

1 A bill to be entitled
2 An act relating to human health; amending s.
3 381.005, F.S.; requiring hospitals to offer
4 immunizations against the influenza virus and
5 pneumococcal bacteria to all patients 65 years
6 of age or older during specified time periods,
7 subject to the availability of the vaccines;
8 amending s. 395.003, F.S.; requiring a report
9 by the Agency for Health Care Administration
10 regarding the licensure of emergency
11 departments located off the premises of
12 hospitals; prohibiting the issuance of licenses
13 for such departments before July 1, 2005;
14 amending s. 395.003, F.S.; providing additional
15 conditions for the licensure or relicensure of
16 hospitals; exempting currently licensed
17 hospitals; amending s. 395.0193, F.S., relating
18 to disciplinary powers; correcting references
19 to the Division of Medical Quality Assurance
20 and the department; amending s. 395.0197, F.S.;
21 requiring the Agency for Health Care
22 Administration to forward reports of adverse
23 incidents to the division; amending s.
24 395.3025, F.S.; providing requirements for a
25 facility administrator or records custodian
26 with respect to the certification of patient
27 records; specifying the charges for reproducing
28 records; revising purposes for which patient
29 records may be used; amending s. 395.7015,
30 F.S., relating to annual assessments;
31 correcting cross-references; amending s.

1 400.141, F.S.; providing requirements for the
2 production of records by nursing home
3 facilities; amending s. 400.145, F.S.;
4 providing requirements for a facility
5 administrator or records custodian with respect
6 to the certification of patient records;
7 allowing facilities to charge a reasonable fee
8 for certain copies of documents which are
9 provided to the department; amending s.
10 400.147, F.S.; requiring the Agency for Health
11 Care Administration to provide certain reports
12 to the division; amending s. 400.211, F.S.;
13 revising inservice training requirements for
14 nursing assistants; correcting a
15 cross-reference; revising qualifications for
16 nursing assistants; correcting a
17 cross-reference; amending s. 400.215, F.S.;
18 providing that a person who has been screened
19 under certain provisions of law is not required
20 to be rescreened to be employed in a nursing
21 home; amending s. 400.423, F.S.; requiring the
22 Agency for Health Care Administration to
23 forward reports of adverse incidents to the
24 division; creating s. 400.455, F.S.; providing
25 requirements for the production of records by
26 assisted living facilities; amending s. 440.13,
27 F.S.; correcting a cross-reference; amending s.
28 456.005, F.S.; requiring the department to
29 obtain input from licensees in developing
30 long-range plans; amending s. 456.011, F.S.;
31 providing procedures for resolving a conflict

1 between two or more boards; authorizing the
2 Secretary of Health to resolve certain
3 conflicts between boards; amending s. 456.012,
4 F.S.; limiting challenges by a board to a
5 declaratory statement; amending s. 456.013,
6 F.S.; increasing the period of validity of a
7 temporary license; authorizing a rule allowing
8 coursework to be completed by certain teaching
9 activities; revising requirements for wall
10 certificates; amending s. 381.00593, F.S.,
11 relating to the public school volunteer
12 program; correcting a cross-reference; amending
13 s. 456.017, F.S.; revising requirements for
14 examinations; authorizing the department to
15 post scores on the Internet; creating s.
16 456.0195, F.S.; requiring continuing education
17 concerning domestic violence, and HIV and AIDS;
18 specifying course content; providing for
19 disciplinary action for failure to comply with
20 the requirements; amending s. 456.025, F.S.;
21 revising reporting requirements for the
22 department concerning management of the boards;
23 deleting requirements for the Department of
24 Health to administer an electronic continuing
25 education tracking system for health care
26 practitioners; creating s. 456.0251, F.S.;
27 providing for enforcement of continuing
28 education requirements required for license
29 renewal; authorizing citations and fines to be
30 imposed for failure to comply with required
31 continuing education requirements; amending s.

1 456.031, F.S.; revising requirements for
2 continuing education concerning domestic
3 violence; deleting a reporting requirement;
4 amending ss. 456.036 and 456.037, F.S.;
5 authorizing the board or department to require
6 the display of a license; amending s. 456.039,
7 F.S., relating to designated health care
8 professionals; correcting a cross-reference;
9 amending s. 456.057, F.S.; specifying the
10 charges for healthcare practitioners to
11 reproduce records for the Department of Health;
12 amending s. 456.063, F.S.; authorizing the
13 board or the department to adopt rules to
14 determine the sufficiency of an allegation of
15 sexual misconduct; amending s. 456.072, F.S.;
16 revising certain grounds for disciplinary
17 action; prohibiting the provision of a drug if
18 the patient does not have a valid professional
19 relationship with the prescribing practitioner;
20 providing for disciplinary action against an
21 impaired practitioner who is terminated from an
22 impaired practitioner program for failure to
23 comply, without good cause, with the terms of
24 his or her monitoring or treatment contract;
25 authorizing the department to impose a fee to
26 defray the costs of monitoring a licensee's
27 compliance with an order; amending s. 456.073,
28 F.S.; revising certain procedures for
29 investigations concerning a disciplinary
30 proceeding; amending s. 457.105, F.S.; revising
31 requirements for licensure to practice

1 acupuncture; amending s. 457.107, F.S.;
2 removing certain education programs as eligible
3 for continuing education credit; authorizing
4 the Board of Acupuncture to adopt rules for
5 establishing standards for providers of
6 continuing education activities; amending s.
7 457.109, F.S.; clarifying circumstances under
8 which the department may take disciplinary
9 action; amending s. 458.303, F.S., relating to
10 certain exceptions to the practice acts;
11 correcting cross-references; amending s.
12 458.311, F.S.; revising licensure requirements
13 for physicians; amending s. 458.3124, F.S.,
14 relating to restricted licenses; correcting a
15 cross-reference; amending s. 458.315, F.S.;
16 revising requirements for issuing a limited
17 license to practice as a physician; providing
18 for waiver of fees and assessments; amending s.
19 458.319, F.S., relating to continuing
20 education; conforming provisions; amending s.
21 458.320, F.S., relating to financial
22 responsibility; correcting a cross-reference;
23 amending s. 458.331, F.S.; revising
24 requirements for a physician in responding to a
25 complaint or other document; amending s.
26 458.345, F.S., relating to the registration of
27 residents, interns, and fellows; correcting a
28 cross-reference; amending s. 458.347, F.S.;
29 revising requirements for licensure as a
30 physician assistant; revising requirements for
31 temporary licensure; authorizