 action, except in disciplinary proceedings by the agency or
10 the appropriate regulatory board, nor shall they be available
11 to the public as part of the record of investigation for and
12 prosecution in disciplinary proceedings made available to the
13 public by the agency or the appropriate regulatory board.
14 However, the agency or the appropriate regulatory board shall
15 make available, upon written request by a health care
16 professional against whom probable cause has been found, any
17 ~~such~~ records that ~~which~~ form the basis of the determination of
18 probable cause. The agency may investigate, as it deems
19 appropriate, any ~~such~~ incident and prescribe measures that
20 must or may be taken in response to the incident. The agency
21 shall forward a copy of the report of ~~review~~ each incident to
22 the Division of Medical Quality Assurance in the Department of
23 Health to ~~and~~ determine whether it potentially involved
24 conduct by the health care professional who is subject to
25 disciplinary action, in which case ~~the provisions of~~ s.
26 456.073 shall apply.

27 Section 4. Paragraphs (a) and (e) of subsection (4) of
28 section 395.3025, Florida Statutes, are amended, paragraph (1)
29 is added to that subsection, and paragraph (b) of subsection
30 (7) of that section, is amended, to read:
31

1 395.3025 Patient and personnel records; copies;
2 examination.--

3 (4) Patient records are confidential and must not be
4 disclosed without the consent of the person to whom they
5 pertain, but appropriate disclosure may be made without ~~such~~
6 consent to:

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

10 (e) The Department of Health ~~agency~~ upon subpoena
11 issued pursuant to s. 456.071, but the records obtained
12 thereby must be used solely for the purpose of the department
13 ~~agency~~ and the appropriate professional board in its
14 investigation, prosecution, and appeal of disciplinary
15 proceedings. The administrator or records custodian in a
16 facility licensed under this chapter shall certify that a true
17 and complete copy of the records requested under a subpoena or
18 the release of a patient have been provided to the department
19 or otherwise identify those documents that have not been
20 provided. If the department ~~agency~~ requests copies of the
21 records, the facility may charge the department the reasonable
22 costs of reproducing the records ~~shall charge no more than its~~
23 ~~actual copying costs, including reasonable staff time.~~ The
24 records must be sealed and must not be available to the public
25 pursuant to s. 119.07(1) or any other statute providing access
26 to records, nor may they be available to the public as part of
27 the record of investigation for and prosecution in
28 disciplinary proceedings made available to the public by the
29 department ~~agency~~ or the appropriate regulatory board.
30 However, the department ~~agency~~ must make available, upon
31 written request by a practitioner against whom probable cause

1 has been found, any such records that form the basis of the
2 determination of probable cause.

3 1. Reasonable costs of reproducing copies of written
4 or typed documents or reports may not be more than:

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

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

7 2. Reasonable costs of reproducing X rays and other
8 special kinds of records are the actual costs. The term
9 "actual costs" means the cost of the material and supplies
10 used to duplicate the record, as well as the labor costs
11 associated with the duplication.

12 (1) Researchers or facility personnel for research
13 purposes if the facility or researchers demonstrate compliance
14 with the requirements of 45 C.F.R. s. 164.512(i).

15 (7)

16 (b) Absent a specific written release or authorization
17 permitting utilization of patient information for ~~solicitation~~
18 ~~or~~ marketing the sale of goods or services, any use of such
19 ~~that~~ information for that purpose ~~those purposes~~ is
20 prohibited. As used in this paragraph, the term "marketing"
21 has the same meaning as set forth in 45 C.F.R. s. 164.501.

22 Section 5. Paragraph (b) of subsection (2) of section
23 395.7015, Florida Statutes, is amended to read:

24 395.7015 Annual assessment on health care entities.--

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

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

29 1. Ambulatory surgical centers and mobile surgical
30 facilities licensed under s. 395.003. This subsection shall
31

1 only apply to mobile surgical facilities operating under
2 contracts entered into on or after July 1, 1998.

3 2. Clinical laboratories licensed under s. 483.091,
4 excluding any hospital laboratory defined under s. 483.041(6),
5 any clinical laboratory operated by the state or a political
6 subdivision of the state, any clinical laboratory which
7 qualifies as an exempt organization under s. 501(c)(3) of the
8 Internal Revenue Code of 1986, as amended, and which receives
9 70 percent or more of its gross revenues from services to
10 charity patients or Medicaid patients, and any blood, plasma,
11 or tissue bank procuring, storing, or distributing blood,
12 plasma, or tissue either for future manufacture or research or
13 distributed on a nonprofit basis, and further excluding any
14 clinical laboratory which is wholly owned and operated by 6 or
15 fewer physicians who are licensed under ~~pursuant to~~ chapter
16 458 or chapter 459 and who practice in the same group
17 practice, and at which no clinical laboratory work is
18 performed for patients referred by any health care provider
19 who is not a member of the same group.

20 3. Diagnostic-imaging centers that are freestanding
21 outpatient facilities that provide specialized services for
22 the identification or determination of a disease through
23 examination and also provide sophisticated radiological
24 services, and in which services are rendered by a physician
25 licensed by the Board of Medicine under s. 458.311, ~~s.~~
26 ~~458.313,~~ or s. 458.315 ~~s. 458.317,~~ or by an osteopathic
27 physician licensed by the Board of Osteopathic Medicine under
28 s. 459.006, s. 459.007, or s. 459.0075. For purposes of this
29 paragraph, "sophisticated radiological services" means the
30 following: magnetic resonance imaging; nuclear medicine;
31 angiography; arteriography; computed tomography; positron

1 | emission tomography; digital vascular imaging; bronchography;
2 | lymphangiography; splenography; ultrasound, excluding
3 | ultrasound providers that are part of a private physician's
4 | office practice or when ultrasound is provided by two or more
5 | physicians licensed under chapter 458 or chapter 459 who are
6 | members of the same professional association and who practice
7 | in the same medical specialties; and such other sophisticated
8 | radiological services, excluding mammography, as adopted in
9 | rule by the board.

10 | Section 6. Subsection (10) of section 400.141, Florida
11 | Statutes, is amended to read:

12 | 400.141 Administration and management of nursing home
13 | facilities.--Every licensed facility shall comply with all
14 | applicable standards and rules of the agency and shall:

15 | (10) Keep full records of resident admissions and
16 | discharges; medical and general health status, including
17 | medical records, personal and social history, and identity and
18 | address of next of kin or other persons who may have
19 | responsibility for the affairs of the residents; and
20 | individual resident care plans including, but not limited to,
21 | prescribed services, service frequency and duration, and
22 | service goals. The records shall be open to inspection by the
23 | agency. A certified true and complete copy of the records
24 | shall be provided to the Department of Health upon subpoena
25 | issued under s. 456.057 or s. 456.071. The provisions of
26 | chapter 456 apply to the records obtained under this section.

27 |
28 | Facilities that have been awarded a Gold Seal under the
29 | program established in s. 400.235 may develop a plan to
30 | provide certified nursing assistant training as prescribed by
31 |

1 federal regulations and state rules and may apply to the
2 agency for approval of their program.

3 Section 7. Subsection (3) is added to section 400.145,
4 Florida Statutes, to read:

5 400.145 Records of care and treatment of resident;
6 copies to be furnished.--

7 (3) The administrator or records custodian in a
8 facility licensed under this chapter shall certify that a true
9 and complete copy of the records requested pursuant to a
10 subpoena or patient release have been provided to the
11 Department of Health or otherwise identify those documents
12 that have not been provided. The department may be charged a
13 reasonable fee, in accordance with subsection (1), for copies
14 of written or typed documents or reports provided to the
15 department.

16 Section 8. Subsections (7) and (8) of section 400.147,
17 Florida Statutes, are amended to read:

18 400.147 Internal risk management and quality assurance
19 program.--

20 (7) The facility shall initiate an investigation and
21 shall notify the agency within 1 business day after the risk
22 manager or his or her designee has received a report under
23 ~~pursuant to~~ paragraph (1)(d). The notification must be made in
24 writing and be provided electronically, by facsimile device or
25 overnight mail delivery. The notification must include
26 information regarding the identity of the affected resident,
27 the type of adverse incident, the initiation of an
28 investigation by the facility, and whether the events causing
29 or resulting in the adverse incident represent a potential
30 risk to any other resident. The notification is confidential
31 as provided by law and is not discoverable or admissible in

1 any civil or administrative action, except in disciplinary
2 proceedings by the agency, the Department of Health, or the
3 appropriate regulatory board. The agency may investigate, as
4 it deems appropriate, any such incident and prescribe measures
5 that must or may be taken in response to the incident. The
6 Department of Health ~~agency~~ shall review each incident and
7 determine whether it potentially involved conduct by the
8 health care professional who is subject to disciplinary
9 action, in which case ~~the provisions of~~ s. 456.073 shall
10 apply.

11 (8)(a) Each facility shall complete the investigation
12 and submit an adverse incident report to the agency for each
13 adverse incident within 15 calendar days after its occurrence.
14 If, after a complete investigation, the risk manager
15 determines that the incident was not an adverse incident as
16 defined in subsection (5), the facility shall include this
17 information in the report. The agency shall develop a form for
18 reporting this information.

19 (b) A copy of the report submitted ~~The information~~
20 ~~reported~~ to the agency under ~~pursuant to~~ paragraph (a) which
21 relates to health care practitioners as defined in s.
22 456.001(4) shall be forwarded by the agency to the Division of
23 Medical Quality Assurance of the Department of Health for
24 review ~~persons licensed under chapter 458, chapter 459,~~
25 ~~chapter 461, or chapter 466 shall be reviewed by the agency.~~
26 The division ~~agency~~ shall determine whether any of the
27 incidents potentially involved conduct by a health care
28 professional who is subject to disciplinary action, in which
29 case ~~the provisions of~~ s. 456.073 shall apply.

30 (c) The report submitted to the agency must also
31 contain the name of the risk manager of the facility.

1 (d) The adverse incident report is confidential as
2 provided by law and is not discoverable or admissible in any
3 civil or administrative action, except in disciplinary
4 proceedings by the agency or the appropriate regulatory board.

5 Section 9. Subsection (4) of section 400.211, Florida
6 Statutes, is amended to read:

7 400.211 Persons employed as nursing assistants;
8 certification requirement.--

9 (4) When employed by a nursing home facility for a
10 12-month period or longer, a nursing assistant, to maintain
11 certification, shall submit to a performance review every 12
12 months and must receive regular inservice education based on
13 the outcome of such reviews. The inservice training must:

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

17 (b) Include, at a minimum:

18 1. Techniques for assisting with eating and proper
19 feeding;

20 2. Principles of adequate nutrition and hydration;

21 3. Techniques for assisting and responding to the
22 cognitively impaired resident or the resident with difficult
23 behaviors;

24 4. Techniques for caring for the resident at the
25 end-of-life; and

26 5. Recognizing changes that place a resident at risk
27 for pressure ulcers and falls; and

28 (c) Address areas of weakness as determined in nursing
29 assistant performance reviews and may address the special
30 needs of residents as determined by the nursing home facility
31 staff.

1
2 Costs associated with this training may not be reimbursed from
3 additional Medicaid funding through interim rate adjustments.

4 Section 10. Subsection (7) of section 400.423, Florida
5 Statutes, is amended to read:

6 400.423 Internal risk management and quality assurance
7 program; adverse incidents and reporting requirements.--

8 (7) A copy of the report submitted ~~The information~~
9 ~~reported~~ to the agency under ~~pursuant to~~ subsection (3) which
10 relates to health care practitioners as defined in s.
11 456.001(4) shall be forwarded to the Division of Medical
12 Quality Assurance of the Department of Health for review
13 ~~persons licensed under chapter 458, chapter 459, chapter 461,~~
14 ~~chapter 464, or chapter 465 shall be reviewed by the agency.~~
15 The Department of Health ~~agency~~ shall determine whether any of
16 the incidents potentially involved conduct by a health care
17 professional who is subject to disciplinary action, in which
18 case the provisions of s. 456.073 apply. The agency may
19 investigate, as it deems appropriate, any such incident and
20 prescribe measures that must or may be taken in response to
21 the incident. The Department of Health ~~agency~~ shall review
22 each incident and determine whether it potentially involved
23 conduct by a health care professional who is subject to
24 disciplinary action, in which case the provisions of s.
25 456.073 apply.

26 Section 11. Section 400.455, Florida Statutes, is
27 created to read:

28 400.455 Certified copy of subpoenaed records.--Upon a
29 subpoena issued by the Department of Health pursuant to s.
30 456.057 or s. 456.071, a certified true and complete copy of
31

1 the requested records shall be provided. The provisions of
2 chapter 456 apply to the records obtained under this section.

3 Section 12. Section 456.005, Florida Statutes, is
4 amended to read:

5 456.005 Long-range policy planning; plans, reports,
6 and recommendations.--To facilitate efficient and
7 cost-effective regulation, the department and the board, where
8 appropriate, shall develop and implement a long-range policy
9 planning and monitoring process to include recommendations
10 specific to each profession. ~~The Such~~ process shall include
11 estimates of revenues, expenditures, cash balances, and
12 performance statistics for each profession. The period covered
13 shall not be less than 5 years. The department, with input
14 from the boards and licensees, shall develop the long-range
15 plan and must obtain the approval of the secretary. The
16 department shall monitor compliance with the approved
17 long-range plan and, with input from the boards, shall
18 annually update the plans for approval by the secretary. The
19 department shall provide concise management reports to the
20 boards quarterly. As part of the review process, the
21 department shall evaluate:

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

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

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

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

31

1 (5) Whether there is consistency between the various
2 practice acts.

3 (6) Whether unlicensed activity is adequately
4 enforced.

5
6 ~~The Such~~ plans should include conclusions and recommendations
7 on these and other issues as appropriate. ~~The Such~~ plans
8 shall be provided to the Governor and the Legislature by
9 November 1 of each year.

10 Section 13. Subsection (5) of section 456.011, Florida
11 Statutes, is amended to read:

12 (Substantial rewording of subsection. See
13 s. 456.011(5), F.S., for present text.)

14 456.011 Boards; organization; meetings; compensation
15 and travel expenses.--

16 (5) Notwithstanding chapter 120, when two or more
17 boards have identified a conflict in the interpretation or
18 application of the respective practice acts of the boards, the
19 following administrative remedies shall be employed:

20 (a) One board or the secretary shall request that the
21 boards establish a special committee to resolve the conflict.
22 The special committee shall consist of two members designated
23 by each board, who may be members of the designating board or
24 other experts designated by the board, and three additional
25 persons appointed by the secretary who are not members of
26 either profession and who do not have an interest in either
27 profession. The committee shall, by majority vote, make any
28 recommendations that the committee finds necessary, including,
29 but not limited to, recommended rules to resolve the
30 differences.

1 (b) Matters that cannot be resolved through the
2 special committee may be resolved by the department through
3 informal mediation by the department or agent of the
4 department. If the committee agrees to a mediated resolution,
5 the mediator shall notify the department of the terms of the
6 resolution. The committee shall be provided the opportunity to
7 record with the department an acknowledgement of satisfaction
8 of the terms of mediation within 60 days after the mediator's
9 notification to the department. A mediated settlement reached
10 by the special committee shall be binding on the applicable
11 boards.

12 (c) If the boards elect not to resolve a conflict
13 through the means established in paragraph (a) or paragraph
14 (b), the secretary may resolve the differences by recommending
15 rules for adoption by the appropriate board or, in the case of
16 a declaratory statement, by providing a proposed order which
17 may resolve the matter if adopted by the appropriate board.

18 (d) For any administrative remedy specified in this
19 subsection, the department shall provide legal representation.

20 Section 14. Subsection (3) of section 456.012 is
21 amended to read:

22 456.012 Board rules; final agency action;
23 challenges.--

24 (3) No board created within the department shall have
25 standing to challenge a rule, ~~or~~ proposed rule, or declaratory
26 statement of another board. However, if there is a dispute
27 between boards concerning a rule, ~~or~~ proposed rule, or
28 declaratory statement, the boards may avail themselves of ~~the~~
29 ~~provisions of~~ s. 456.011(5).

30 Section 15. Section 456.013, Florida Statutes, is
31 amended to read:

1 456.013 Department; general licensing provisions.--
2 (1)(a) Any person desiring to be licensed in a
3 profession within the jurisdiction of the department shall
4 apply to the department in writing to take the licensure
5 examination. The application shall be made on a form prepared
6 and furnished by the department. The application form must be
7 available on the World Wide Web and the department may accept
8 electronically submitted applications beginning July 1, 2001.
9 The application shall require the social security number of
10 the applicant, except as provided in paragraph (b). The form
11 shall be supplemented as needed to reflect any material change
12 in any circumstance or condition stated in the application
13 which takes place between the initial filing of the
14 application and the final grant or denial of the license and
15 which might affect the decision of the department. If an
16 application is submitted electronically, the department may
17 require supplemental materials, including an original
18 signature of the applicant and verification of credentials, to
19 be submitted in a nonelectronic format. An incomplete
20 application shall expire 1 year after initial filing. In order
21 to further the economic development goals of the state, and
22 notwithstanding any law to the contrary, the department may
23 enter into an agreement with the county tax collector for the
24 purpose of appointing the county tax collector as the
25 department's agent to accept applications for licenses and
26 applications for renewals of licenses. The agreement must
27 specify the time within which the tax collector must forward
28 any applications and accompanying application fees to the
29 department.
30 (b) If an applicant has not been issued a social
31 security number by the Federal Government at the time of

1 application because the applicant is not a citizen or resident
2 of this country, the department may process the application
3 using a unique personal identification number. If ~~the such an~~
4 applicant is otherwise eligible for licensure, the board, or
5 the department when there is no board, may issue a temporary
6 license, as established by rule of the board, or the
7 department if there is no board, to the applicant, which shall
8 expire 90 ~~30~~ days after issuance unless a social security
9 number is obtained and submitted in writing to the department.
10 Upon receipt of the applicant's social security number, the
11 department shall issue a new license, which shall expire at
12 the end of the current biennium.

13 (2) The board, or the department if there is no board,
14 may adopt a rule allowing an applicant for licensure to
15 complete the coursework requirements for licensure by
16 successfully completing the required courses as a student or
17 by teaching the required graduate course as an instructor or
18 professor in an accredited institution.

19 (3)(2) Before the issuance of any license, the
20 department shall charge an initial license fee as determined
21 by the applicable board or, if no ~~such~~ board exists, by rule
22 of the department. Upon receipt of the appropriate license
23 fee, the department shall issue a license to any person
24 certified by the appropriate board, or its designee, as having
25 met the licensure requirements imposed by law or rule. The
26 license shall consist of a wallet-size identification card and
27 a wall card measuring 6 1/2 inches by 5 inches. In addition
28 to the two-part license, the department, at the time of
29 initial licensure if specified by the board or, if there is no
30 board, by department rule, and if the board has a positive
31 cash balance, shall issue a wall certificate suitable for

1 | conspicuous display, ~~which shall be no smaller than 8 1/2~~
2 | ~~inches by 14 inches~~. The licensee shall surrender to the
3 | department the wallet-size identification card, the wall card,
4 | and the wall certificate, if one has been issued by the
5 | department, if the licensee's license was issued in error and
6 | is revoked.

7 | (4)(3)(a) The board, or the department when there is
8 | no board, may refuse to issue an initial license to any
9 | applicant who is under investigation or prosecution in any
10 | jurisdiction for an action that would constitute a violation
11 | of this chapter or the professional practice acts administered
12 | by the department and the boards, until such time as the
13 | investigation or prosecution is complete, and the time period
14 | in which the licensure application must be granted or denied
15 | shall be tolled until 15 days after the receipt of the final
16 | results of the investigation or prosecution.

17 | (b) If an applicant has been convicted of a felony
18 | related to the practice or ability to practice any health care
19 | profession, the board, or the department when there is no
20 | board, may require the applicant to prove that his or her
21 | civil rights have been restored.

22 | (c) In considering applications for licensure, the
23 | board, or the department when there is no board, may require a
24 | personal appearance of the applicant. If the applicant is
25 | required to appear, the time period in which a licensure
26 | application must be granted or denied shall be tolled until
27 | such time as the applicant appears. However, if the applicant
28 | fails to appear before the board at either of the next two
29 | regularly scheduled board meetings, or fails to appear before
30 | the department within 30 days if there is no board, the
31 | application for licensure shall be denied.

1 ~~(5)(4)~~ When any administrative law judge conducts a
2 hearing under ~~pursuant to the provisions of~~ chapter 120 with
3 respect to the issuance of a license by the department, the
4 administrative law judge shall submit his or her recommended
5 order to the appropriate board, which shall thereupon issue a
6 final order. The applicant for licensure may appeal the final
7 order of the board in accordance with ~~the provisions of~~
8 chapter 120.

9 ~~(6)(5)~~ A privilege against civil liability is hereby
10 granted to any witness for any information furnished by the
11 witness in any proceeding under ~~pursuant to~~ this section,
12 unless the witness acted in bad faith or with malice in
13 providing such information.

14 ~~(7)(6)~~ As a condition of renewal of a license, the
15 Board of Medicine, the Board of Osteopathic Medicine, the
16 Board of Chiropractic Medicine, and the Board of Podiatric
17 Medicine shall each require licensees which they respectively
18 regulate to periodically demonstrate their professional
19 competency by completing at least 40 hours of continuing
20 education every 2 years. The boards may require by rule that
21 up to 1 hour of the required 40 or more hours be in the area
22 of risk management or cost containment. This provision shall
23 not be construed to limit the number of hours that a licensee
24 may obtain in risk management or cost containment to be
25 credited toward satisfying the 40 or more required hours. This
26 provision shall not be construed to require the boards to
27 impose any requirement on licensees except for the completion
28 of at least 40 hours of continuing education every 2 years.
29 Each of such boards shall determine whether any specific
30 continuing education requirements not otherwise mandated by
31 law shall be mandated and shall approve criteria for, and the

1 | content of, any continuing education mandated by such board.
2 | Notwithstanding any other provision of law, the board, or the
3 | department when there is no board, may approve by rule
4 | alternative methods of obtaining continuing education credits
5 | in risk management. The alternative methods may include
6 | attending a board meeting at which another licensee is
7 | disciplined, serving as a volunteer expert witness for the
8 | department in a disciplinary case, or serving as a member of a
9 | probable cause panel following the expiration of a board
10 | member's term. Other boards within the Division of Medical
11 | Quality Assurance, or the department if there is no board, may
12 | adopt rules granting continuing education hours in risk
13 | management for attending a board meeting at which another
14 | licensee is disciplined, for serving as a volunteer expert
15 | witness for the department in a disciplinary case, or for
16 | serving as a member of a probable cause panel following the
17 | expiration of a board member's term.

18 | (8)~~(7)~~ The boards, or the department when there is no
19 | board, shall require the completion of a 2-hour course
20 | relating to prevention of medical errors as part of the
21 | licensure and renewal process. The 2-hour course shall count
22 | towards the total number of continuing education hours
23 | required for the profession. The course shall be approved by
24 | the board or department, as appropriate, and shall include a
25 | study of root-cause analysis, error reduction and prevention,
26 | and patient safety. In addition, the course approved by the
27 | Board of Medicine and the Board of Osteopathic Medicine shall
28 | include information relating to the five most misdiagnosed
29 | conditions during the previous biennium, as determined by the
30 | board. If the course is being offered by a facility licensed
31 | pursuant to chapter 395 for its employees, the board may

1 | approve up to 1 hour of the 2-hour course to be specifically
2 | related to error reduction and prevention methods used in that
3 | facility.

4 | ~~(9)~~⁽⁸⁾ The respective boards within the jurisdiction
5 | of the department, or the department when there is no board,
6 | may adopt rules to provide for the use of approved
7 | videocassette courses, not to exceed 5 hours per subject, to
8 | fulfill the continuing education requirements of the
9 | professions they regulate. Such rules shall provide for prior
10 | approval of the board, or the department when there is no
11 | board, of the criteria for and content of such courses and
12 | shall provide for a videocassette course validation form to be
13 | signed by the vendor and the licensee and submitted to the
14 | department, along with the license renewal application, for
15 | continuing education credit.

16 | ~~(10)~~⁽⁹⁾ Any board that currently requires continuing
17 | education for renewal of a license, or the department if there
18 | is no board, shall adopt rules to establish the criteria for
19 | continuing education courses. The rules may provide that up
20 | to a maximum of 25 percent of the required continuing
21 | education hours can be fulfilled by the performance of pro
22 | bono services to the indigent or to underserved populations or
23 | in areas of critical need within the state where the licensee
24 | practices. The board, or the department if there is no board,
25 | must require that any pro bono services be approved in advance
26 | in order to receive credit for continuing education under this
27 | subsection. The standard for determining indigency shall be
28 | that recognized by the Federal Poverty Income Guidelines
29 | produced by the United States Department of Health and Human
30 | Services. The rules may provide for approval by the board, or
31 | the department if there is no board, that a part of the

1 continuing education hours can be fulfilled by performing
2 research in critical need areas or for training leading to
3 advanced professional certification. The board, or the
4 department if there is no board, may make rules to define
5 underserved and critical need areas. The department shall
6 adopt rules for administering continuing education
7 requirements adopted by the boards or the department if there
8 is no board.

9 ~~(11)~~~~(10)~~ Notwithstanding any law to the contrary, an
10 elected official who is licensed under a practice act
11 administered by the Division of Medical Quality Assurance may
12 hold employment for compensation with any public agency
13 concurrent with such public service. The ~~Such~~ dual service
14 must be disclosed according to any disclosure required by
15 applicable law.

16 ~~(12)~~~~(11)~~ In any instance in which a licensee or
17 applicant to the department is required to be in compliance
18 with a particular provision by, on, or before a certain date,
19 and if that date occurs on a Saturday, Sunday, or a legal
20 holiday, then the licensee or applicant is deemed to be in
21 compliance with the specific date requirement if the required
22 action occurs on the first succeeding day which is not a
23 Saturday, Sunday, or legal holiday.

24 ~~(13)~~~~(12)~~ Pursuant to the federal Personal
25 Responsibility and Work Opportunity Reconciliation Act of
26 1996, each party is required to provide his or her social
27 security number in accordance with this section. Disclosure
28 of social security numbers obtained through this requirement
29 shall be limited to the purpose of administration of the Title
30 IV-D program for child support enforcement.

31

1 Section 16. Paragraph (a) of subsection (4) of section
2 381.00593, Florida Statutes, is amended to read:

3 381.00593 Public school volunteer health care
4 practitioner program.--

5 (4)(a) Notwithstanding any provision of chapter 458,
6 chapter 459, chapter 460, chapter 461, chapter 463, part I of
7 chapter 464, chapter 465, chapter 466, chapter 467, part I of
8 chapter 468, or chapter 486 to the contrary, any health care
9 practitioner who participates in the program established in
10 this section and thereby agrees to provide his or her
11 services, without compensation, in a public school for at
12 least 80 hours a year for each school year during the biennial
13 licensure period, or, if the health care practitioner is
14 retired, for at least 400 hours a year for each school year
15 during the licensure period, upon providing sufficient proof
16 from the applicable school district that the health care
17 practitioner has completed the ~~such~~ hours at the time of
18 license renewal under procedures specified by the Department
19 of Health, shall be eligible for the following:

20 1. Waiver of the biennial license renewal fee for an
21 active license; and

22 2. Fulfillment of a maximum of 25 percent of the
23 continuing education hours required for license renewal, under
24 ~~pursuant to s. 456.013(7) s. 456.013(9)~~.

25
26 The school district may establish a schedule for health care
27 practitioners who participate in the program.

28 Section 17. Subsection (2) of section 456.017, Florida
29 Statutes, is amended, and subsection (7) is added to that
30 section, to read:

31 456.017 Examinations.--

1 (2) For each examination developed by the department
2 or a contracted vendor, the board, or the department when
3 there is no board, shall adopt rules providing for
4 reexamination of any applicants who failed an examination
5 developed by the department or a contracted vendor. If both a
6 written and a practical examination are given, an applicant
7 shall be required to retake only the portion of the
8 examination on which the applicant failed to achieve a passing
9 grade, if the applicant successfully passes that portion
10 within a reasonable time, as determined by rule of the board,
11 or the department when there is no board, of passing the other
12 portion. Except for national examinations approved and
13 administered under ~~pursuant to~~ this section, the department
14 shall provide procedures for applicants who fail an
15 examination developed by the department or a contracted vendor
16 to review their examination questions, answers, papers,
17 grades, and grading key for the questions the candidate
18 answered incorrectly or, if not feasible, the parts of the
19 examination failed. Applicants shall bear the actual cost for
20 the department to provide examination review under ~~pursuant to~~
21 this subsection. An applicant may waive in writing the
22 confidentiality of the applicant's examination grades.
23 Notwithstanding any other provisions, only candidates who fail
24 an examination with a score that is ~~by~~ less than 10 percent
25 below the minimum score required to pass the examination shall
26 be entitled to challenge the validity of the examination at
27 hearing.

28 (7) The department may post examination scores
29 electronically on the Internet in lieu of mailing the scores
30 to each applicant. Such electronic posting of the examination
31 scores meets the requirements of chapter 120 if the department

1 also posts with the examination scores a notification of
2 rights as set forth in chapter 120. The date of receipt for
3 purposes of chapter 120 is the date the examination scores are
4 posted electronically. The department shall also notify the
5 examinee when scores are posted electronically of the
6 availability of a post-examination review, if applicable.

7 Section 18. Section 456.0195, Florida Statutes, is
8 created to read:

9 456.0195 Continuing education; instruction on domestic
10 violence; instruction on HIV and AIDS; instruction on
11 prevention of medical errors.--

12 (1) The purpose of this section is to encourage health
13 care practitioners, as defined in s. 456.001, to complete
14 continuing education courses in specified subject areas as a
15 condition of license renewal, as applicable to the area of
16 practice. The boards, or the department when there is no
17 board, may require the completion of courses, including, but
18 not limited to, the following subject areas, as defined by
19 board or department rule:

20 (a) Domestic violence as defined in s. 741.28. The
21 course shall include information on the number of patients in
22 that professional's practice who are likely to be victims of
23 domestic violence and the number who are likely to be
24 perpetrators of domestic violence; screening procedures for
25 determining whether a patient has any history of being a
26 victim or perpetrator of domestic violence; and instruction on
27 how to provide such patients with information on, or how to
28 refer such patients to, resources in the local community, such
29 as domestic violence centers and other advocacy groups that
30 provide legal aid, shelter, victim counseling, batterer
31 counseling, or child protection services.

1 (b) Human immunodeficiency virus and acquired immune
2 deficiency syndrome. The course shall consist of education on
3 the modes of transmission, infection-control procedures,
4 clinical management, and prevention of human immunodeficiency
5 virus and acquired immune deficiency syndrome. The course
6 shall include information on current state law concerning
7 acquired immune deficiency syndrome and its impact on testing;
8 confidentiality of test results; treatment of patients; any
9 protocols and procedures applicable to human immunodeficiency
10 virus counseling, testing, and reporting; the offering of HIV
11 testing to pregnant women; and partner-notification issues
12 under ss. 381.004 and 384.25.

13 (3) Courses completed in the subject areas specified
14 in subsection (1) shall count towards the total number of
15 continuing education hours required for license renewal for
16 the profession.

17 (4) Any person holding two or more licenses subject to
18 this section shall be required to complete only the
19 requirement for one license.

20 (5) Failure to comply with courses required by the
21 boards, or the department if there is no board, constitutes
22 grounds for disciplinary action under each respective practice
23 act and under s. 456.072(1)(k).

24 Section 19. Subsections (4) and (9) of section
25 456.025, Florida Statutes, are amended to read:

26 456.025 Fees; receipts; disposition.--

27 (4) Each board, or the department if there is no
28 board, may charge a fee not to exceed \$25, as determined by
29 rule, for the issuance of a wall certificate pursuant to s.
30 456.013(3) ~~s. 456.013(2)~~ requested by a licensee who was
31

1 licensed prior to July 1, 1998, or for the issuance of a
2 duplicate wall certificate requested by any licensee.

3 (9) The department shall provide a ~~condensed~~
4 management report of revenues and expenditures, performance
5 measures, and recommendations, if needed, to each board at
6 least once each quarter ~~budgets, finances, performance~~
7 ~~statistics, and recommendations to each board at least once a~~
8 ~~quarter. The department shall identify and include in such~~
9 ~~presentations any changes, or projected changes, made to the~~
10 ~~board's budget since the last presentation.~~

11 Section 20. Section 456.031, Florida Statutes, is
12 amended to read:

13 456.031 Requirement for instruction on domestic
14 violence.--

15 (1)(a) The appropriate board shall require each person
16 licensed or certified under chapter 458, chapter 459, part I
17 of chapter 464, chapter 466, chapter 467, chapter 490, or
18 chapter 491 to complete a ~~1-hour~~ continuing education course,
19 approved by the board, on domestic violence, as defined in s.
20 741.28, as part of initial licensure, biennial relicensure, or
21 recertification. The course shall consist of a skills-based
22 curriculum that includes practice protocols for identifying
23 and treating a victim of domestic violence, consistent with
24 the profession and instructions on practical applications. As
25 used in this section, the term "skills-based curriculum" means
26 a curriculum that details methods of practical applications to
27 improve responses to domestic violence victims through
28 culturally competent methods of routine screening, assessment,
29 intervention, and health-records documentation. Each licensee
30 must complete continuing education on domestic violence as
31 prescribed by board rule. Initial applicants for licensure

1 shall be allowed 1 year following the date of licensure to
2 complete the required course. ~~information on the number of~~
3 ~~patients in that professional's practice who are likely to be~~
4 ~~victims of domestic violence and the number who are likely to~~
5 ~~be perpetrators of domestic violence, screening procedures for~~
6 ~~determining whether a patient has any history of being either~~
7 ~~a victim or a perpetrator of domestic violence, and~~
8 ~~instruction on how to provide such patients with information~~
9 ~~on, or how to refer such patients to, resources in the local~~
10 ~~community, such as domestic violence centers and other~~
11 ~~advocacy groups, that provide legal aid, shelter, victim~~
12 ~~counseling, batterer counseling, or child protection services.~~

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

17 ~~(c) The board may approve additional equivalent~~
18 ~~courses that may be used to satisfy the requirements of~~
19 ~~paragraph (a). Each licensing board that requires a licensee~~
20 ~~to complete an educational course pursuant to this subsection~~
21 ~~may include the hour required for completion of the course in~~
22 ~~the total hours of continuing education required by law for~~
23 ~~such profession unless the continuing education requirements~~
24 ~~for such profession consist of fewer than 30 hours biennially.~~

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

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

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

4 ~~(2) The board shall also require, as a condition of~~
5 ~~granting a license under any chapter specified in paragraph~~
6 ~~(1)(a), that each applicant for initial licensure under the~~
7 ~~appropriate chapter complete an educational course acceptable~~
8 ~~to the board on domestic violence which is substantially~~
9 ~~equivalent to the course required in subsection (1). An~~
10 ~~applicant who has not taken such course at the time of~~
11 ~~licensure shall, upon submission of an affidavit showing good~~
12 ~~cause, be allowed 6 months to complete such requirement.~~

13 ~~(3)(a) In lieu of completing a course as required in~~
14 ~~subsection (1), a licensee or certificateholder may complete a~~
15 ~~course in end of life care and palliative health care, if the~~
16 ~~licensee or certificateholder has completed an approved~~
17 ~~domestic violence course in the immediately preceding~~
18 ~~biennium.~~

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

24 ~~(2)(4) Each board may adopt rules to carry out the~~
25 ~~provisions of this section.~~

26 ~~(5) Each board shall report to the President of the~~
27 ~~Senate, the Speaker of the House of Representatives, and the~~
28 ~~chairs of the appropriate substantive committees of the~~
29 ~~Legislature by March 1 of each year as to the implementation~~
30 ~~of and compliance with the requirements of this section.~~

31

1 Section 21. Subsection (13) of section 456.036,
2 Florida Statutes, is amended to read:

3 456.036 Licenses; active and inactive status;
4 delinquency.--

5 (13) The board, or the department when there is no
6 board, may adopt rules under ~~pursuant to~~ ss. 120.536(1) and
7 120.54 as necessary to administer ~~implement~~ this section. The
8 rules may require the display of a license.

9 Section 22. Section 456.037, Florida Statutes, is
10 amended to read:

11 456.037 Business establishments; requirements for
12 active status licenses; delinquency; discipline;
13 applicability; display of license.--

14 (1) A business establishment regulated by the Division
15 of Medical Quality Assurance under ~~pursuant to~~ this chapter
16 may provide regulated services only if the business
17 establishment has an active status license. A business
18 establishment that provides regulated services without an
19 active status license is in violation of this section and s.
20 456.072, and the board, or the department if there is no
21 board, may impose discipline on the business establishment.

22 (2) A business establishment must apply with a
23 complete application, as defined by rule of the board, or the
24 department if there is no board, to renew an active status
25 license before the license expires. If a business
26 establishment fails to renew before the license expires, the
27 license becomes delinquent, except as otherwise provided in
28 statute, in the license cycle following expiration.

29 (3) A delinquent business establishment must apply
30 with a complete application, as defined by rule of the board,
31 or the department if there is no board, for active status

1 within 6 months after becoming delinquent. Failure of a
2 delinquent business establishment to renew the license within
3 the 6 months after the expiration date of the license renders
4 the license null without any further action by the board or
5 the department. Any subsequent licensure shall be as a result
6 of applying for and meeting all requirements imposed on a
7 business establishment for new licensure.

8 (4) The status or a change in status of a business
9 establishment license does not alter in any way the right of
10 the board, or of the department if there is no board, to
11 impose discipline or to enforce discipline previously imposed
12 on a business establishment for acts or omissions committed by
13 the business establishment while holding a license, whether
14 active or null.

15 (5) This section applies to any business establishment
16 registered, permitted, or licensed by the department to do
17 business. Business establishments include, but are not limited
18 to, dental laboratories, electrology facilities, massage
19 establishments, and pharmacies.

20 (6) The board, or the department if there is no board,
21 may require the display of a license by rule.

22 Section 23. Paragraph (a) of subsection (4) of section
23 456.039, Florida Statutes, is amended to read:

24 456.039 Designated health care professionals;
25 information required for licensure.--

26 (4)(a) An applicant for initial licensure must submit
27 a set of fingerprints to the Department of Health in
28 accordance with s. 458.311, s. 458.3115, s. 458.3124, ~~s.~~
29 ~~458.313,~~ s. 459.0055, s. 460.406, or s. 461.006.

30 Section 24. Present subsections (16) through (19) of
31 section 456.057, Florida Statutes, are redesignated as

1 subsections (17) through (20), respectively, and a new
2 subsection (16) is added to that section to read:

3 456.057 Ownership and control of patient records;
4 report or copies of records to be furnished.--

5 (16) A health care practitioner or records owner
6 furnishing copies of reports or records or making the reports
7 or records available for digital scanning pursuant to this
8 section may charge the department the reasonable costs of
9 reproducing the records.

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

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

14 (b) Reasonable costs of reproducing X rays and other
15 special kinds of records are the actual costs. The term
16 "actual costs" means the cost of the material and supplies
17 used to duplicate the record, as well as the labor costs
18 associated with the duplication.

19 Section 25. Subsection (3) of section 456.063, Florida
20 Statutes, is amended to read:

21 456.063 Sexual misconduct; disqualification for
22 license, certificate, or registration.--

23 (3) Licensed health care practitioners shall report
24 allegations of sexual misconduct to the department, regardless
25 of the practice setting in which the alleged sexual misconduct
26 occurred. Each board, or the department if there is no board,
27 may adopt rules to administer the requirements for reporting
28 allegations of sexual misconduct, including rules to determine
29 the sufficiency of allegations.

30 Section 26. Paragraphs (aa) and (bb) of subsection (1)
31 of section 456.072, Florida Statutes, are amended, paragraphs

1 (ff) and (gg) are added to that subsection, and subsection (7)
2 is added to that section, to read:

3 456.072 Grounds for discipline; penalties;
4 enforcement.--

5 (1) The following acts shall constitute grounds for
6 which the disciplinary actions specified in subsection (2) may
7 be taken:

8 (aa) Performing or attempting to perform health care
9 services on the wrong patient, a wrong-site procedure, a wrong
10 procedure, or an unauthorized procedure or a procedure that is
11 medically unnecessary or otherwise unrelated to the patient's
12 diagnosis or medical condition. For the purposes of this
13 paragraph, performing or attempting to perform health care
14 services includes invasive actions taken in furtherance of the
15 preparation of the patient, but does not include those
16 preparations that are noninvasive.

17 (bb) Leaving a foreign body in a patient, such as a
18 sponge, clamp, forceps, surgical needle, or other
19 paraphernalia commonly used in surgical, examination, or other
20 diagnostic procedures, unless leaving the foreign body is
21 medically indicated and documented in the patient record. For
22 the purposes of this paragraph, it shall be legally presumed
23 that retention of a foreign body is not in the best interest
24 of the patient and is not within the standard of care of the
25 profession, unless medically indicated and documented in the
26 patient record regardless of the intent of the professional.

27 (ff) Prescribing, administering, dispensing, or
28 distributing a legend drug, including a controlled substance,
29 when the practitioner knows or reasonably should know that the
30 receiving patient has not established a valid professional
31 relationship with the prescribing practitioner. A medical

1 questionnaire completed by Internet, telephone, electronic
2 transfer, or mail does not establish a valid professional
3 relationship.

4 (gg) Being terminated from an impaired practitioner
5 program that is overseen by an impaired practitioner
6 consultant as described in s. 456.076 for failure to comply
7 with the terms of the monitoring or treatment contract entered
8 into by the licensee without good cause.

9 (7) In addition to any other discipline imposed by
10 final order and entered on or after July 1, 2004, under this
11 section, or discipline imposed through final order and entered
12 on or after July 1, 2004, for violation of any practice act,
13 the board, or the department when there is no board, shall
14 assess a nonrefundable fee to defray the costs of monitoring
15 the licensee's compliance with the order in the amount of \$25
16 per month for each month or portion of a month set forth in
17 the final order to complete the length of term of the
18 probation, suspension, or practice restrictions imposed by the
19 final order. The assessment shall be included in the terms of
20 the final order. The board, or the department if there is no
21 board, may elect to assess the same fee to offset other costs
22 of monitoring compliance with the terms imposed by a final
23 order that does not include probation, suspension, or practice
24 restrictions.

25 Section 27. Subsection (1) of section 456.073, Florida
26 Statutes, is amended to read:

27 456.073 Disciplinary proceedings.--Disciplinary
28 proceedings for each board shall be within the jurisdiction of
29 the department.

30 (1) The department, for the boards under its
31 jurisdiction, shall cause to be investigated any complaint

1 | that is filed before it if the complaint is in writing, signed
2 | by the complainant, and legally sufficient. A complaint filed
3 | by a state prisoner against a health care practitioner
4 | employed by or otherwise providing health care services within
5 | a facility of the Department of Corrections is not legally
6 | sufficient unless there is a showing that the prisoner
7 | complainant has exhausted all available administrative
8 | remedies within the state correctional system before filing
9 | the complaint. However, if the Department of Health determines
10 | after a preliminary inquiry of a state prisoner's complaint
11 | that the practitioner may present a serious threat to the
12 | health and safety of any individual who is not a state
13 | prisoner, the Department of Health may determine legal
14 | sufficiency and proceed with discipline. The Department of
15 | Health shall be notified within 15 days after the Department
16 | of Corrections disciplines or allows a health care
17 | practitioner to resign for an offense related to the practice
18 | of his or her profession. A complaint is legally sufficient if
19 | it contains ultimate facts that show that a violation of this
20 | chapter, of any of the practice acts relating to the
21 | professions regulated by the department, or of any rule
22 | adopted by the department or a regulatory board in the
23 | department has occurred. In order to determine legal
24 | sufficiency, the department may require supporting information
25 | or documentation. The department may investigate, and the
26 | department or the appropriate board may take appropriate final
27 | action on, a complaint even though the original complainant
28 | withdraws it or otherwise indicates a desire not to cause the
29 | complaint to be investigated or prosecuted to completion. The
30 | department may investigate an anonymous complaint if the
31 | complaint is in writing and is legally sufficient, if the

1 | alleged violation of law or rules is substantial, and if the
2 | department has reason to believe, after preliminary inquiry,
3 | that the violations alleged in the complaint are true. The
4 | department may investigate a complaint made by a confidential
5 | informant if the complaint is legally sufficient, if the
6 | alleged violation of law or rule is substantial, and if the
7 | department has reason to believe, after preliminary inquiry,
8 | that the allegations of the complainant are true. The
9 | department may initiate an investigation if it has reasonable
10 | cause to believe that a licensee or a group of licensees has
11 | violated a Florida statute, a rule of the department, or a
12 | rule of a board. Notwithstanding subsection (13), the
13 | department may investigate information filed under ~~pursuant to~~
14 | s. 456.041(4) relating to liability actions with respect to
15 | practitioners licensed under chapter 458 or chapter 459 which
16 | have been reported under s. 456.049 or s. 627.912 within the
17 | previous 6 years for any paid claim that exceeds \$50,000.
18 | ~~Except as provided in ss. 458.331(9), 459.015(9), 460.413(5),~~
19 | ~~and 461.013(6),~~ When an investigation of any subject is
20 | undertaken, the department shall promptly furnish to the
21 | subject or the subject's attorney a copy of the complaint or
22 | document that resulted in the initiation of the investigation.
23 | The subject may submit a written response to the information
24 | contained in the ~~such~~ complaint or document within 30 ~~20~~ days
25 | after service to the subject of the complaint or document. The
26 | subject's written response shall be considered by the probable
27 | cause panel. The right to respond does not prohibit the
28 | issuance of a summary emergency order if necessary to protect
29 | the public. However, if the secretary, or the secretary's
30 | designee, and the chair of the respective board or the chair
31 | of its probable cause panel agree in writing that the ~~such~~

1 notification would be detrimental to the investigation, the
2 department may withhold notification. The department may
3 conduct an investigation without notification to any subject
4 if the act under investigation is a criminal offense.

5 Section 28. Subsection (2) of section 457.105, Florida
6 Statutes, is amended, to read:

7 457.105 Licensure qualifications and fees.--

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

10 (a) Is 21 years of age or older, has good moral
11 character, and has the ability to communicate in English,
12 which is demonstrated by having passed the national written
13 examination in English or, if such examination was passed in a
14 foreign language, by also having passed a nationally
15 recognized English proficiency examination;

16 (b) Effective July 31, 2001, has completed 60 college
17 credits from an accredited postsecondary institution as a
18 prerequisite to enrollment in and completion of an authorized
19 ~~3-year course of study in acupuncture and oriental medicine,~~
20 ~~and has completed a 3-year course of study in acupuncture and~~
21 ~~oriental medicine, and effective July 31, 2001, a 4-year~~
22 course of study in acupuncture and oriental medicine, which
23 meets standards established by the board by rule, which
24 standards include, but are not limited to, successful
25 completion of academic courses in western anatomy, western
26 physiology, western pathology, western biomedical terminology,
27 first aid, and cardiopulmonary resuscitation (CPR). However,
28 any person who enrolled in an authorized course of study in
29 acupuncture before August 1, 1997, must have completed only a
30 2-year course of study which meets standards established by
31 the board by rule, which standards must include, but are not

1 | limited to, successful completion of academic courses in
2 | western anatomy, western physiology, and western pathology. In
3 | addition, any person who enrolled in an authorized 3-year
4 | course of study in acupuncture and oriental medicine prior to
5 | July 31, 2001, must have completed 60 college credits from an
6 | accredited postsecondary institution as a prerequisite to
7 | enrollment in an authorized 3-year course of study in
8 | acupuncture and oriental medicine and must have completed a
9 | 3-year course of study in acupuncture and oriental medicine
10 | which meets standards established by the board by rule;

11 | (c) Has successfully completed a board-approved
12 | national certification process, is actively licensed in a
13 | state that has examination requirements that are substantially
14 | equivalent to or more stringent than those of this state, or
15 | passes the national ~~an~~ examination approved ~~administered~~ by
16 | the board ~~department~~, which examination tests the applicant's
17 | competency and knowledge of the practice of acupuncture and
18 | oriental medicine. At the request of any applicant, oriental
19 | nomenclature for the points shall be used in the examination.
20 | The examination shall include a practical examination of the
21 | knowledge and skills required to practice modern and
22 | traditional acupuncture and oriental medicine, covering
23 | diagnostic and treatment techniques and procedures; and

24 | (d) Pays the required fees set by the board by rule
25 | not to exceed the following amounts:

26 | 1. Examination fee: \$500 plus the actual per applicant
27 | cost to the department for purchase of the written and
28 | practical portions of the examination from a national
29 | organization approved by the board.

30 | 2. Application fee: \$300.

31 |

1 3. Reexamination fee: \$500 plus the actual per
2 applicant cost to the department for purchase of the written
3 and practical portions of the examination from a national
4 organization approved by the board.

5 4. Initial biennial licensure fee: \$400, if licensed
6 in the first half of the biennium, and \$200, if licensed in
7 the second half of the biennium.

8 Section 29. Section 457.107, Florida Statutes, is
9 amended to read:

10 457.107 Renewal of licenses; continuing education.--

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

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

16 (3) The board shall by rule prescribe continuing
17 education requirements, not to exceed 30 hours biennially, as
18 a condition for renewal of a license. ~~All education programs
19 that contribute to the advancement, extension, or enhancement
20 of professional skills and knowledge related to the practice
21 of acupuncture, whether conducted by a nonprofit or
22 profitmaking entity, are eligible for approval.~~ The continuing
23 professional education requirements must be in acupuncture or
24 oriental medicine subjects, including, but not limited to,
25 anatomy, biological sciences, adjunctive therapies, sanitation
26 and sterilization, emergency protocols, and diseases. The
27 board may adopt rules establishing standards for the approval
28 of providers of continuing education activities. The board
29 shall have the authority to set a fee, not to exceed \$100, for
30 each continuing education provider. The licensee shall retain
31 in his or her records the certificates of completion of

1 continuing professional education requirements to prove
2 compliance with this subsection. The board may request the
3 ~~such~~ documentation without cause from applicants who are
4 selected at random. All national and state acupuncture and
5 oriental medicine organizations and acupuncture and oriental
6 medicine schools are approved to provide continuing
7 professional education in accordance with this subsection.

8 Section 30. Paragraph (c) of subsection (1) of section
9 457.109, Florida Statutes, is amended to read:

10 457.109 Disciplinary actions; grounds; action by the
11 board.--

12 (1) The following acts constitute grounds for denial
13 of a license or disciplinary action, as specified in s.
14 456.072(2):

15 (c) Being convicted or found guilty, or entering a
16 plea of nolo contendere to, regardless of adjudication, in a
17 court of this state or other ~~any~~ jurisdiction of a crime that
18 ~~which~~ directly relates to the practice of acupuncture or to
19 the ability to practice acupuncture. ~~Any plea of nolo~~
20 ~~contendere shall be considered a conviction for purposes of~~
21 ~~this chapter.~~

22 Section 31. Section 458.303, Florida Statutes, is
23 amended to read:

24 458.303 Provisions not applicable to other
25 practitioners; exceptions, etc.--

26 (1) The provisions of ss. 458.301, 458.303, 458.305,
27 458.307, 458.309, 458.311, ~~458.313~~, 458.315, ~~458.317~~, 458.319,
28 458.321, 458.327, 458.329, 458.331, 458.337, 458.339, 458.341,
29 458.343, 458.345, and 458.347 shall have no application to:

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

1 (b) Any physician lawfully licensed in another state
2 or territory or foreign country, when meeting duly licensed
3 physicians of this state in consultation.

4 (c) Commissioned medical officers of the Armed Forces
5 of the United States and of the Public Health Service of the
6 United States while on active duty and while acting within the
7 scope of their military or public health responsibilities.

8 (d) Any person while actually serving without salary
9 or professional fees on the resident medical staff of a
10 hospital in this state, subject to the provisions of s.
11 458.321.

12 (e) Any person furnishing medical assistance in case
13 of an emergency.

14 (f) The domestic administration of recognized family
15 remedies.

16 (g) The practice of the religious tenets of any church
17 in this state.

18 (h) Any person or manufacturer who, without the use of
19 drugs or medicine, mechanically fits or sells lenses,
20 artificial eyes or limbs, or other apparatus or appliances or
21 is engaged in the mechanical examination of eyes for the
22 purpose of constructing or adjusting spectacles, eyeglasses,
23 or lenses.

24 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
25 458.307, s. 458.309, s. 458.311, ~~s. 458.313~~, s. 458.319, s.
26 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
27 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347
28 shall be construed to prohibit any service rendered by a
29 registered nurse or a licensed practical nurse, if the ~~such~~
30 service is rendered under the direct supervision and control
31 of a licensed physician who provides specific direction for

1 any service to be performed and gives final approval to all
2 services performed. Further, nothing in this or any other
3 chapter shall be construed to prohibit any service rendered by
4 a medical assistant in accordance with ~~the provisions of s.~~
5 458.3485.

6 Section 32. Section 458.311, Florida Statutes, is
7 amended to read:

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

10 458.311 Licensure; requirements; fees.--

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

15 (2) Each applicant must demonstrate compliance with
16 the following:

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

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

20 (c) Is of good moral character.

21 (d) Has not committed any act or offense in this or
22 any other jurisdiction which would constitute the basis for
23 disciplining a physician under s. 458.331.

24 (e) Has submitted to the department a set of
25 fingerprints on a form and under procedures specified by the
26 department, along with a payment in an amount equal to the
27 costs incurred by the department for the criminal history
28 check of the applicant.

29 (f) Has caused to be submitted to the department core
30 credentials verified by the Federation Credentials

31

1 Verification Service of the Federation of State Medical
2 Boards.

3 (g) For an applicant holding a valid active license in
4 another state, has submitted evidence of the active licensed
5 practice of medicine in another jurisdiction for at least 2 of
6 the immediately preceding 4 years or evidence of successful
7 completion of either a board-approved postgraduate training
8 program within 2 years preceding the filing of an application
9 or a board-approved clinical competency examination within the
10 year preceding the filing of an application for licensure. For
11 purposes of this paragraph, the term "active licensed practice
12 of medicine" means that practice of medicine by physicians,
13 including those employed by any governmental entity in
14 community or public health, as defined by this chapter, those
15 designated as medical directors under s. 641.495(11) who are
16 practicing medicine, and those on the active teaching faculty
17 of an accredited medical school. If the applicant fails to
18 meet the requirements of this paragraph, the board may impose
19 conditions on the license, including, but not limited to,
20 supervision of practice.

21 (3) Each applicant must demonstrate that he or she has
22 complied with one of the following:

23 (a) Is a graduate of an allopathic medical school or
24 allopathic college recognized and approved by an accrediting
25 agency recognized by the United States Department of Education
26 or is a graduate of an allopathic medical school or allopathic
27 college within a territorial jurisdiction of the United States
28 recognized by the accrediting agency of the governmental body
29 of that jurisdiction; or

30 (b) Is a graduate of an allopathic international
31 medical school registered with the World Health Organization

1 and has had his or her medical credentials evaluated by the
2 Educational Commission for Foreign Medical Graduates, holds an
3 active, valid certificate issued by that commission, and has
4 passed the examination used by that commission. However, a
5 graduate of an international medical school need not present
6 the certificate issued by the Educational Commission for
7 Foreign Medical Graduates or pass the examination used by that
8 commission if the graduate has:

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

11 2. Studied at a medical school which is recognized by
12 the World Health Organization.

13 3. Completed all of the formal requirements of the
14 international medical school, except the internship or social
15 service requirements, and passed part I of the National Board
16 of Medical Examiners examination or the Educational Commission
17 for Foreign Medical Graduates examination equivalent.

18 4. Completed an academic year of supervised clinical
19 training in a hospital affiliated with a medical school
20 approved by the Council on Medical Education of the American
21 Medical Association and, upon completion, passed part II of
22 the National Board of Medical Examiners examination or the
23 Educational Commission for Foreign Medical Graduates
24 examination equivalent.

25 (4) Each applicant must demonstrate that he or she has
26 completed a residency approved by the Accreditation Council
27 for Graduate Medical Education (ACGME), as defined by board
28 rule, of at least 2 years, or a fellowship of at least 2 years
29 in one specialty area that is counted toward regular or
30 subspecialty certification by a board recognized and certified
31 by the American Board of Medical Specialties. However, each

1 applicant who meets the requirements of paragraph (3)(a) and
2 who completed his or her training prior to October 1, 2003,
3 must demonstrate completion of at least 1 year of an approved
4 residency.

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

8 1. Prior to January 1, 2000, has obtained a passing
9 score, as established by rule of the board, on the licensure
10 examination of the National Board of Medical Examiners (NBME),
11 the licensure examination of the Federation of State Medical
12 Boards of the United States, Inc. (FLEX), the United States
13 Medical Licensing Examination (USMLE), or a combination
14 thereof;

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

18 3. Has obtained a passing score on a state board
19 examination or the Canadian licensing examination (LLMCC) if
20 the applicant has a current active license in at least one
21 other jurisdiction of the United States or Canada and has
22 practiced under the licensure continuously for the immediately
23 preceding 10 years without encumbrance on the license.

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

28 (c) As prescribed by board rule, the board may require
29 an applicant who does not pass all steps of the United States
30 Medical Licensing Examination (USMLE) within 7 years to
31 complete additional remedial education or training or to

1 retake the step of the examination which the applicant passed
2 first.

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

6 (7) The board may not certify to the department for
7 licensure any applicant who is under investigation in another
8 jurisdiction for an offense that would constitute a violation
9 of this chapter until the investigation is completed. Upon
10 completion of the investigation, the provisions of s. 458.331
11 shall apply. Furthermore, the department may not issue an
12 unrestricted license to any individual who has committed any
13 act or offense in any jurisdiction which would constitute the
14 basis for disciplining a physician under s. 458.331. When the
15 board finds that an individual has committed an act or offense
16 in any jurisdiction which would constitute the basis for
17 disciplining a physician under s. 458.331, the board may enter
18 an order imposing one or more of the terms set forth in s.
19 456.072(2).

20 (8) The board may adopt rules pursuant to ss.
21 120.536(1) and 120.54 necessary to carry out the provisions of
22 this section, which shall be applied on a uniform and
23 consistent basis.

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

29 (a) Refusal to certify to the department an
30 application for licensure, certification, or registration;
31

1 (b) Certification to the department of an application
2 for licensure, certification, or registration with
3 restrictions on the scope of practice of the licensee; or

4 (c) Certification to the department of an application
5 for licensure, certification, or registration with placement
6 of the physician on probation for a period of time and subject
7 to conditions specified by the board, including, but not
8 limited to, requiring the physician to submit to treatment,
9 attend continuing education courses, submit to reexamination,
10 or work under the supervision of another physician.

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

13 458.3124 Restricted license; certain experienced
14 foreign-trained physicians.--

15 (5) Notwithstanding s. 458.311(3) and (4) ~~s.~~
16 ~~458.311(1)(f)~~, a person who successfully meets the
17 requirements of this section and who successfully passes Step
18 III of the United States Medical Licensing Examination is
19 eligible for full licensure as a physician.

20 Section 34. Section 458.315, Florida Statutes, is
21 amended to read:

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

24 458.315 Limited licenses.--

25 (1) Any person desiring to obtain a limited license
26 shall apply to the department on forms furnished by the
27 department. The department shall license each applicant who
28 the board certifies:

29 (a) Has submitted to the department, with an
30 application and fee not to exceed \$300, a statement stating
31 that he or she has been licensed to practice medicine in any

1 jurisdiction or territory of the United States or Canada for
2 at least 2 years and intends to practice only pursuant to the
3 restrictions of a limited license granted under this section.
4 However, if the physician will use the limited license only
5 for noncompensated practice and submits a statement from the
6 employing agency or institution stating that he or she will
7 not receive compensation for any service involving the
8 practice of medicine, the application fee and all licensure
9 fees shall be waived.

10 (b) Has submitted evidence of the active licensed
11 practice of medicine in any jurisdiction or territory of the
12 United States or Canada for at least 2 of the immediately
13 preceding 4 years. For purposes of this paragraph, the term
14 "active licensed practice of medicine" means that practice of
15 medicine by physicians, including those employed by any
16 government entity in community or public health, as defined by
17 this chapter, those designated as medical directors under s.
18 641.495(11) who are practicing medicine, and those on the
19 active teaching faculty of an accredited medical school. If it
20 has been more than 3 years since active practice was conducted
21 by the applicant, a licensed physician approved by the board
22 shall supervise the applicant for a period of 6 months after
23 he or she is granted a limited license for practice, unless
24 the board determines that a shorter period of supervision will
25 be sufficient to ensure that the applicant is qualified for
26 licensure. Procedures for such supervision shall be
27 established by the board.

28 (c) Has submitted to the department a set of
29 fingerprints on a form and following procedures established by
30 the department for the criminal history check of the
31 applicant.

1 (d) Has not committed any act or offense in this or
2 any other jurisdiction which would constitute the basis for
3 disciplining a physician under s. 458.331.

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

9 (3) The recipient of a limited license used for
10 noncompensated practice shall practice only in the employ of
11 programs or facilities that provide uncompensated health care
12 services by volunteer licensed health care professionals to
13 low-income persons whose family income does not exceed 150
14 percent of the federal poverty level or to uninsured persons.
15 These facilities include, but are not limited to, the
16 department, community and migrant health centers funded under
17 s. 330 of the Public Health Service Act, and volunteer health
18 care provider programs contracted with the department to
19 provide uncompensated care under s. 766.1115.

20 (4) The recipient of a limited license used for
21 compensated practice shall practice only in the employ of
22 certain programs and facilities that provide health care
23 services and that are located within federally designated
24 primary care health professional shortage areas, unless
25 otherwise approved by the Secretary of Health. These programs
26 and facilities include, but are not limited to, the
27 department, the Department of Corrections, county or municipal
28 correctional facilities, the Department of Juvenile Justice,
29 the Department of Children and Family Services, and those
30 programs and facilities funded under s. 330 of the Public
31 Health Service Act.

1 (5) The recipient of a limited license shall, within
2 30 days after accepting employment, notify the board of all
3 approved institutions in which the licensee practices and all
4 approved institutions in which the licensee's practice
5 privileges have been denied. Evidence of noncompensated
6 employment shall be required for the fee waiver under
7 paragraph (1)(a).

8 (6) Upon renewal, a limited licenseholder shall, in
9 addition to complying with other applicable provisions of this
10 chapter, document compliance with the restrictions prescribed
11 in this section.

12 (7) Any person holding an active or inactive license
13 to practice medicine in the state may convert that license to
14 a limited license for the purpose of providing volunteer,
15 uncompensated care for low-income residents of this state. The
16 licensee must submit a statement from the employing agency or
17 institution stating that he or she will not receive
18 compensation for any service involving the practice of
19 medicine. All licensure fees, including neurological injury
20 compensation assessments, shall be waived.

21 (8) This section does not limit in any way any policy
22 by the board, otherwise authorized by law, to grant licenses
23 to physicians duly licensed in other states under conditions
24 less restrictive than the requirements of this section.
25 Notwithstanding any other provision of this section, the board
26 may refuse to authorize a physician otherwise qualified to
27 practice in the employ of any agency or institution if the
28 agency or institution has caused or permitted violations of
29 the provisions of this chapter which it knew or should have
30 known were occurring.

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

3 458.319 Renewal of license.--

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

9 Section 36. Paragraph (c) of subsection (5) of section
10 458.320, Florida Statutes, is amended to read:

11 458.320 Financial responsibility.--

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

14 (c) Any person holding a limited license pursuant to
15 s. 458.315 ~~s. 458.317~~ and practicing under the scope of such
16 limited license.

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

19 458.331 Grounds for disciplinary action; action by the
20 board and department.--

21 (9) When an investigation of a physician is
22 undertaken, the department shall promptly furnish to the
23 physician or the physician's attorney a copy of the complaint
24 or document which resulted in the initiation of the
25 investigation. For purposes of this subsection, such documents
26 include, but are not limited to: the pertinent portions of an
27 annual report submitted to the department pursuant to s.
28 395.0197(6); a report of an adverse incident which is provided
29 to the department pursuant to s. 395.0197; a report of peer
30 review disciplinary action submitted to the department
31 pursuant to s. 395.0193(4) or s. 458.337, providing that the

1 | investigations, proceedings, and records relating to such peer
2 | review disciplinary action shall continue to retain their
3 | privileged status even as to the licensee who is the subject
4 | of the investigation, as provided by ss. 395.0193(8) and
5 | 458.337(3); a report of a closed claim submitted pursuant to
6 | s. 627.912; a presuit notice submitted pursuant to s.
7 | 766.106(2); and a petition brought under the Florida
8 | Birth-Related Neurological Injury Compensation Plan, pursuant
9 | to s. 766.305(2). The physician may submit a written response
10 | to the information contained in the complaint or document
11 | which resulted in the initiation of the investigation within
12 | 30 ~~45~~ days after service to the physician of the complaint or
13 | document. The physician's written response shall be considered
14 | by the probable cause panel.

15 | Section 38. Paragraph (c) of subsection (1) of section
16 | 458.345, Florida Statutes, is amended to read:

17 | 458.345 Registration of resident physicians, interns,
18 | and fellows; list of hospital employees; prescribing of
19 | medicinal drugs; penalty.--

20 | (1) Any person desiring to practice as a resident
21 | physician, assistant resident physician, house physician,
22 | intern, or fellow in fellowship training which leads to
23 | subspecialty board certification in this state, or any person
24 | desiring to practice as a resident physician, assistant
25 | resident physician, house physician, intern, or fellow in
26 | fellowship training in a teaching hospital in this state as
27 | defined in s. 408.07(44) or s. 395.805(2), who does not hold a
28 | valid, active license issued under this chapter shall apply to
29 | the department to be registered and shall remit a fee not to
30 | exceed \$300 as set by the board. The department shall
31 |

1 register any applicant the board certifies has met the
2 following requirements:

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

5 Section 39. Subsection (7) of section 458.347, Florida
6 Statutes, is amended to read:

7 458.347 Physician assistants.--

8 (7) PHYSICIAN ASSISTANT LICENSURE.--

9 (a) Any person desiring to be licensed as a physician
10 assistant must apply to the department. The department shall
11 issue a license to any person certified by the council as
12 having met the following requirements:

13 1. Is at least 18 years of age.

14 2. Has satisfactorily passed a proficiency examination
15 by an acceptable score established by the National Commission
16 on Certification of Physician Assistants. If an applicant
17 does not hold a current certificate issued by the National
18 Commission on Certification of Physician Assistants and has
19 not actively practiced as a physician assistant within the
20 immediately preceding 4 years, the applicant must retake and
21 successfully complete the entry-level examination of the
22 National Commission on Certification of Physician Assistants
23 to be eligible for licensure.

24 3. Has completed the application form and remitted an
25 application fee not to exceed \$300 as set by the boards. An
26 application for licensure made by a physician assistant must
27 include:

28 a. A certificate of completion of a physician
29 assistant training program specified in subsection (6).

30 b. A sworn statement of any prior felony convictions.

31

1 c. A sworn statement of any previous revocation or
2 denial of licensure or certification in any state.

3 d. Two letters of recommendation.

4 ~~(b)1. Notwithstanding subparagraph (a)2. and~~
5 ~~sub subparagraph (a)3.a., the department shall examine each~~
6 ~~applicant who the Board of Medicine certifies:~~

7 ~~a. Has completed the application form and remitted a~~
8 ~~nonrefundable application fee not to exceed \$500 and an~~
9 ~~examination fee not to exceed \$300, plus the actual cost to~~
10 ~~the department to provide the examination. The examination fee~~
11 ~~is refundable if the applicant is found to be ineligible to~~
12 ~~take the examination. The department shall not require the~~
13 ~~applicant to pass a separate practical component of the~~
14 ~~examination. For examinations given after July 1, 1998,~~
15 ~~competencies measured through practical examinations shall be~~
16 ~~incorporated into the written examination through a~~
17 ~~multiple choice format. The department shall translate the~~
18 ~~examination into the native language of any applicant who~~
19 ~~requests and agrees to pay all costs of such translation,~~
20 ~~provided that the translation request is filed with the board~~
21 ~~office no later than 9 months before the scheduled examination~~
22 ~~and the applicant remits translation fees as specified by the~~
23 ~~department no later than 6 months before the scheduled~~
24 ~~examination, and provided that the applicant demonstrates to~~
25 ~~the department the ability to communicate orally in basic~~
26 ~~English. If the applicant is unable to pay translation costs,~~
27 ~~the applicant may take the next available examination in~~
28 ~~English if the applicant submits a request in writing by the~~
29 ~~application deadline and if the applicant is otherwise~~
30 ~~eligible under this section. To demonstrate the ability to~~
31 ~~communicate orally in basic English, a passing score or grade~~

1 ~~is required, as determined by the department or organization~~
2 ~~that developed it, on the test for spoken English (TSE) by the~~
3 ~~Educational Testing Service (ETS), the test of English as a~~
4 ~~foreign language (TOEFL) by ETS, a high school or college~~
5 ~~level English course, or the English examination for~~
6 ~~citizenship, Immigration and Naturalization Service. A~~
7 ~~notarized copy of an Educational Commission for Foreign~~
8 ~~Medical Graduates (ECFMG) certificate may also be used to~~
9 ~~demonstrate the ability to communicate in basic English; and~~
10 ~~b.(I) Is an unlicensed physician who graduated from a~~
11 ~~foreign medical school listed with the World Health~~
12 ~~Organization who has not previously taken and failed the~~
13 ~~examination of the National Commission on Certification of~~
14 ~~Physician Assistants and who has been certified by the Board~~
15 ~~of Medicine as having met the requirements for licensure as a~~
16 ~~medical doctor by examination as set forth in s. 458.311(1),~~
17 ~~(3), (4), and (5), with the exception that the applicant is~~
18 ~~not required to have completed an approved residency of at~~
19 ~~least 1 year and the applicant is not required to have passed~~
20 ~~the licensing examination specified under s. 458.311 or hold a~~
21 ~~valid, active certificate issued by the Educational Commission~~
22 ~~for Foreign Medical Graduates; was eligible and made initial~~
23 ~~application for certification as a physician assistant in this~~
24 ~~state between July 1, 1990, and June 30, 1991; and was a~~
25 ~~resident of this state on July 1, 1990, or was licensed or~~
26 ~~certified in any state in the United States as a physician~~
27 ~~assistant on July 1, 1990; or~~
28 ~~(II) Completed all coursework requirements of the~~
29 ~~Master of Medical Science Physician Assistant Program offered~~
30 ~~through the Florida College of Physician's Assistants prior to~~
31 ~~its closure in August of 1996. Prior to taking the~~

1 ~~examination, such applicant must successfully complete any~~
2 ~~clinical rotations that were not completed under such program~~
3 ~~prior to its termination and any additional clinical rotations~~
4 ~~with an appropriate physician assistant preceptor, not to~~
5 ~~exceed 6 months, that are determined necessary by the council.~~
6 ~~The boards shall determine, based on recommendations from the~~
7 ~~council, the facilities under which such incomplete or~~
8 ~~additional clinical rotations may be completed and shall also~~
9 ~~determine what constitutes successful completion thereof,~~
10 ~~provided such requirements are comparable to those established~~
11 ~~by accredited physician assistant programs. This~~
12 ~~sub sub subparagraph is repealed July 1, 2001.~~

13 ~~2. The department may grant temporary licensure to an~~
14 ~~applicant who meets the requirements of subparagraph 1.~~
15 ~~Between meetings of the council, the department may grant~~
16 ~~temporary licensure to practice based on the completion of all~~
17 ~~temporary licensure requirements. All such administratively~~
18 ~~issued licenses shall be reviewed and acted on at the next~~
19 ~~regular meeting of the council. A temporary license expires 30~~
20 ~~days after receipt and notice of scores to the licenseholder~~
21 ~~from the first available examination specified in subparagraph~~
22 ~~1. following licensure by the department. An applicant who~~
23 ~~fails the proficiency examination is no longer temporarily~~
24 ~~licensed, but may apply for a one time extension of temporary~~
25 ~~licensure after reapplying for the next available examination.~~
26 ~~Extended licensure shall expire upon failure of the~~
27 ~~licenseholder to sit for the next available examination or~~
28 ~~upon receipt and notice of scores to the licenseholder from~~
29 ~~such examination.~~

30 ~~3. Notwithstanding any other provision of law, the~~
31 ~~examination specified pursuant to subparagraph 1. shall be~~

1 ~~administered by the department only five times. Applicants~~
2 ~~certified by the board for examination shall receive at least~~
3 ~~6 months' notice of eligibility prior to the administration of~~
4 ~~the initial examination. Subsequent examinations shall be~~
5 ~~administered at 1 year intervals following the reporting of~~
6 ~~the scores of the first and subsequent examinations. For the~~
7 ~~purposes of this paragraph, the department may develop,~~
8 ~~contract for the development of, purchase, or approve an~~
9 ~~examination that adequately measures an applicant's ability to~~
10 ~~practice with reasonable skill and safety. The minimum passing~~
11 ~~score on the examination shall be established by the~~
12 ~~department, with the advice of the board. Those applicants~~
13 ~~failing to pass that examination or any subsequent examination~~
14 ~~shall receive notice of the administration of the next~~
15 ~~examination with the notice of scores following such~~
16 ~~examination. Any applicant who passes the examination and~~
17 ~~meets the requirements of this section shall be licensed as a~~
18 ~~physician assistant with all rights defined thereby.~~

19 (b)(e) The license must be renewed biennially. Each
20 renewal must include:

- 21 1. A renewal fee not to exceed \$500 as set by the
22 boards.
- 23 2. A sworn statement of no felony convictions in the
24 previous 2 years.

25 (c)(d) Each licensed physician assistant shall
26 biennially complete 100 hours of continuing medical education
27 or shall hold a current certificate issued by the National
28 Commission on Certification of Physician Assistants.

29 (d)(e) Upon employment as a physician assistant, a
30 licensed physician assistant must notify the department in
31 writing within 30 days after such employment or after any

1 subsequent changes in the supervising physician. The
2 notification must include the full name, Florida medical
3 license number, specialty, and address of the supervising
4 physician.

5 ~~(e)(f)~~ Notwithstanding subparagraph (a)2., the
6 department may grant a temporary license to a recent graduate
7 of an approved program, as specified in subsection (6), who
8 expects to take the first examination administered by the
9 National Commission on Certification of Physician Assistants
10 available for registration after the applicant's graduation, a
11 temporary license. The temporary license shall expire 1 year
12 ~~after the date of graduation 30 days after receipt of scores~~
13 ~~of the proficiency examination administered by the National~~
14 ~~Commission on Certification of Physician Assistants.~~ Between
15 meetings of the council, the department may grant a temporary
16 license to practice under this subsection ~~based on the~~
17 ~~completion of all temporary licensure requirements.~~ All such
18 administratively issued licenses shall be reviewed and acted
19 on at the next regular meeting of the council. The recent
20 graduate may be licensed prior to employment, but must comply
21 with paragraph(d)(e). An applicant who has passed the
22 National Commission on Certification of Physician Assistants
23 ~~proficiency~~ examination may be granted permanent licensure. ~~An~~
24 ~~applicant failing the proficiency examination is no longer~~
25 ~~temporarily licensed, but may reapply for a 1 year extension~~
26 ~~of temporary licensure. An applicant may not be granted more~~
27 ~~than two temporary licenses and may not be licensed as a~~
28 ~~physician assistant until he or she passes the examination~~
29 ~~administered by the National Commission on Certification of~~
30 ~~Physician Assistants.~~ As prescribed by board rule, the council
31 may require an applicant who does not pass the national

1 | licensing examination after five or more attempts to complete
2 | additional remedial education or training. The council shall
3 | prescribe the additional requirements in a manner that permits
4 | the applicant to complete the requirements and be reexamined
5 | within 2 years after the date the applicant petitions the
6 | council to retake the examination a sixth or subsequent time.

7 | ~~(f)(g)~~ The Board of Medicine may impose any of the
8 | penalties authorized under ss. 456.072 and 458.331(2) upon a
9 | physician assistant if the physician assistant or the
10 | supervising physician has been found guilty of or is being
11 | investigated for any act that constitutes a violation of this
12 | chapter or chapter 456.

13 | Section 40. Subsections (4) and (5) of section
14 | 459.008, Florida Statutes, are amended to read:

15 | 459.008 Renewal of licenses and certificates.--

16 | (4) The board shall, by rule, prescribe continuing
17 | education programs and courses, not to exceed 40 hours
18 | biennially, as a condition for renewal of a license. ~~The Such~~
19 | programs and courses must build on the basic educational
20 | requirements for licensure as an osteopathic physician and
21 | must be approved by the board. The board may mandate by rule
22 | specific continuing medical education requirements, and may
23 | approve by rule alternative methods of obtaining continuing
24 | education credits, including, but not limited to, attending a
25 | board meeting at which another licensee is disciplined,
26 | serving as a volunteer expert witness for the department in a
27 | disciplinary case, or serving as a member of a probable cause
28 | panel following the expiration of a board member's term.

29 | (5) ~~Notwithstanding the provisions of s. 456.033,~~ An
30 | osteopathic physician may complete continuing education on
31 | end-of-life and palliative care in lieu of continuing

1 | education in AIDS/HIV, if that physician has completed the
2 | AIDS/HIV continuing education in the immediately preceding
3 | biennium.

4 | Section 41. Subsection (9) of section 459.015, Florida
5 | Statutes, is amended to read:

6 | 459.015 Grounds for disciplinary action; action by the
7 | board and department.--

8 | (9) When an investigation of an osteopathic physician
9 | is undertaken, the department shall promptly furnish to the
10 | osteopathic physician or his or her attorney a copy of the
11 | complaint or document which resulted in the initiation of the
12 | investigation. For purposes of this subsection, such documents
13 | include, but are not limited to: the pertinent portions of an
14 | annual report submitted to the department pursuant to s.
15 | 395.0197(6); a report of an adverse incident which is provided
16 | to the department pursuant to s. 395.0197; a report of peer
17 | review disciplinary action submitted to the department
18 | pursuant to s. 395.0193(4) or s. 459.016, provided that the
19 | investigations, proceedings, and records relating to such peer
20 | review disciplinary action shall continue to retain their
21 | privileged status even as to the licensee who is the subject
22 | of the investigation, as provided by ss. 395.0193(8) and
23 | 459.016(3); a report of a closed claim submitted pursuant to
24 | s. 627.912; a presuit notice submitted pursuant to s.
25 | 766.106(2); and a petition brought under the Florida
26 | Birth-Related Neurological Injury Compensation Plan, pursuant
27 | to s. 766.305(2). The osteopathic physician may submit a
28 | written response to the information contained in the complaint
29 | or document which resulted in the initiation of the
30 | investigation within 30 ~~45~~ days after service to the
31 | osteopathic physician of the complaint or document. The

1 osteopathic physician's written response shall be considered
2 by the probable cause panel.

3 Section 42. Subsections (1) and (2) of section
4 459.021, Florida Statutes, are amended to read:

5 459.021 Registration of resident physicians, interns,
6 and fellows; list of hospital employees; penalty.--

7 (1) Any person who holds a degree of Doctor of
8 Osteopathic Medicine from a college of osteopathic medicine
9 recognized and approved by the American Osteopathic
10 Association who desires to practice as a resident physician,
11 assistant resident physician, house physician, intern, or
12 fellow in fellowship training which leads to subspecialty
13 board certification in this state, or any person desiring to
14 practice as a resident physician, assistant resident
15 physician, house physician, intern, or fellow in fellowship
16 training in a teaching hospital in this state as defined in s.
17 408.07(44) or s. 395.805(2), who does not hold an active
18 license issued under this chapter shall apply to the
19 department to be registered, on an application provided by the
20 department, no later than ~~within~~ 30 days prior to ~~of~~
21 commencing such a training program and shall remit a fee not
22 to exceed \$300 as set by the board.

23 (2) Any person required to be registered under this
24 section shall renew such registration annually and shall remit
25 a renewal fee not to exceed \$300 as set by the board. Such
26 registration shall be terminated upon the registrant's receipt
27 of an active license issued under this chapter. No person
28 shall be registered under this section for an aggregate of
29 more than 5 years, unless additional years are approved by the
30 board.

31

1 Section 43. Paragraph (d) of subsection (1) of section
2 460.406, Florida Statutes, is amended and subsection (5) is
3 added to that section to read:

4 460.406 Licensure by examination.--

5 (1) Any person desiring to be licensed as a
6 chiropractic physician shall apply to the department to take
7 the licensure examination. There shall be an application fee
8 set by the board not to exceed \$100 which shall be
9 nonrefundable. There shall also be an examination fee not to
10 exceed \$500 plus the actual per applicant cost to the
11 department for purchase of portions of the examination from
12 the National Board of Chiropractic Examiners or a similar
13 national organization, which may be refundable if the
14 applicant is found ineligible to take the examination. The
15 department shall examine each applicant who the board
16 certifies has:

17 (d)1. For an applicant who has matriculated in a
18 chiropractic college prior to July 2, 1990, completed at least
19 2 years of residence college work, consisting of a minimum of
20 one-half the work acceptable for a bachelor's degree granted
21 on the basis of a 4-year period of study, in a college or
22 university accredited by an accrediting agency recognized and
23 approved by the United States Department of Education.
24 However, before ~~prior to~~ being certified by the board to sit
25 for the examination, each applicant who has matriculated in a
26 chiropractic college after July 1, 1990, shall have been
27 granted a bachelor's degree, based upon 4 academic years of
28 study, by a college or university accredited by a regional
29 accrediting agency which is a member of the Council for Higher
30 Education Accreditation, the United States Department of
31

1 ~~Education, or a successor organization Commission on~~
2 ~~Recognition of Postsecondary Accreditation.~~

3 2. Effective July 1, 2000, completed, ~~before~~ ~~prior to~~
4 matriculation in a chiropractic college, at least 3 years of
5 residence college work, consisting of a minimum of 90 semester
6 hours leading to a bachelor's degree in a liberal arts college
7 or university accredited by an accrediting agency recognized
8 and approved by the United States Department of Education.

9 However, ~~before~~ ~~prior to~~ being certified by the board to sit
10 for the examination, each applicant who has matriculated in a
11 chiropractic college after July 1, 2000, shall have been
12 granted a bachelor's degree from an institution holding
13 accreditation for that degree from a regional accrediting
14 agency which is recognized by the United States Department of
15 Education. The applicant's chiropractic degree must consist
16 of credits earned in the chiropractic program and may not
17 include academic credit for courses from the bachelor's
18 degree.

19 (5) A student in a school or college of chiropractic
20 accredited by the Council on Chiropractic Education, or its
21 successors, in the final year of the program may file an
22 application under subsection (1), take all examinations
23 required for licensure, submit a set of fingerprints and pay
24 all fees required for licensure. A chiropractic student who
25 takes and successfully passes the licensure examinations and
26 who otherwise meets all requirements for licensure as a
27 chiropractic physician during the student's final year must
28 have graduated before being certified for licensure under s.
29 460.406.

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

1 460.413 Grounds for disciplinary action; action by
2 board or department.--

3 (5) When an investigation of a chiropractic physician
4 is undertaken, the department shall promptly furnish to the
5 chiropractic physician or her or his attorney a copy of the
6 complaint or document which resulted in the initiation of the
7 investigation. The chiropractic physician may submit a written
8 response to the information contained in such complaint or
9 document within 30 ~~45~~ days after service to the chiropractic
10 physician of the complaint or document. The chiropractic
11 physician's written response shall be considered by the
12 probable cause panel.

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

15 461.013 Grounds for disciplinary action; action by the
16 board; investigations by department.--

17 (6) When an investigation of a podiatric physician is
18 undertaken, the department shall promptly furnish to the
19 podiatric physician or her or his attorney a copy of the
20 complaint or document which resulted in the initiation of the
21 investigation. The podiatric physician may submit a written
22 response to the information contained in such complaint or
23 document within 30 ~~45~~ days after service to the podiatric
24 physician of the complaint or document. The podiatric
25 physician's written response shall be considered by the
26 probable cause panel.

27 Section 46. Subsection (4) of section 461.014, Florida
28 Statutes, is amended to read:

29 461.014 Residency.--The board shall encourage and
30 develop podiatric residency programs in hospitals in this
31

1 state and shall establish such programs by the promulgation of
2 rules, subject to the following conditions:

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

7 Section 47. Paragraph (b) of subsection (1) of section
8 463.006, Florida Statutes, is amended to read:

9 463.006 Licensure and certification by examination.--

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

14 (b) Submitted proof satisfactory to the department
15 that she or he:

16 1. Is at least 18 years of age.

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

19 3. Is of good moral character.

20 4. Has successfully completed at least 110 hours of
21 transcript-quality coursework and clinical training in general
22 and ocular pharmacology as determined by the board, at an
23 institution that:

24 a. Has facilities for both didactic and clinical
25 instructions in pharmacology, ~~and~~

26 b. Is accredited by a regional or professional
27 accrediting organization that is recognized and approved by
28 the Council for Higher Education ~~Commission on Recognition of~~
29 ~~Postsecondary~~ Accreditation or the United States Department of
30 Education, or a successor organization.

31

1 5. Has completed at least 1 year of supervised
2 experience in differential diagnosis of eye disease or
3 disorders as part of the optometric training or in a clinical
4 setting as part of the optometric experience.

5 Section 48. Subsection (1) of section 464.009, Florida
6 Statutes, is amended and reenacted to read:

7 464.009 Licensure by endorsement.--

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

13 (a) Holds a valid license to practice professional or
14 practical nursing in another state or territory of the United
15 States, provided that, when the applicant secured his or her
16 original license, the requirements for licensure were
17 substantially equivalent to or more stringent than those
18 existing in Florida at that time;

19 (b) Meets the qualifications for licensure in s.
20 464.008 and has successfully completed a state, regional, or
21 national examination which is substantially equivalent to or
22 more stringent than the examination given by the department;
23 or

24 (c) Has actively practiced nursing in another state,
25 jurisdiction, or territory of the United States for 2 of the
26 preceding 3 years without having his or her license acted
27 against by the licensing authority of any jurisdiction.

28 Applicants who become licensed under ~~pursuant to~~ this
29 paragraph must complete within 6 months after licensure a
30 Florida laws and rules course that is approved by the board.
31 Once the department has received the results of the national

1 criminal history check and has determined that the applicant
2 has no criminal history, the appropriate license by
3 endorsement shall be issued to the applicant. ~~This paragraph~~
4 ~~is repealed July 1, 2004, unless reenacted by the Legislature.~~

5 Section 49. Paragraph (a) of subsection (4) of section
6 464.0205, Florida Statutes, is amended to read:

7 464.0205 Retired volunteer nurse certificate.--

8 (4) A retired volunteer nurse receiving certification
9 from the board shall:

10 (a) Work under the direct supervision of the director
11 of a county health department, a physician working under a
12 limited license issued pursuant to s. 458.315 ~~s. 458.317~~ or s.
13 459.0075, a physician licensed under chapter 458 or chapter
14 459, an advanced registered nurse practitioner certified under
15 s. 464.012, or a registered nurse licensed under s. 464.008 or
16 s. 464.009.

17 Section 50. Subsection (6) is added to section
18 464.201, Florida Statutes, to read:

19 464.201 Definitions.--As used in this part, the term:

20 (6) "Practice of a certified nursing assistant" means
21 providing care and assisting persons with tasks relating to
22 the activities of daily living. Such tasks are those
23 associated with personal care, maintaining mobility, nutrition
24 and hydration, toileting and elimination, assistive devices,
25 safety and cleanliness, data gathering, reporting abnormal
26 signs and symptoms, postmortem care, patient socialization and
27 reality orientation, end-of-life care, CPR and emergency care,
28 notification of residents' or patients' rights, documentation
29 of nursing assistant services, and other tasks that a
30 certified nurse assistant may perform after training beyond
31 that required for initial certification and upon validation of

1 competence in that skill by a registered nurse. This
2 subsection does not restrict the ability of any person who is
3 otherwise trained and educated from performing such tasks.

4 Section 51. Section 464.202, Florida Statutes, is
5 amended to read:

6 464.202 Duties and powers of the board.--The board
7 shall maintain, or contract with or approve another entity to
8 maintain, a state registry of certified nursing assistants.
9 The registry must consist of the name of each certified
10 nursing assistant in this state; other identifying information
11 defined by board rule; certification status; the effective
12 date of certification; other information required by state or
13 federal law; information regarding any crime or any abuse,
14 neglect, or exploitation as provided under chapter 435; and
15 any disciplinary action taken against the certified nursing
16 assistant. The registry shall be accessible to the public, the
17 certificateholder, employers, and other state agencies. The
18 board shall adopt by rule testing procedures for use in
19 certifying nursing assistants and shall adopt rules regulating
20 the practice of certified nursing assistants which specify the
21 scope of practice authorized and level of supervision required
22 for the practice of certified nursing assistants to enforce
23 ~~this part~~. The board may contract with or approve another
24 entity or organization to provide the examination services,
25 including the development and administration of examinations.
26 The board shall require that the contract provider offer
27 certified nursing assistant applications via the Internet, and
28 may require the contract provider to accept certified nursing
29 assistant applications for processing via the Internet. The
30 board shall require the contract provider to provide the
31 preliminary results of the certified nursing examination on

1 | the date the test is administered. The provider shall pay all
2 | reasonable costs and expenses incurred by the board in
3 | evaluating the provider's application and performance during
4 | the delivery of services, including examination services and
5 | procedures for maintaining the certified nursing assistant
6 | registry.

7 | Section 52. Subsections (5) and (7) of section
8 | 464.203, Florida Statutes, are amended, and subsection (8) is
9 | added to that section, to read:

10 | 464.203 Certified nursing assistants; certification
11 | requirement.--

12 | (5) Certification as a nursing assistant, in
13 | accordance with this part, may be renewed ~~continues in effect~~
14 | until such time as the nursing assistant allows a period of 24
15 | consecutive months to pass during which period the nursing
16 | assistant fails to perform any nursing-related services for
17 | monetary compensation. When a nursing assistant fails to
18 | perform any nursing-related services for monetary compensation
19 | for a period of 24 consecutive months, the nursing assistant
20 | must complete a new training and competency evaluation program
21 | or a new competency evaluation program.

22 | (7) A certified nursing assistant shall complete 12 ~~18~~
23 | hours of inservice training during each calendar year. The
24 | certified nursing assistant shall be responsible for
25 | maintaining documentation demonstrating compliance with these
26 | provisions. The Council on Certified Nursing Assistants, in
27 | accordance with s. 464.2085(2)(b), shall propose rules to
28 | implement this subsection.

29 | (8) The department shall renew a certificate upon
30 | receipt of the renewal application and imposition of a fee of
31 | \$20 which may be increased to not more than \$50 biennially.

1 The department shall adopt rules establishing a procedure for
2 the biennial renewal of certificates. Any certificate not
3 renewed by July 1, 2006, shall be void.

4 Section 53. Paragraph (b) of subsection (1) of section
5 464.204, Florida Statutes, is amended to read:

6 464.204 Denial, suspension, or revocation of
7 certification; disciplinary actions.--

8 (1) The following acts constitute grounds for which
9 the board may impose disciplinary sanctions as specified in
10 subsection (2):

11 (b) ~~Intentionally~~ Violating any provision of this
12 chapter, chapter 456, or the rules adopted by the board.

13 Section 54. Subsection (2) of section 465.0075,
14 Florida Statutes, is amended to read:

15 465.0075 Licensure by endorsement; requirements;
16 fee.--

17 (2) An applicant licensed in another state for a
18 period in excess of 2 years from the date of application for
19 licensure in this state shall submit a total of at least 30
20 hours of board-approved continuing education for the 24 months
21 ~~2 calendar years~~ immediately preceding application.

22 Section 55. Subsections (2) and (4) of section
23 465.022, Florida Statutes, are amended to read:

24 465.022 Pharmacies; general requirements; fees.--

25 (2) A pharmacy permit shall be issued only to a person
26 who is at least 18 years of age and of good moral character,
27 to a partnership whose partners are at least 18 years of age
28 and of good moral character, or to a corporation ~~that~~ which is
29 registered pursuant to chapter 607 or chapter 617 whose
30 officers, directors, and shareholders with an ownership
31

1 interest of 5 percent or more are at least 18 years of age and
2 of good moral character.

3 (4)(a) An application for a pharmacy permit must
4 include a set of fingerprints from each person with an
5 ownership interest of 5 percent or more and from any person
6 who, directly or indirectly, manages, oversees, or controls
7 the operation of the applicant, including officers and
8 directors of a corporation. For corporations with over \$100
9 million of assets in Florida, the department may, as an
10 alternative, require a set of the fingerprints of up to five
11 corporate officers who are involved in the management and
12 operation of the pharmacy. A requirement that fingerprints of
13 a corporate officer be submitted may be satisfied when those
14 fingerprints are on file with a state agency and available to
15 the department. The application must be accompanied by
16 payment of the costs incurred by the department for the
17 criminal history checks.

18 (b) The department shall submit the fingerprints
19 provided by the applicant to the Department of Law Enforcement
20 for a statewide criminal history check and the Department of
21 Law Enforcement shall forward the fingerprints to the Federal
22 Bureau of Investigation for a national criminal history check.

23 (c) After the application has been filed with the
24 board and the permit fee provided in this section has been
25 received, the board shall cause the application to be fully
26 investigated, both as to the qualifications of the applicant
27 and the prescription department manager or consultant
28 pharmacist designated to be in charge and as to the premises
29 and location described in the application.

30 Section 56. Section 465.023, Florida Statutes, is
31 amended to read:

1 465.023 Pharmacy permittee; disciplinary action.--
2 (1) The department or the board may deny a pharmacy
3 permit application or revoke or suspend the permit of any
4 pharmacy permittee, and may fine, place on probation, or
5 otherwise discipline any pharmacy permittee when the applicant
6 for a pharmacy permit, pharmacy permittee, or any officer,
7 director, or agent of an applicant or permittee who has:
8 (a) Obtained a permit by misrepresentation or fraud or
9 through an error of the department or the board;
10 (b) Attempted to procure, or has procured, a permit
11 for any other person by making, or causing to be made, any
12 false representation;
13 (c) Violated any of the requirements of this chapter
14 or any of the rules of the Board of Pharmacy; of chapter 499,
15 known as the "Florida Drug and Cosmetic Act"; of 21 U.S.C. ss.
16 301-392, known as the "Federal Food, Drug, and Cosmetic Act";
17 of 21 U.S.C. ss. 821 et seq., known as the Comprehensive Drug
18 Abuse Prevention and Control Act; or of chapter 893; ~~or~~
19 (d) Been convicted or found guilty, regardless of
20 adjudication, of a felony or any other crime involving moral
21 turpitude in any of the courts of this state, of any other
22 state, or of the United States;
23 (e) Been convicted or disciplined by a regulatory
24 agency of the Federal Government or a regulatory agency of
25 another state for any offense that would constitute a
26 violation of this chapter; or
27 (f) Been convicted of, found guilty of, or entered a
28 plea of guilty or nolo contendere to, regardless of
29 adjudication, a crime in any jurisdiction which relates to the
30 practice of, or the ability to practice, the profession of
31 pharmacy.

1 (2) If a pharmacy permit is revoked or suspended, the
2 owner, manager, or proprietor shall cease to operate the
3 establishment as a pharmacy as of the effective date of the
4 ~~such~~ suspension or revocation. In the event of a ~~such~~
5 revocation or suspension, the owner, manager, or proprietor
6 shall remove from the premises all signs and symbols
7 identifying the premises as a pharmacy. The period of the
8 ~~such~~ suspension shall be prescribed by the Board of Pharmacy,
9 but in no case shall it exceed 1 year. In the event that the
10 permit is revoked, the person owning or operating the
11 establishment shall not be entitled to make application for a
12 permit to operate a pharmacy for a period of 1 year from the
13 date of the ~~such~~ revocation. Upon the effective date of the
14 ~~such~~ revocation, the permittee shall advise the Board of
15 Pharmacy of the disposition of the medicinal drugs located on
16 the premises. The ~~Such~~ disposition shall be subject to
17 continuing supervision and approval by the Board of Pharmacy.

18 Section 57. Subsections (2) and (5) of section
19 465.025, Florida Statutes, are amended to read:

20 465.025 Substitution of drugs.--

21 (2) A pharmacist who receives a prescription for a
22 brand name drug shall, unless requested otherwise by the
23 purchaser, substitute a less expensive, generically equivalent
24 drug product that is+

25 ~~(a)~~ distributed by a business entity doing business,
26 and subject to suit and service of legal process, in the
27 United States; ~~and~~

28 ~~(b) Listed in the formulary of generic and brand name~~
29 ~~drug products as provided in subsection (5) for the brand name~~
30 ~~drug prescribed,~~

31

1 unless the prescriber writes the words "MEDICALLY NECESSARY,"
2 in her or his own handwriting, on the face of a written
3 prescription; ~~or~~ unless, in the case of an electronically
4 transmitted prescription, the prescriber indicates in the
5 transmitted prescription that the brand name drug is medically
6 necessary; or unless, in the case of an oral prescription, the
7 prescriber expressly indicates to the pharmacist that the
8 brand name drug prescribed is medically necessary.

9 ~~(5) Each community pharmacy shall establish a~~
10 ~~formulary of generic and brand name drug products which, if~~
11 ~~selected as the drug product of choice, would not pose a~~
12 ~~threat to the health and safety of patients receiving~~
13 ~~prescription medication. In compiling the list of generic and~~
14 ~~brand name drug products for inclusion in the formulary, the~~
15 ~~pharmacist shall rely on drug product research, testing,~~
16 ~~information, and formularies compiled by other pharmacies, by~~
17 ~~states, by the United States Department of Health, Education,~~
18 ~~and Welfare, by the United States Department of Health and~~
19 ~~Human Services, or by any other source which the pharmacist~~
20 ~~deems reliable. Each community pharmacy shall make such~~
21 ~~formulary available to the public, the Board of Pharmacy, or~~
22 ~~any physician requesting same. This formulary shall be~~
23 ~~revised following each addition, deletion, or modification of~~
24 ~~said formulary.~~

25 Section 58. Section 465.0251, Florida Statutes, is
26 amended to read:

27 465.0251 Generic drugs; removal from formulary under
28 specified circumstances.--

29 (1) The Board of Pharmacy and the Board of Medicine
30 shall remove any generic named drug product from the formulary
31 established by s. 465.025(5) ~~s. 465.025(6)~~, if every

1 | commercially marketed equivalent of that drug product is "A"
2 | rated as therapeutically equivalent to a reference listed drug
3 | or is a reference listed drug as referred to in "Approved Drug
4 | Products with Therapeutic Equivalence Evaluations" (Orange
5 | Book) published by the United States Food and Drug
6 | Administration.

7 | (2) ~~Nothing in~~ This act does not shall alter or amend
8 | s. 465.025 as to existing law providing for the authority of
9 | physicians to prohibit generic drug substitution by writing
10 | "medically necessary" on the prescription.

11 | Section 59. Section 465.026, Florida Statutes, is
12 | amended to read:

13 | 465.026 Filling of certain prescriptions.--~~Nothing~~
14 | ~~contained in~~ This chapter does not shall be construed to
15 | prohibit a pharmacist licensed in this state from filling or
16 | refilling a valid prescription which is on file in a pharmacy
17 | located in this state or in another state and has been
18 | transferred from one pharmacy to another by any means,
19 | including any electronic means, under the following
20 | conditions:

21 | (1) Before ~~Prior to~~ dispensing any transferred
22 | prescription, the dispensing pharmacist must, either verbally
23 | or by any electronic means, do all of the following:

24 | (a) Advise the patient that the prescription on file
25 | at the other pharmacy must be canceled before it may be filled
26 | or refilled.

27 | (b) Determine that the prescription is valid and on
28 | file at the other pharmacy and that the prescription may be
29 | filled or refilled, as requested, in accordance with the
30 | prescriber's intent expressed on the prescription.
31 |

1 (c) Notify the pharmacist or pharmacy where the
2 prescription is on file that the prescription must be
3 canceled.

4 (d) Record in writing, or by any electronic means, the
5 prescription order, the name of the pharmacy at which the
6 prescription was on file, the prescription number, the name of
7 the drug and the original amount dispensed, the date of
8 original dispensing, and the number of remaining authorized
9 refills.

10 (e) Obtain the consent of the prescriber to the
11 refilling of the prescription when the prescription, in the
12 dispensing pharmacist's professional judgment, so requires.
13 Any interference with the professional judgment of the
14 dispensing pharmacist by any pharmacist or pharmacy permittee,
15 or its agents or employees, shall be grounds for discipline.

16 (2) Upon receipt of a prescription transfer request,
17 if the pharmacist is satisfied in her or his professional
18 judgment that the request is valid, or if the request has been
19 validated by any electronic means, the pharmacist or pharmacy
20 must do all of the following:

21 (a) Transfer the information required by paragraph
22 (1)(d) accurately and completely.

23 (b) Record on the prescription, or by any electronic
24 means, the requesting pharmacy and pharmacist and the date of
25 request.

26 (c) Cancel the prescription on file by electronic
27 means or by recording the word "void" on the prescription
28 record. No further prescription information shall be given or
29 medication dispensed under ~~pursuant to~~ the original
30 prescription.
31

1 (3) If a transferred prescription is not dispensed
2 within a reasonable time, the pharmacist shall, by any means,
3 so notify the transferring pharmacy. ~~The Such~~ notice shall
4 serve to revalidate the canceled prescription. The pharmacist
5 who has served such notice shall then cancel the prescription
6 in the same manner as set forth in paragraph (2)(c).

7 (4) In the case of a prescription to be transferred
8 from or to a pharmacy located in another state, it shall be
9 the responsibility of the pharmacist or pharmacy located in
10 the State of Florida to verify, whether by electronic means or
11 otherwise, that the person or entity involved in the transfer
12 is a licensed pharmacist or pharmacy in the other state.

13 (5) Electronic transfers of prescriptions are
14 permitted regardless of whether the transferor or transferee
15 pharmacy is open for business.

16 (6) The transfer of a prescription for medicinal drugs
17 listed in Schedules III, IV, and V appearing in chapter 893
18 for the purpose of refill dispensing is permissible, subject
19 to the requirements of this section and federal law.
20 Compliance with federal law shall be deemed compliance with
21 the requirements of this section.

22 (7) A community pharmacy licensed under this chapter
23 which only receives and transfers prescriptions for dispensing
24 by another pharmacy may transfer a prescription for a
25 medicinal drug listed in Schedule II under chapter 893. The
26 pharmacy receiving the prescription may ship, mail, or deliver
27 in any manner the dispensed Schedule II medicinal drug into
28 this state under the following conditions:

29 (a) The pharmacy receiving and dispensing the
30 transferred prescription maintains at all times a valid,
31 unexpired license, permit, or registration to operate the

1 pharmacy in compliance with the laws of the state in which the
2 pharmacy is located and from which the medicinal drugs are
3 dispensed;

4 (b) The community pharmacy and the receiving pharmacy
5 are owned and operated by the same person and share a
6 centralized database; and

7 (c) The community pharmacy assures compliance with
8 federal law and subsections (1)-(5).

9 Section 60. Present subsection (4) of section
10 465.0265, Florida Statutes, is redesignated as subsection (8),
11 and a new subsection (4) and subsections (5), (6), and (7) are
12 added to that section, to read:

13 465.0265 Centralized prescription filling.--

14 (4) A pharmacy that performs centralized prescription
15 filling services may not mail or otherwise deliver a filled
16 prescription directly to a patient or individual practitioner
17 if the prescription was filled on behalf of another. The
18 filled prescription must be transported to the originating
19 pharmacy for dispensing.

20 (5) A pharmacy that provides centralized prescription
21 filling services may prepare prescriptions on behalf of other
22 pharmacies only if it has a contractual agreement to provide
23 these services or it shares a common owner. Each pharmacy that
24 performs centralized prescription filling services shall keep
25 a list of pharmacies for which it has agreed to provide these
26 services and must verify the Drug Enforcement Administration
27 registration of any pharmacy for which it is filling
28 prescriptions before sending or receiving a prescription for a
29 controlled substance.

30 (6) Each pharmacy shall keep a list of pharmacies that
31 fill prescriptions on its behalf and verify that those

1 pharmacies are registered with the Drug Enforcement
2 Administration.

3 (7) A pharmacy that provides centralized prescription
4 filling services must comply with the same security
5 requirements applicable to pharmacies, including the general
6 requirement to maintain effective controls and procedures to
7 guard against theft and diversion of controlled substances.

8 Section 61. Paragraph (a) of subsection (3) of section
9 466.007, Florida Statutes, is amended to read:

10 466.007 Examination of dental hygienists.--

11 (3) A graduate of a dental college or school shall be
12 entitled to take the examinations required in this section to
13 practice dental hygiene in this state if, in addition to the
14 requirements specified in subsection (2), the graduate meets
15 the following requirements:

16 (a) Submits the following credentials for review by
17 the board:

18 1. Transcripts totaling ~~of predental education and~~
19 ~~dental education totaling 5 academic years of postsecondary~~
20 ~~education, including 4 academic years of~~ postsecondary dental
21 education; and

22 2. A dental school diploma which is comparable to a
23 D.D.S. or D.M.D.

24
25 Such credentials shall be submitted in a manner provided by
26 rule of the board. The board shall approve those credentials
27 which comply with this paragraph and with rules of the board
28 adopted under ~~pursuant to~~ this paragraph. The provisions of
29 this paragraph notwithstanding, an applicant of a foreign
30 dental college or school not accredited in accordance with s.
31 466.006(2)(b) who cannot produce the credentials required by

1 | this paragraph, as a result of political or other conditions
2 | in the country in which the applicant received his or her
3 | education, may seek the board's approval of his or her
4 | educational background by submitting, in lieu of the
5 | credentials required in this paragraph, such other reasonable
6 | and reliable evidence as may be set forth by board rule. The
7 | board shall not accept such other evidence until it has made a
8 | reasonable attempt to obtain the credentials required by this
9 | paragraph from the educational institutions the applicant is
10 | alleged to have attended, unless the board is otherwise
11 | satisfied that such credentials cannot be obtained.

12 | Section 62. Section 466.021, Florida Statutes, is
13 | amended to read:

14 | 466.021 Employment of unlicensed persons by dentist;
15 | penalty.--Every duly licensed dentist who uses the services of
16 | any unlicensed person for the purpose of constructing,
17 | altering, repairing, or duplicating any denture, partial
18 | denture, bridge splint, or orthodontic or prosthetic appliance
19 | shall be required to furnish such unlicensed person with a
20 | written work order in such form as prescribed by rule of the
21 | board. This form shall be dated and signed by such dentist and
22 | shall include the patient's name or number with sufficient
23 | descriptive information to clearly identify the case for each
24 | separate and individual piece of work. A copy of such work
25 | order shall be retained in a ~~permanent~~ file in the dentist's
26 | office for a period of 4 2 years, and the original work order
27 | shall be retained in a ~~permanent~~ file for a period of 4 2
28 | years by such unlicensed person in her or his place of
29 | business. Such ~~permanent~~ file of work orders to be kept by
30 | such dentist or by such unlicensed person shall be open to
31 | inspection at any reasonable time by the department or its

1 duly constituted agent. Failure of the dentist to keep such
2 ~~permanent~~ records of such work orders shall subject the
3 dentist to suspension or revocation of her or his license to
4 practice dentistry. Failure of such unlicensed person to have
5 in her or his possession a work order as required by this
6 section shall be admissible evidence of a violation of this
7 chapter and shall constitute a misdemeanor of the second
8 degree, punishable as provided in s. 775.082 or s. 775.083.
9 Nothing in this section shall preclude a registered dental
10 laboratory from working for another registered dental
11 laboratory, provided that such work is performed pursuant to
12 written authorization, in a form to be prescribed by rule of
13 the board, which evidences that the originating laboratory has
14 obtained a valid work order and which sets forth the work to
15 be performed. Furthermore, ~~nothing in~~ this section does not
16 ~~shall~~ preclude a registered laboratory from providing its
17 services to dentists licensed and practicing in another state,
18 provided that such work is requested or otherwise authorized
19 in written form which clearly identifies the name and address
20 of the requesting dentist and which sets forth the work to be
21 performed.

22 Section 63. Subsection (8) of section 467.009, Florida
23 Statutes, is amended to read:

24 467.009 Midwifery programs; education and training
25 requirements.--

26 (8) Nonpublic educational institutions that conduct
27 approved midwifery programs shall be accredited by an
28 accrediting agency recognized and approved by the Council for
29 Higher Education Accreditation, the United States Department
30 of Education, or a successor organization, a member of the
31 Commission on Recognition of Postsecondary Accreditation and

1 shall be licensed by the Commission for Independent State
2 ~~Board of Nonpublic Career~~ Education.

3 Section 64. Section 467.013, Florida Statutes, is
4 amended to read:

5 467.013 Inactive status.--A licensee may request that
6 his or her license be placed in an inactive status by making
7 application to the department and paying a fee.

8 ~~(1) An inactive license may be renewed for one~~
9 ~~additional biennium upon application to the department and~~
10 ~~payment of the applicable biennium renewal fee. The department~~
11 ~~shall establish by rule procedures and fees for applying to~~
12 ~~place a license on inactive status, renewing an inactive~~
13 ~~license, and reactivating an inactive license. The fee for any~~
14 ~~of these procedures may not exceed the biennial renewal fee~~
15 ~~established by the department.~~

16 ~~(2) Any license that is not renewed by the end of the~~
17 ~~biennium established by the department automatically reverts~~
18 ~~to involuntary inactive status unless the licensee has applied~~
19 ~~for voluntary inactive status. Such license may be reactivated~~
20 ~~only if the licensee meets the requirements for reactivating~~
21 ~~the license established by department rule.~~

22 ~~(3) A midwife who desires to reactivate an inactive~~
23 ~~license shall apply to the department, complete the~~
24 ~~reactivation application, remit the applicable fees, and~~
25 ~~submit proof of compliance with the requirements for~~
26 ~~continuing education established by department rule.~~

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

31

1 ~~(5) The licensee shall submit to the department~~
2 ~~evidence of participation in 10 hours of continuing education,~~
3 ~~approved by the department and clinically related to the~~
4 ~~practice of midwifery, for each year of the biennium in which~~
5 ~~the license was inactive. This requirement is in addition to~~
6 ~~submitting evidence of completing the continuing education~~
7 ~~required for the most recent biennium in which the licensee~~
8 ~~held an active license.~~

9 Section 65. Section 467.0135, Florida Statutes, is
10 amended to read:

11 467.0135 Fees.--The department shall establish fees
12 for application, ~~examination~~, initial licensure, renewal of
13 active status licensure, licensure by endorsement, inactive
14 status, delinquent status, and reactivation of an inactive
15 status license. The appropriate fee must be paid at the time
16 of application and is payable to the Department of Health, in
17 accordance with rules adopted by the department. A fee is
18 nonrefundable, unless otherwise provided by rule. A fee may
19 not exceed:

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

21 ~~(1)(2)~~ Five hundred dollars for initial licensure.

22 ~~(2)(3)~~ Five hundred dollars for renewal of an active
23 status license licensure.

24 ~~(3)(4)~~ Two hundred dollars for application, ~~which fee~~
25 ~~is nonrefundable~~.

26 ~~(4)(5)~~ Five hundred dollars for renewal ~~reactivation~~
27 of an inactive status license.

28 ~~(5)(6)~~ Five hundred dollars for licensure by
29 endorsement.
30
31

1 A fee for inactive status, reactivation of an inactive status
2 license, or delinquency may not exceed the fee established by
3 the department for biennial renewal of an active license. All
4 fees collected under this section shall be deposited in the
5 Medical Quality Assurance Trust Fund.

6 Section 66. Subsection (1) of section 467.017, Florida
7 Statutes, is amended to read:

8 467.017 Emergency care plan; immunity.--

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

- 14 (a) Consultation with other health care providers.
15 (b) Emergency transfer.
16 (c) Access to neonatal intensive care units and
17 obstetrical units or other patient care areas.

18 Section 67. Paragraph (b) of subsection (2) and
19 paragraph (b) of subsection (3) of section 468.1155, Florida
20 Statutes, are amended to read:

21 468.1155 Provisional license; requirements.--

22 (2) The department shall issue a provisional license
23 to practice speech-language pathology to each applicant who
24 the board certifies has:

- 25 (b) Received a master's degree or is currently
26 enrolled in a doctoral degree program with a major emphasis in
27 speech-language pathology from an institution of higher
28 learning which is, or at the time the applicant was enrolled
29 and graduated was, accredited by an accrediting agency
30 recognized by the Council for Higher Education Accreditation,
31 the United States Department of Education, or a successor

1 organization, or from an institution which is a member in good
2 standing with the Association of Universities and Colleges of
3 Canada. An applicant who graduated from or is currently
4 enrolled in a program at a university or college outside the
5 United States or Canada must present documentation of the
6 determination of equivalency to standards established by the
7 Council for Higher Education Accreditation in order to
8 qualify. The applicant must have completed 60 semester hours
9 that include:

10 1. Fundamental information applicable to the normal
11 development and use of speech, hearing, and language;
12 information about training in management of speech, hearing,
13 and language disorders; and information supplementary to these
14 fields.

15 2. Six semester hours in audiology.

16 3. Thirty of the required 60 semester hours in courses
17 acceptable toward a graduate degree by the college or
18 university in which these courses were taken, of which 24
19 semester hours must be in speech-language pathology.

20 (3) The department shall issue a provisional license
21 to practice audiology to each applicant who the board
22 certifies has:

23 (b) Received a master's degree or is currently
24 enrolled in a doctoral degree program with a major emphasis in
25 audiology from an institution of higher learning which is, or
26 at the time the applicant was enrolled and graduated was,
27 accredited by an accrediting agency recognized by the Council
28 for Higher Education Accreditation, the United States
29 Department of Education, or a successor organization, or from
30 an institution which is a member in good standing with the
31 Association of Universities and Colleges of Canada. An

1 applicant who graduated from or is currently enrolled in a
2 program at a university or college outside the United States
3 or Canada must present documentation of the determination of
4 equivalency to standards established by the Council for Higher
5 Education Accreditation in order to qualify. The applicant
6 must have completed 60 semester hours that include:

7 1. Fundamental information applicable to the normal
8 development and use of speech, hearing, and language;
9 information about training in management of speech, hearing,
10 and language disorders; and information supplementary to these
11 fields.

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

13 3. Thirty of the required 60 semester hours in courses
14 acceptable toward a graduate degree by the college or
15 university in which these courses were taken, of which 24
16 semester hours must be in audiology.

17 Section 68. Section 468.352, Florida Statutes, is
18 amended to read:

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

21 468.352 Definitions.--As used in this part, the term:

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

23 (2) "Certified respiratory therapist" means any person
24 licensed pursuant to this part who is certified by the
25 National Board for Respiratory Care or its successor; who is
26 employed to deliver respiratory care services, under the order
27 of a physician licensed under chapter 458 or chapter 459, in
28 accordance with protocols established by a hospital or other
29 health care provider or the board; and who functions in
30 situations of unsupervised patient contact requiring
31 individual judgment.

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

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

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

8 (6) "Physician supervision" means supervision and
9 control by a physician licensed under chapter 458 or chapter
10 459 who assumes the legal liability for the services rendered
11 by the personnel employed in his or her office. Except in the
12 case of an emergency, physician supervision requires the easy
13 availability of the physician within the office or the
14 physical presence of the physician for consultation and
15 direction of the actions of the persons who deliver
16 respiratory care services.

17 (7) "Practice of respiratory care" or "respiratory
18 therapy" means the allied health specialty associated with the
19 cardiopulmonary system that is practiced under the orders of a
20 physician licensed under chapter 458 or chapter 459 and in
21 accordance with protocols, policies, and procedures
22 established by a hospital or other health care provider or the
23 board, including the assessment, diagnostic evaluation,
24 treatment, management, control, rehabilitation, education, and
25 care of patients in all care settings.

26 (8) "Registered respiratory therapist" means any
27 person licensed under this part who is registered by the
28 National Board for Respiratory Care or its successor, and who
29 is employed to deliver respiratory care services under the
30 order of a physician licensed under chapter 458 or chapter
31 459, in accordance with protocols established by a hospital or

1 other health care provider or the board, and who functions in
2 situations of unsupervised patient contact requiring
3 individual judgment.

4 (9) "Respiratory care practitioner" means any person
5 licensed under this part who is employed to deliver
6 respiratory care services, under direct supervision, pursuant
7 to the order of a physician licensed under chapter 458 or
8 chapter 459.

9 (10) "Respiratory care services" includes:

10 (a) Evaluation and disease management.

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

13 (c) Administration of drugs, as duly ordered or
14 prescribed by a physician licensed under chapter 458 or
15 chapter 459 and in accordance with protocols, policies, and
16 procedures established by a hospital or other health care
17 provider or the board.

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

20 (e) Diagnostic procedures, research, and therapeutic
21 treatment and procedures, including measurement of ventilatory
22 volumes, pressures, and flows; specimen collection and
23 analysis of blood for gas transport and acid/base
24 determinations; pulmonary-function testing; and other related
25 physiological monitoring of cardiopulmonary systems.

26 (f) Cardiopulmonary rehabilitation.

27 (g) Cardiopulmonary resuscitation, advanced cardiac
28 life support, neonatal resuscitation, and pediatric advanced
29 life support, or equivalent functions.

30 (h) Insertion and maintenance of artificial airways
31 and intravascular catheters.

1 (i) Education of patients, families, the public, or
2 other health care providers, including disease process and
3 management programs and smoking prevention and cessation
4 programs.

5 (j) Initiation and management of hyperbaric oxygen.

6 Section 69. Section 468.355, Florida Statutes, is
7 amended to read:

8 (Substantial rewording of section. See

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

10 468.355 Licensure requirements.--To be eligible for
11 licensure by the board, an applicant must be an active
12 "Certified Respiratory Therapist" or an active "Registered
13 Respiratory Therapist" as designated by the National Board for
14 Respiratory Care, or its successor.

15 Section 70. Section 468.368, Florida Statutes, is
16 amended to read:

17 (Substantial rewording of section. See

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

19 468.368 Exemptions.--This part may not be construed to
20 prevent or restrict the practice, service, or activities of:

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

24 (2) Any legally qualified person in the state or
25 another state or territory who is employed by the United
26 States Government or any agency thereof while such person is
27 discharging his or her official duties.

28 (3) A friend or family member who is providing
29 respiratory care services to an ill person and who does not
30 represent himself or herself to be a respiratory care
31 practitioner or respiratory therapist.

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

4 (5) Any individual employed to deliver, assemble, set
5 up, or test equipment for use in a home, upon the order of a
6 physician licensed under chapter 458 or chapter 459. This
7 subsection does not, however, authorize the practice of
8 respiratory care without a license.

9 (6) Any individual certified or registered as a
10 pulmonary function technologist who is credentialed by the
11 National Board for Respiratory Care for performing
12 cardiopulmonary diagnostic studies.

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

17 (8) The delivery of incidental respiratory care to
18 noninstitutionalized persons by surrogate family members who
19 do not represent themselves as registered or certified
20 respiratory care therapists.

21 (9) Any individual credentialed by the Underseas
22 Hyperbaric Society in hyperbaric medicine or its equivalent as
23 determined by the board, while performing related duties. This
24 subsection does not, however, authorize the practice of
25 respiratory care without a license.

26 Section 71. Effective January 1, 2005, sections
27 468.356 and 468.357, Florida Statutes, are repealed.

28 Section 72. Subsection (2) of section 468.509, Florida
29 Statutes, is amended to read:

30 468.509 Dietitian/nutritionist; requirements for
31 licensure.--

1 (2) The agency shall examine any applicant who the
2 board certifies has completed the application form and
3 remitted the application and examination fees specified in s.
4 468.508 and who:

5 (a)1. Possesses a baccalaureate or postbaccalaureate
6 degree with a major course of study in human nutrition, food
7 and nutrition, dietetics, or food management, or an equivalent
8 major course of study, from a school or program accredited, at
9 the time of the applicant's graduation, by the appropriate
10 accrediting agency recognized by the Council for Higher
11 Education Commission on Recognition of Postsecondary
12 Accreditation, or and the United States Department of
13 Education, or a successor organization; and

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

17 (b)1. Has an academic degree, from a foreign country,
18 that has been validated by an accrediting agency approved by
19 the United States Department of Education as equivalent to the
20 baccalaureate or postbaccalaureate degree conferred by a
21 regionally accredited college or university in the United
22 States;

23 2. Has completed a major course of study in human
24 nutrition, food and nutrition, dietetics, or food management;
25 and

26 3. Has completed a preprofessional experience
27 component of not less than 900 hours or has education or
28 experience determined to be equivalent by the board.

29 Section 73. Section 468.707, Florida Statutes, is
30 amended to read:

31 468.707 Licensure by examination; requirements.--

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

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

6 ~~(a)1-~~ Has completed the application form and remitted
7 the required fees.

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

9 ~~(c)3-~~ Has obtained a baccalaureate degree from a
10 college or university accredited by an accrediting agency
11 recognized and approved by the United States Department of
12 Education, ~~or the Council for Higher Education Commission on~~
13 ~~Recognition of Postsecondary~~ Accreditation, or a successor
14 organization, or approved by the board.

15 ~~(d)4-~~ Has completed coursework from a college or
16 university accredited by an accrediting agency recognized and
17 approved by the United States Department of Education, ~~or the~~
18 Council for Higher Education Commission on Recognition of
19 Postsecondary Accreditation, or a successor organization, or
20 approved by the board, in each of the following areas, as
21 provided by rule: health, human anatomy,
22 kinesiology/biomechanics, human physiology, physiology of
23 exercise, basic athletic training, and advanced athletic
24 training.

25 ~~(e)5-~~ Has current certification in standard first aid
26 and cardiovascular pulmonary resuscitation from the American
27 Red Cross or an equivalent certification as determined by the
28 board.

29 ~~(f)6-~~ Has, within 2 of the preceding 5 years, attained
30 a minimum of 800 hours of athletic training experience under
31 the direct supervision of a licensed athletic trainer or an

1 athletic trainer certified by the National Athletic Trainers'
2 Association or a comparable national athletic standards
3 organization.

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

6 ~~(2)(b)~~ The department shall also license each
7 applicant who:

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

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

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

15 ~~(d)1.4.a.~~ Has practiced athletic training for at least
16 3 of the 5 years preceding application; or

17 ~~2.b.~~ Is currently certified by the National Athletic
18 Trainers' Association or a comparable national athletic
19 standards organization.

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

24 Section 74. Section 480.041, Florida Statutes, is
25 amended to read:

26 480.041 Massage therapists; qualifications; licensure;
27 endorsement.--

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

30 (a) Has completed an application form and submitted
31 the appropriate fee to the department, is at least 18 years of

1 age, ~~or~~ has received a high school diploma or graduate
2 equivalency diploma, and demonstrates good moral character;

3 (b) Has completed a course of study at a
4 board-approved massage school or has completed an
5 apprenticeship program that meets standards adopted by the
6 board; and

7 (c) Has received a passing grade on a board-approved
8 national ~~an~~ examination certified ~~administered~~ by the
9 department.

10 (2) ~~Every person desiring to be examined for licensure~~
11 ~~as a massage therapist shall apply to the department in~~
12 ~~writing upon forms prepared and furnished by the department.~~

13 ~~Such~~ Applicants for licensure shall be subject to the
14 provisions of s. 480.046(1). Applicants may take an
15 examination administered by the department only upon meeting
16 the requirements of this section as determined by the board.

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

21 ~~(3)(4)~~ The board shall adopt rules:

22 (a) Establishing a minimum training program for
23 apprentices.

24 (b) Providing for educational standards, examination,
25 and certification for the practice of colonic irrigation, as
26 defined in s. 480.033(6), by massage therapists.

27 (c) Specifying licensing procedures for practitioners
28 desiring to be licensed in this state who hold an active
29 license and have practiced in any other state, territory, or
30 jurisdiction of the United States or any foreign national
31 jurisdiction which has licensing standards substantially

1 similar to, equivalent to, or more stringent than the
2 standards of this state.

3 (4) Notwithstanding s. 456.017(1)(c)2., the department
4 shall adopt rules for the administration of a state-developed
5 written examination for the practice of colonic irrigation,
6 and that examination must be administered until a national
7 examination is certified by the department.

8 Section 75. Subsection (9) of section 486.021, Florida
9 Statutes, is amended to read:

10 486.021 Definitions.--In this chapter, unless the
11 context otherwise requires, the term:

12 (9) "Direct supervision" means supervision by a
13 physical therapist who is licensed pursuant to this chapter.
14 Except in a case of emergency, direct supervision requires the
15 physical presence of the licensed physical therapist for
16 consultation and direction of the actions of a physical
17 therapist or physical therapist assistant ~~who is practicing~~
18 ~~under a temporary permit and who is a candidate for licensure~~
19 ~~by examination.~~

20 Section 76. Section 486.031, Florida Statutes, is
21 amended to read:

22 486.031 Physical therapist; licensing
23 requirements.--To be eligible for licensing as a physical
24 therapist, an applicant must:

- 25 (1) Be at least 18 years old.~~;~~
26 (2) Be of good moral character.~~;~~~~and~~
27 (3)(a) Have been graduated from a school of physical
28 therapy which has been approved for the educational
29 preparation of physical therapists by an ~~the appropriate~~
30 accrediting agency recognized by the Council for Higher
31 Education Commission on Recognition of Postsecondary

1 Accreditation or the United States Department of Education, or
2 a successor organization, at the time of her or his graduation
3 and have passed, to the satisfaction of the board, the
4 American Registry Examination prior to 1971 or a national
5 examination approved by the board to determine her or his
6 fitness for practice as a physical therapist as hereinafter
7 provided;

8 (b) Have received a diploma from a program in physical
9 therapy in a foreign country and have educational credentials
10 deemed equivalent to those required for the educational
11 preparation of physical therapists in this country, as
12 recognized by the appropriate agency as identified by the
13 board, and have passed to the satisfaction of the board an
14 examination to determine her or his fitness for practice as a
15 physical therapist as hereinafter provided; or

16 (c) Be entitled to licensure without examination as
17 provided in s. 486.081.

18 Section 77. Section 486.051, Florida Statutes, is
19 amended to read:

20 486.051 Physical therapist; examination of
21 applicant.--The examinations of an applicant for licensing as
22 a physical therapist shall be in accordance with rules adopted
23 by the board, to test the applicant's qualifications and shall
24 include the taking of tests ~~a test~~ by the applicant. If an
25 applicant fails to pass the examination in three attempts, the
26 applicant ~~shall not be eligible for reexamination unless she~~
27 ~~or he completes additional educational or training~~
28 ~~requirements prescribed by the board. An applicant who has~~
29 ~~completed the additional educational or training requirements~~
30 ~~prescribed by the board may take the examination on two more~~
31 ~~occasions. If the applicant has failed to pass the~~

1 ~~examination after five attempts, she or he~~ is no longer
2 eligible to take the examination.

3 Section 78. Section 486.081, Florida Statutes, is
4 amended to read:

5 486.081 Physical therapist; issuance of license by
6 endorsement without examination to a person licensed in
7 another jurisdiction ~~passing examination of another authorized~~
8 ~~examining board; fee.--~~

9 (1) The board may cause a license to be issued through
10 the department by endorsement without examination to any
11 applicant who presents evidence satisfactory to the board,
12 under oath, of having passed the American Registry Examination
13 prior to 1971 or of licensure in another jurisdiction ~~an~~
14 ~~examination in physical therapy before a similar lawfully~~
15 ~~authorized examining board of another state, the District of~~
16 ~~Columbia, a territory, or a foreign country~~, if the standards
17 for licensure in physical therapy in such other jurisdiction
18 ~~state, district, territory, or foreign country~~ are determined
19 by the board to be as high as those of this state, as
20 established by rules adopted pursuant to this chapter. Any
21 person who holds a license pursuant to this section may use
22 the words "physical therapist" or "physiotherapist," or the
23 letters "P.T.," in connection with her or his name or place of
24 business to denote her or his licensure hereunder.

25 (2) At the time of making application for licensure by
26 endorsement under ~~without examination pursuant to the terms of~~
27 this section, the applicant shall pay to the department a fee
28 not to exceed \$175 as fixed by the board, no part of which
29 will be returned.

30 (3) If an applicant seeking reentry into the
31 profession has not been in active practice within the last 3

1 years, the applicant shall, before applying for licensure,
2 submit to the board documentation of competence to practice as
3 required by rule of the board.

4 Section 79. Section 486.102, Florida Statutes, is
5 amended to read:

6 486.102 Physical therapist assistant; licensing
7 requirements.--To be eligible for licensing by the board as a
8 physical therapist assistant, an applicant must:

9 (1) Be at least 18 years old.;

10 (2) Be of good moral character.;~~and~~

11 (3)(a) Have been graduated from a school giving a
12 course of not less than 2 years for physical therapist
13 assistants, which has been approved for the educational
14 preparation of physical therapist assistants by the
15 ~~appropriate accrediting~~ agency recognized by the Council for
16 Higher Education Commission on Recognition of Postsecondary
17 Accreditation or the United States Department of Education, or
18 a successor organization, or which is approved by the board,
19 at the time of the applicant's her or his graduation. An
20 applicant must ~~and~~ have passed to the satisfaction of the
21 board an examination to determine the applicant's eligibility
22 for licensure to her or his fitness for practice as a physical
23 therapist assistant as hereinafter provided;

24 (b) Be a graduate of a physical therapy assistant
25 program ~~Have been graduated from a school giving a course for~~
26 ~~physical therapist assistants~~ in a foreign country and have
27 educational credentials deemed equivalent to those required
28 for the educational preparation of physical therapist
29 assistants in this country, as recognized by the appropriate
30 agency as identified by the board, and passed to the
31 satisfaction of the board an examination to determine the

1 applicant's eligibility for licensure to ~~her or his fitness~~
2 ~~for~~ practice as a physical therapist assistant as hereinafter
3 provided; or

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

6 Section 80. Section 486.104, Florida Statutes, is
7 amended to read:

8 486.104 Physical therapist assistant; examination of
9 applicant.--The examination of an applicant for licensing as a
10 physical therapist assistant shall be in accordance with rules
11 adopted by the board, to test the applicant's qualifications
12 and shall include the taking of tests ~~a test~~ by the applicant.
13 If an applicant fails to pass the examination in three
14 attempts, the applicant ~~shall not be eligible for~~
15 ~~reexamination unless she or he completes additional~~
16 ~~educational or training requirements prescribed by the board.~~
17 ~~An applicant who has completed the additional educational or~~
18 ~~training requirements prescribed by the board may take the~~
19 ~~examination on two more occasions. If the applicant has~~
20 ~~failed to pass the examination after five attempts, she or he~~
21 is no longer eligible to take the examination.

22 Section 81. Section 486.107, Florida Statutes, is
23 amended to read:

24 486.107 Physical therapist assistant; issuance of
25 license by endorsement ~~without examination~~ to person licensed
26 in another jurisdiction; fee.--

27 (1) The board may cause a license to be issued through
28 the department by endorsement ~~without examination~~ to any
29 applicant who presents evidence to the board, under oath, of
30 licensure in another jurisdiction ~~state, the District of~~
31 ~~Columbia, or a territory~~, if the standards for registering as

1 a physical therapist assistant or licensing of a physical
2 therapist assistant, as the case may be, in such other
3 jurisdiction ~~state~~ are determined by the board to be as high
4 as those of this state, as established by rules adopted
5 pursuant to this chapter. Any person who holds a license
6 pursuant to this section may use the words "physical therapist
7 assistant," or the letters "P.T.A.," in connection with her or
8 his name to denote licensure hereunder.

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

14 (3) An applicant seeking reentry into the profession
15 who has not been in active practice within the last 3 years
16 shall, prior to applying for licensure, submit to the board
17 documentation of competence to practice as required by rule of
18 the board.

19 Section 82. Subsection (2) of section 486.109, Florida
20 Statutes, is amended to read:

21 486.109 Continuing education.--

22 (2) The board shall accept ~~approve~~ only those courses
23 sponsored by a college or university which provides a
24 curriculum for professional education of ~~training~~ physical
25 therapists or physical therapist assistants which is
26 accredited by, or has status with an accrediting agency
27 approved by, the United States Department of Education as
28 determined by board rule, or courses sponsored or approved by
29 the Florida Physical Therapy Association or the American
30 Physical Therapy Association.

31

1 Section 83. Subsection (2) of section 486.161, Florida
2 Statutes, is amended to read:

3 486.161 Exemptions.--

4 (2) No provision of this chapter shall be construed to
5 prohibit:

6 (a) Any student who is enrolled in a school or course
7 of physical therapy approved by the board from performing such
8 acts of physical therapy as are incidental to her or his
9 course of study, ~~or~~

10 (b) Any physical therapist from another state from
11 performing physical therapy incidental to a course of study
12 when taking or giving a postgraduate course or other course of
13 study in this state, provided such physical therapist is
14 licensed in another jurisdiction or holds an appointment on
15 the faculty of a school approved for training physical
16 therapists or physical therapist assistants.

17 (c) Any physical therapist who is licensed in another
18 jurisdiction of the United States or credentialed in another
19 country from performing physical therapy if that person, by
20 contract or employment, is providing physical therapy to
21 individuals affiliated with or employed by an established
22 athletic team, athletic organization, or performing arts
23 company temporarily practicing, competing, or performing in
24 this state for not more than 60 days in a calendar year.

25 Section 84. Section 486.172, Florida Statutes, is
26 amended to read:

27 486.172 Application of s. 456.021.--The provisions of
28 s. 456.021, relating to the qualification of immigrants for
29 examination to practice a licensed profession or occupation,
30 shall also be applicable to the provisions of this chapter.

31

1 Section 85. Paragraph (b) of subsection (2) of section
2 490.005, Florida Statutes, is amended to read:

3 490.005 Licensure by examination.--

4 (2) Any person desiring to be licensed as a school
5 psychologist shall apply to the department to take the
6 licensure examination. The department shall license each
7 applicant who the department certifies has:

8 (b) Submitted satisfactory proof to the department
9 that the applicant:

10 1. Has received a doctorate, specialist, or equivalent
11 degree from a program primarily psychological in nature and
12 has completed 60 semester hours or 90 quarter hours of
13 graduate study, in areas related to school psychology as
14 defined by rule of the department, from a college or
15 university which at the time the applicant was enrolled and
16 graduated was accredited by an accrediting agency recognized
17 and approved by the Council for Higher Education
18 Accreditation, the United States Department of Education, or a
19 successor organization, Commission on Recognition of
20 ~~Postsecondary Accreditation~~ or from an institution that ~~which~~
21 is publicly recognized as a member in good standing with the
22 Association of Universities and Colleges of Canada.

23 2. Has had a minimum of 3 years of experience in
24 school psychology, 2 years of which must be supervised by an
25 individual who is a licensed school psychologist or who has
26 otherwise qualified as a school psychologist supervisor, by
27 education and experience, as set forth by rule of the
28 department. A doctoral internship may be applied toward the
29 supervision requirement.

30 3. Has passed an examination provided by the
31 department.

1 Section 86. Subsections (1), (3), and (4) of section
2 491.005, Florida Statutes, are amended to read:

3 491.005 Licensure by examination.--

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

12 (a) Has made application therefor and paid the
13 appropriate fee.

14 (b)1. Has received a doctoral degree in social work
15 from a graduate school of social work which at the time the
16 applicant graduated was accredited by an accrediting agency
17 recognized by the United States Department of Education or has
18 received a master's degree in social work from a graduate
19 school of social work which at the time the applicant
20 graduated:

21 a. Was accredited by the Council on Social Work
22 Education;

23 b. Was accredited by the Canadian Association of
24 Schools of Social Work; or

25 c. Has been determined to have been a program
26 equivalent to programs approved by the Council on Social Work
27 Education by the Foreign Equivalency Determination Service of
28 the Council on Social Work Education. An applicant who
29 graduated from a program at a university or college outside of
30 the United States or Canada must present documentation of the
31

1 | equivalency determination from the council in order to
2 | qualify.

3 | 2. The applicant's graduate program must have
4 | emphasized direct clinical patient or client health care
5 | services, including, but not limited to, coursework in
6 | clinical social work, psychiatric social work, medical social
7 | work, social casework, psychotherapy, or group therapy. The
8 | applicant's graduate program must have included all of the
9 | following coursework:

10 | a. A supervised field placement which was part of the
11 | applicant's advanced concentration in direct practice, during
12 | which the applicant provided clinical services directly to
13 | clients.

14 | b. Completion of 24 semester hours or 32 quarter hours
15 | in theory of human behavior and practice methods as courses in
16 | clinically oriented services, including a minimum of one
17 | course in psychopathology, and no more than one course in
18 | research, taken in a school of social work accredited or
19 | approved pursuant to subparagraph 1.

20 | 3. If the course title which appears on the
21 | applicant's transcript does not clearly identify the content
22 | of the coursework, the applicant shall be required to provide
23 | additional documentation, including, but not limited to, a
24 | syllabus or catalog description published for the course.

25 | (c) Has had not less than 2 years of clinical social
26 | work experience, which took place subsequent to completion of
27 | a graduate degree in social work at an institution meeting the
28 | accreditation requirements of this section, under the
29 | supervision of a licensed clinical social worker or the
30 | equivalent who is a qualified supervisor as determined by the
31 | board. An individual who intends to practice in Florida to

1 satisfy clinical experience requirements must register
2 pursuant to s. 491.0045 prior to commencing practice. If the
3 applicant's graduate program was not a program which
4 emphasized direct clinical patient or client health care
5 services as described in subparagraph (b)2., the supervised
6 experience requirement must take place after the applicant has
7 completed a minimum of 15 semester hours or 22 quarter hours
8 of the coursework required. A doctoral internship may be
9 applied toward the clinical social work experience
10 requirement. The clinical experience requirement may be met by
11 work performed on or off the premises of the supervising
12 clinical social worker, or the equivalent, if all work is
13 performed under the direct supervision of ~~provided the~~
14 ~~off premises work is not the independent private practice~~
15 ~~rendering of clinical social work that does not have a~~
16 licensed mental health professional, as determined by the
17 board, ~~on the premises at the same time the intern is~~
18 ~~providing services.~~

19 (d) Has passed a theory and practice examination
20 approved ~~provided~~ by the board ~~department~~ for this purpose,
21 which may be taken only following completion of the
22 requirement for clinical experience.

23 (e) Has demonstrated, in a manner designated by rule
24 of the board, knowledge of the laws and rules governing the
25 practice of clinical social work, marriage and family therapy,
26 and mental health counseling.

27 (f) Has satisfied all requirements for coursework in
28 this section by successfully completing the required course as
29 a student or by teaching the required graduate course as an
30 instructor or professor in an accredited institution.

31

1 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification of
2 documentation and payment of a fee not to exceed \$200, as set
3 by board rule, plus the actual cost to the department for the
4 purchase of the examination from the Association of Marital
5 and Family Therapy Regulatory Board, or similar national
6 organization, the department shall issue a license as a
7 marriage and family therapist to an applicant who the board
8 certifies:

9 (a) Has made application therefor and paid the
10 appropriate fee.

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

14 a. Thirty-six semester hours or 48 quarter hours of
15 graduate coursework, which must include a minimum of 3
16 semester hours or 4 quarter hours of graduate-level course
17 credits in each of the following nine areas: dynamics of
18 marriage and family systems; marriage therapy and counseling
19 theory and techniques; family therapy and counseling theory
20 and techniques; individual human development theories
21 throughout the life cycle; personality theory or general
22 counseling theory and techniques; psychopathology; human
23 sexuality theory and counseling techniques; psychosocial
24 theory; and substance abuse theory and counseling techniques.
25 Courses in research, evaluation, appraisal, assessment, or
26 testing theories and procedures; thesis or dissertation work;
27 or practicums, internships, or fieldwork may not be applied
28 toward this requirement.

29 b. A minimum of one graduate-level course of 3
30 semester hours or 4 quarter hours in legal, ethical, and
31 professional standards issues in the practice of marriage and

1 family therapy or a course determined by the board to be
2 equivalent.

3 c. A minimum of one graduate-level course of 3
4 semester hours or 4 quarter hours in diagnosis, appraisal,
5 assessment, and testing for individual or interpersonal
6 disorder or dysfunction; and a minimum of one 3-semester-hour
7 or 4-quarter-hour graduate-level course in behavioral research
8 which focuses on the interpretation and application of
9 research data as it applies to clinical practice. Credit for
10 thesis or dissertation work, practicums, internships, or
11 fieldwork may not be applied toward this requirement.

12 d. A minimum of one supervised clinical practicum,
13 internship, or field experience in a marriage and family
14 counseling setting, during which the student provided 180
15 direct client contact hours of marriage and family therapy
16 services under the supervision of an individual who met the
17 requirements for supervision under paragraph (c). This
18 requirement may be met by a supervised practice experience
19 which took place outside the academic arena, but which is
20 certified as equivalent to a graduate-level practicum or
21 internship program which required a minimum of 180 direct
22 client contact hours of marriage and family therapy services
23 currently offered within an academic program of a college or
24 university accredited by an accrediting agency approved by the
25 United States Department of Education, or an institution which
26 is publicly recognized as a member in good standing with the
27 Association of Universities and Colleges of Canada or a
28 training institution accredited by the Commission on
29 Accreditation for Marriage and Family Therapy Education
30 recognized by the United States Department of Education.
31

1 Certification shall be required from an official of such
2 college, university, or training institution.

3 2. If the course title which appears on the
4 applicant's transcript does not clearly identify the content
5 of the coursework, the applicant shall be required to provide
6 additional documentation, including, but not limited to, a
7 syllabus or catalog description published for the course.

8
9 The required master's degree must have been received in an
10 institution of higher education which at the time the
11 applicant graduated was: fully accredited by a regional
12 accrediting body recognized by the Council for Higher
13 Education Accreditation, the United States Department of
14 Education, or a successor organization ~~Commission on~~
15 ~~Recognition of Postsecondary Accreditation~~; publicly
16 recognized as a member in good standing with the Association
17 of Universities and Colleges of Canada; or an institution of
18 higher education located outside the United States and Canada,
19 which at the time the applicant was enrolled and at the time
20 the applicant graduated maintained a standard of training
21 substantially equivalent to the standards of training of those
22 institutions in the United States which are accredited by a
23 regional accrediting body recognized by the Council for Higher
24 Education Accreditation, the United States Department of
25 Education, or a successor organization ~~Commission on~~
26 ~~Recognition of Postsecondary Accreditation~~. The ~~Such~~ foreign
27 education and training must have been received in an
28 institution or program of higher education officially
29 recognized by the government of the country in which it is
30 located as an institution or program to train students to
31 practice as professional marriage and family therapists or

1 | psychotherapists. The burden of establishing that the
2 | requirements of this provision have been met shall be upon the
3 | applicant, and the board shall require documentation, such as,
4 | but not limited to, an evaluation by a foreign equivalency
5 | determination service, as evidence that the applicant's
6 | graduate degree program and education were equivalent to an
7 | accredited program in this country. An applicant with a
8 | master's degree from a program which did not emphasize
9 | marriage and family therapy may complete the coursework
10 | requirement in a training institution fully accredited by the
11 | Commission on Accreditation for Marriage and Family Therapy
12 | Education recognized by the United States Department of
13 | Education.

14 | (c) Has had not less than 2 years of clinical
15 | experience during which 50 percent of the applicant's clients
16 | were receiving marriage and family therapy services, which
17 | must be at the post-master's level under the supervision of a
18 | licensed marriage and family therapist with at least 5 years
19 | of experience, or the equivalent, who is a qualified
20 | supervisor as determined by the board. An individual who
21 | intends to practice in Florida to satisfy the clinical
22 | experience requirements must register pursuant to s. 491.0045
23 | prior to commencing practice. If a graduate has a master's
24 | degree with a major emphasis in marriage and family therapy or
25 | a closely related field that did not include all the
26 | coursework required under sub-subparagraphs (b)1.a.-c., credit
27 | for the post-master's level clinical experience shall not
28 | commence until the applicant has completed a minimum of 10 of
29 | the courses required under sub-subparagraphs (b)1.a.-c., as
30 | determined by the board, and at least 6 semester hours or 9
31 | quarter hours of the course credits must have been completed

1 | in the area of marriage and family systems, theories, or
2 | techniques. Within the 3 years of required experience, the
3 | applicant shall provide direct individual, group, or family
4 | therapy and counseling, to include the following categories of
5 | cases: unmarried dyads, married couples, separating and
6 | divorcing couples, and family groups including children. A
7 | doctoral internship may be applied toward the clinical
8 | experience requirement. The clinical experience requirement
9 | may be met by work performed on or off the premises of the
10 | supervising marriage and family therapist, or the equivalent,
11 | if all work is performed under the direct supervision of
12 | ~~provided the off premises work is not the independent private~~
13 | ~~practice rendering of marriage and family therapy services~~
14 | ~~that does not have~~ a licensed mental health professional, as
15 | determined by the board, ~~on the premises at the same time the~~
16 | ~~intern is providing services.~~

17 | (d) Has passed a theory and practice examination
18 | approved ~~provided~~ by the board ~~department~~ for this purpose,
19 | which may be taken only following completion of the
20 | requirement for clinical experience.

21 | (e) Has demonstrated, in a manner designated by rule
22 | of the board, knowledge of the laws and rules governing the
23 | practice of clinical social work, marriage and family therapy,
24 | and mental health counseling.

25 | (f) For the purposes of dual licensure, the department
26 | shall license as a marriage and family therapist any person
27 | who meets the requirements of s. 491.0057. Fees for dual
28 | licensure shall not exceed those stated in this subsection.

29 | (g) Has satisfied all requirements for coursework in
30 | this section by successfully completing the required course as
31 |

1 a student or by teaching the required graduate course as an
2 instructor or professor in an accredited institution.

3 (4) MENTAL HEALTH COUNSELING.--Upon verification of
4 documentation and payment of a fee not to exceed \$200, as set
5 by board rule, plus the actual per applicant cost to the
6 department for purchase of the examination from the
7 Professional Examination Service for the National Academy of
8 Certified Clinical Mental Health Counselors or a similar
9 national organization, the department shall issue a license as
10 a mental health counselor to an applicant who the board
11 certifies:

12 (a) Has made application therefor and paid the
13 appropriate fee.

14 (b)1. Has a minimum of an earned master's degree from
15 a mental health counseling program accredited by the Council
16 for the Accreditation of Counseling and Related Educational
17 Programs that consists of at least 60 semester hours or 80
18 quarter hours of clinical and didactic instruction, including
19 a course in human sexuality and a course in substance abuse.
20 If the master's degree is earned from a program related to the
21 practice of mental health counseling that is not accredited by
22 the Council for the Accreditation of Counseling and Related
23 Educational Programs, then the coursework and practicum,
24 internship, or fieldwork must consist of at least 60 semester
25 hours or 80 quarter hours and meet the following requirements:

26 a. Thirty-three semester hours or 44 quarter hours of
27 graduate coursework, which must include a minimum of 3
28 semester hours or 4 quarter hours of graduate-level coursework
29 in each of the following 11 content areas: counseling theories
30 and practice; human growth and development; diagnosis and
31 treatment of psychopathology; human sexuality; group theories

1 and practice; individual evaluation and assessment; career and
2 lifestyle assessment; research and program evaluation; social
3 and cultural foundations; counseling in community settings;
4 and substance abuse. Courses in research, thesis or
5 dissertation work, practicums, internships, or fieldwork may
6 not be applied toward this requirement.

7 b. A minimum of 3 semester hours or 4 quarter hours of
8 graduate-level coursework in legal, ethical, and professional
9 standards issues in the practice of mental health counseling,
10 which includes goals, objectives, and practices of
11 professional counseling organizations, codes of ethics, legal
12 considerations, standards of preparation, certifications and
13 licensing, and the role identity and professional obligations
14 of mental health counselors. Courses in research, thesis or
15 dissertation work, practicums, internships, or fieldwork may
16 not be applied toward this requirement.

17 c. The equivalent, as determined by the board, of at
18 least 1,000 hours of university-sponsored supervised clinical
19 practicum, internship, or field experience as required in the
20 accrediting standards of the Council for Accreditation of
21 Counseling and Related Educational Programs for mental health
22 counseling programs. This experience may not be used to
23 satisfy the post-master's clinical experience requirement.

24 2. If the course title which appears on the
25 applicant's transcript does not clearly identify the content
26 of the coursework, the applicant shall be required to provide
27 additional documentation, including, but not limited to, a
28 syllabus or catalog description published for the course.

29
30 Education and training in mental health counseling must have
31 been received in an institution of higher education which at

1 | the time the applicant graduated was: fully accredited by a
2 | regional accrediting body recognized by the Council for Higher
3 | Education Accreditation, the United States Department of
4 | Education, or a successor organization ~~Commission on~~
5 | ~~Recognition of Postsecondary Accreditation~~; publicly
6 | recognized as a member in good standing with the Association
7 | of Universities and Colleges of Canada; or an institution of
8 | higher education located outside the United States and Canada,
9 | which at the time the applicant was enrolled and at the time
10 | the applicant graduated maintained a standard of training
11 | substantially equivalent to the standards of training of those
12 | institutions in the United States which are accredited by a
13 | regional accrediting body recognized by the Council for Higher
14 | Education Accreditation, the United States Department of
15 | Education, or a successor organization ~~Commission on~~
16 | ~~Recognition of Postsecondary Accreditation~~. Such foreign
17 | education and training must have been received in an
18 | institution or program of higher education officially
19 | recognized by the government of the country in which it is
20 | located as an institution or program to train students to
21 | practice as mental health counselors. The burden of
22 | establishing that the requirements of this provision have been
23 | met shall be upon the applicant, and the board shall require
24 | documentation, such as, but not limited to, an evaluation by a
25 | foreign equivalency determination service, as evidence that
26 | the applicant's graduate degree program and education were
27 | equivalent to an accredited program in this country.

28 | (c) Has had not less than 2 years of clinical
29 | experience in mental health counseling, which must be at the
30 | post-master's level under the supervision of a licensed mental
31 | health counselor or the equivalent who is a qualified

1 supervisor as determined by the board. An individual who
2 intends to practice in Florida to satisfy the clinical
3 experience requirements must register pursuant to s. 491.0045
4 prior to commencing practice. If a graduate has a master's
5 degree with a major related to the practice of mental health
6 counseling that did not include all the coursework required
7 under sub-subparagraphs (b)1.a.-b., credit for the
8 post-master's level clinical experience shall not commence
9 until the applicant has completed a minimum of seven of the
10 courses required under sub-subparagraphs (b)1.a.-b., as
11 determined by the board, one of which must be a course in
12 psychopathology or abnormal psychology. A doctoral internship
13 may be applied toward the clinical experience requirement. The
14 clinical experience requirement may be met by work performed
15 on or off the premises of the supervising mental health
16 counselor, or the equivalent, if all work is performed under
17 the direct supervision of ~~provided the off premises work is~~
18 ~~not the independent private practice rendering of services~~
19 ~~that does not have a licensed mental health professional, as~~
20 ~~determined by the board, on the premises at the same time the~~
21 ~~intern is providing services.~~

22 (d) Has passed a theory and practice examination
23 approved ~~provided~~ by the board ~~department~~ for this purpose,
24 which may be taken only following completion of the
25 requirement for clinical experience.

26 (e) Has demonstrated, in a manner designated by rule
27 of the board, knowledge of the laws and rules governing the
28 practice of clinical social work, marriage and family therapy,
29 and mental health counseling.

30 (f) Has satisfied all requirements for coursework in
31 this section by successfully completing the required course as

1 a student or by teaching the required graduate course as an
2 instructor or professor in an accredited institution.

3 Section 87. Paragraph (b) of subsection (1) of section
4 491.006, Florida Statutes, is amended to read:

5 491.006 Licensure or certification by endorsement.--

6 (1) The department shall license or grant a
7 certificate to a person in a profession regulated by this
8 chapter who, upon applying to the department and remitting the
9 appropriate fee, demonstrates to the board that he or she:

10 (b)1. Holds an active valid license to practice and
11 has actively practiced the profession for which licensure is
12 applied in another state for 3 of the last 5 years immediately
13 preceding licensure.

14 2. Meets the education requirements of this chapter
15 for the profession for which licensure is applied.

16 3. Has passed a substantially equivalent licensing
17 examination in another state or has passed the licensure
18 examination in this state in the profession for which the
19 applicant seeks licensure.

20 4. Holds a license in good standing, is not under
21 investigation for an act that would constitute a violation of
22 this chapter, and has not been found to have committed any act
23 that would constitute a violation of this chapter. The fees
24 paid by any applicant for certification as a master social
25 worker under this section are nonrefundable.

26
27 An applicant for licensure by endorsement as a mental health
28 counselor who has not completed a psychopathology or abnormal
29 psychology course may be accepted for licensure by the board
30 if the applicant has completed 2 years of post-master's level
31 supervised clinical experience and has actively practiced as a

1 mental health counselor in another state or territory for 5 of
2 the last 6 years without being subject to disciplinary action.

3 Section 88. Subsection (2) of section 491.009, Florida
4 Statutes, is amended to read:

5 491.009 Discipline.--

6 (2) The department, in the case of a certified master
7 social worker, ~~or, in the case of psychologists,~~ the board,
8 may enter an order denying licensure or imposing any of the
9 penalties in s. 456.072(2) against any applicant for licensure
10 or licensee who is found guilty of violating any provision of
11 subsection (1) of this section or who is found guilty of
12 violating any provision of s. 456.072(1).

13 Section 89. Section 491.0145, Florida Statutes, is
14 amended to read:

15 491.0145 Certified master social worker.--The
16 department may not adopt any rules that would cause any person
17 who was not licensed as a certified master social worker in
18 accordance with this chapter on January 1, 1990, to become
19 licensed. The department may certify an applicant for a
20 designation as a certified master social worker upon the
21 following conditions:

22 (1) The applicant completes an application to be
23 provided by the department and pays a nonrefundable fee not to
24 exceed \$250 to be established by rule of the department. The
25 completed application must be received by the department at
26 least 60 days before the date of the examination in order for
27 the applicant to qualify to take the scheduled exam.

28 (2) The applicant submits proof satisfactory to the
29 department that the applicant has received a doctoral degree
30 in social work, or a master's degree with a major emphasis or
31 specialty in clinical practice or administration, including,

1 | but not limited to, agency administration and supervision,
2 | program planning and evaluation, staff development, research,
3 | community organization, community services, social planning,
4 | and human service advocacy. Doctoral degrees must have been
5 | received from a graduate school of social work which at the
6 | time the applicant was enrolled and graduated was accredited
7 | by an accrediting agency approved by the United States
8 | Department of Education. Master's degrees must have been
9 | received from a graduate school of social work which at the
10 | time the applicant was enrolled and graduated was accredited
11 | by the Council on Social Work Education or the Canadian
12 | Association of Schools of Social Work or by one that meets
13 | comparable standards.

14 | (3) The applicant has had at least 3 years'
15 | experience, as defined by rule, including, but not limited to,
16 | clinical services or administrative activities as defined in
17 | subsection (2), 2 years of which must be at the post-master's
18 | level under the supervision of a person who meets the
19 | education and experience requirements for certification as a
20 | certified master social worker, as defined by rule, or
21 | licensure as a clinical social worker under this chapter. A
22 | doctoral internship may be applied toward the supervision
23 | requirement.

24 | (4) Any person who holds a master's degree in social
25 | work from institutions outside the United States may apply to
26 | the department for certification if the academic training in
27 | social work has been evaluated as equivalent to a degree from
28 | a school accredited by the Council on Social Work Education.
29 | Any such person shall submit a copy of the academic training
30 | from the Foreign Equivalency Determination Service of the
31 | Council on Social Work Education.

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

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

8 Section 90. Section 491.0146, Florida Statutes, is
9 created to read:

10 491.0146 Saving clause.--All licenses to practice as a
11 certified master social worker issued under this chapter and
12 valid on October 1, 2002, shall remain in full force and
13 effect.

14 Section 91. Subsection (3) of section 491.0147,
15 Florida Statutes, is amended to read:

16 491.0147 Confidentiality and privileged
17 communications.--Any communication between any person licensed
18 or certified under this chapter and her or his patient or
19 client shall be confidential. This secrecy may be waived
20 under the following conditions:

21 (3)(a) When there is a clear and immediate probability
22 of physical harm to the patient or client, to other
23 individuals, or to society and the person licensed or
24 certified under this chapter communicates the information only
25 to the potential victim, appropriate family member, or law
26 enforcement or other appropriate authorities.

27 (b) There shall be no civil or criminal liability
28 arising from the disclosure of otherwise confidential
29 communications by a person licensed or certified under this
30 chapter when the disclosure is made under paragraph (a).

31

1 Section 92. Paragraph (a) of subsection (2) of section
2 817.505, Florida Statutes, is amended to read:

3 817.505 Patient brokering prohibited; exceptions;
4 penalties.--

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

6 (a) "Health care provider or health care facility"
7 means any person or entity licensed, certified, or registered
8 with the Department of Health or the Agency for Health Care
9 Administration; any person or entity that has contracted with
10 the Agency for Health Care Administration to provide goods or
11 services to Medicaid recipients as provided under s. 409.907;
12 a county health department established under part I of chapter
13 154; any community service provider contracting with the
14 Department of Children and Family Services to furnish alcohol,
15 drug abuse, or mental health services under part IV of chapter
16 394; any substance abuse service provider licensed under
17 chapter 397; or any federally supported primary care program
18 such as a migrant or community health center authorized under
19 ss. 329 and 330 of the United States Public Health Services
20 Act.

21 Section 93. Subsection (1) of section 817.567, Florida
22 Statutes, is amended to read:

23 817.567 Making false claims of academic degree or
24 title.--

25 (1) No person in the state may claim, either orally or
26 in writing, to possess an academic degree, as defined in s.
27 1005.02, or the title associated with said degree, unless the
28 person has, in fact, been awarded said degree from an
29 institution that is:

30 (a) Accredited by a regional or professional
31 accrediting agency recognized by the United States Department

1 of Education, ~~or~~ the Council for Higher Education Commission
2 ~~on Recognition of Postsecondary Accreditation, or a successor~~
3 organization;

4 (b) Provided, operated, and supported by a state
5 government or any of its political subdivisions or by the
6 Federal Government;

7 (c) A school, institute, college, or university
8 chartered outside the United States, the academic degree from
9 which has been validated by an accrediting agency approved by
10 the United States Department of Education as equivalent to the
11 baccalaureate or postbaccalaureate degree conferred by a
12 regionally accredited college or university in the United
13 States;

14 (d) Licensed by the State Board of Independent
15 Colleges and Universities pursuant to ss. 1005.01-1005.38 or
16 exempt from licensure pursuant to s. 246.085; or

17 (e) A religious seminary, institute, college, or
18 university which offers only educational programs that prepare
19 students for a religious vocation, career, occupation,
20 profession, or lifework, and the nomenclature of whose
21 certificates, diplomas, or degrees clearly identifies the
22 religious character of the educational program.

23 Section 94. Subsection (13) of section 1009.992,
24 Florida Statutes, is amended to read:

25 1009.992 Definitions.--As used in this act:

26 (13) "Institution" means any college or university
27 which, by virtue of law or charter, is accredited by and holds
28 membership in the Council for Higher Education Commission ~~on~~
29 ~~Recognition of Postsecondary Accreditation or a successor~~
30 organization; which grants baccalaureate or associate degrees;
31 which is not a pervasively sectarian institution; and which

1 does not discriminate in the admission of students on the
2 basis of race, color, religion, sex, or creed.

3 Section 95. Subsection (2) of section 468.711, Florida
4 Statutes, is amended to read:

5 468.711 Renewal of license; continuing education.--

6 (2) The board may, by rule, prescribe continuing
7 education requirements, not to exceed 24 hours biennially.
8 The criteria for continuing education shall be approved by the
9 board and shall include 4 hours in ~~standard first aid and~~
10 cardiovascular pulmonary resuscitation from the American Red
11 Cross or equivalent training as determined by the board.

12 Section 96. Section 468.723, Florida Statutes, is
13 amended to read:

14 468.723 Exemptions.--Nothing in this part shall be
15 construed as preventing or restricting:

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

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

20 ~~(3) A person employed as a teacher apprentice trainer~~
21 ~~I, a teacher apprentice trainer II, or a teacher athletic~~
22 ~~trainer under s. 1012.46.~~

23 (3)(4) A person from administering standard first aid
24 treatment to an athlete.

25 (4)(5) A person licensed under chapter 548, provided
26 such person is acting within the scope of such license.

27 (5)(6) A person providing personal training
28 instruction for exercise, aerobics, or weightlifting, if the
29 person does not represent himself or herself as able to
30 provide "athletic trainer" services and if any recognition or
31

1 treatment of injuries is limited to the provision of first
2 aid.

3 Section 97. Section 1012.46, Florida Statutes, is
4 amended to read:

5 1012.46 Athletic trainers.--

6 (1) School districts may establish and implement an
7 athletic injuries prevention and treatment program. Central to
8 this program should be the employment and availability of
9 persons trained in the prevention and treatment of physical
10 injuries which may occur during athletic activities. The
11 program should reflect opportunities for progressive
12 advancement and compensation in employment as provided in
13 subsection (2) and meet certain other minimum standards
14 developed by the Department of Education. The goal of the
15 Legislature is to have school districts employ and have
16 available a full-time ~~teacher~~ athletic trainer in each high
17 school in the state.

18 (2) To the extent practicable, a school district
19 program should include the following employment classification
20 and advancement scheme:

21 (a) First responder.--To qualify as a first responder,
22 a person must possess a professional, temporary, part-time,
23 adjunct, or substitute certificate pursuant to s. 1012.56, be
24 certified in cardiopulmonary resuscitation, first aid, and
25 have 15 semester hours in courses such as care and prevention
26 of athletic injuries, anatomy, physiology, nutrition,
27 counseling, and other similar courses approved by the
28 Commissioner of Education. This person may only administer
29 first aid and similar care and may not hold himself or herself
30 out to the school district or public as an athletic trainer
31 pursuant to part XIII of chapter 468.

1 (b) ~~Teacher~~ Athletic trainer.--To qualify as an a
2 ~~teacher~~ athletic trainer, a person must be licensed as
3 required by part XIII of chapter 468 and may be used by the
4 school district as possess a professional, temporary,
5 part-time, adjunct, or substitute teacher provided such person
6 holds a certificate pursuant to s. 1012.35, s. 1012.56 or s.
7 1012.57, and be licensed as required by part XIII of chapter
8 468.

9 Section 98. Reactivation of license for clinical
10 research purposes.--

11 (1) Any person who was licensed to practice medicine
12 in this state, who left the practice of medicine for purposes
13 of retirement, and who, at the time of retirement, was in good
14 standing with the Board of Medicine may apply to have his or
15 her license reinstated, without examination, solely for the
16 purpose of providing medical services to patients in a
17 clinical research setting. Such person must not have been out
18 of the practice of medicine for more than 15 years at the time
19 he or she applies for reactivation under this section.

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

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

24 (a) The person must be not less than 85 years of age
25 on July 1, 2004.

26 (b) The person must be providing medical services as
27 part of a clinical study that has been reviewed and approved
28 by a federal, state, or local institutional review board.

29 (4) This section expires June 30, 2005, unless
30 reviewed and saved from repeal through reenactment by the
31 Legislature.

1 Section 99. Subsection (1) of section 466.0135,
2 Florida Statutes, is amended to read:

3 466.0135 Continuing education; dentists.--

4 (1) In addition to the other requirements for renewal
5 set out in this chapter, each licensed dentist shall be
6 required to complete biennially not less than 30 hours of
7 continuing professional education in dental subjects. Programs
8 of continuing education shall be programs of learning that
9 contribute directly to the dental education of the dentist and
10 may include, but shall not be limited to, attendance at
11 lectures, study clubs, college postgraduate courses, or
12 scientific sessions of conventions; and research, graduate
13 study, teaching, or service as a clinician. Programs of
14 continuing education shall be acceptable when adhering to the
15 following general guidelines:

16 (a) The aim of continuing education for dentists is to
17 improve all phases of dental health care delivery to the
18 public.

19 (b) Continuing education courses shall address one or
20 more of the following areas of professional development,
21 including, but not limited to:

22 1. Basic medical and scientific subjects, including,
23 but not limited to, biology, physiology, pathology,
24 biochemistry, and pharmacology;

25 2. Clinical and technological subjects, including, but
26 not limited to, clinical techniques and procedures, materials,
27 and equipment; and

28 3. Subjects pertinent to oral health and safety.

29 (c) In addition to courses described under paragraph
30 (b), the board may authorize up to 2 hours' credit for a
31 course on practice management which includes, but is not

1 limited to, principles of ethical practice management,
2 provider substance abuse, effective communications with
3 patients, time management, and burnout prevention.

4 ~~(d)(e)~~ Continuing education credits shall be earned at
5 the rate of one-half credit hour per 25-30 contact minutes of
6 instruction and one credit hour per 50-60 contact minutes of
7 instruction.

8 Section 100. Subsection (5) is added to section
9 480.034, Florida Statutes, to read:

10 480.034 Exemptions.--

11 (5) The establishment licensure requirements of this
12 act do not apply to massage therapists licensed under this
13 chapter or to the office of a health care practitioner
14 licensed under chapter 457, chapter 458, chapter 459, chapter
15 460, chapter 461, chapter 466, or chapter 486, if massage
16 therapy provided by a massage therapist at the office is only
17 provided to the patients of the health care practitioner.

18 Section 101. Sections 456.033, 456.034, 458.313,
19 458.3147, 458.316, 458.3165, 458.317, subsection (3) of
20 section 468.711, and paragraph (h) of subsection (1) of
21 section 480.044, Florida Statutes, are repealed.

22 Section 102. This act shall take effect July 1, 2004.
23
24
25
26
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for SB 2170
4 Implements a program for hospitals to offer immunizations
5 against the influenza virus and pneumococcal bacteria, subject
6 to availability of an adequate supply, to all patients age 65
7 and older.
8 Clarifies that the reasonable charges referenced in subsection
9 (1) for nursing home resident representatives also apply to
10 records reproduced for the department.
11 Clarifies that adverse incident reports relating to health
12 care practitioners will continue to be forwarded to the
13 Department of Health by the Agency for Health Care
14 Administration.
15 Requires continuing education on domestic violence as
16 prescribed by board rule.
17 Provides for exempting certain massage therapists from
18 premises licensure.
19 Requires the Department of Health to provide for a
20 state-developed written examination of the practice of colonic
21 irrigation and specifies that the exam must be administered
22 until a national examination is certified by the department.
23
24
25
26
27
28
29
30
31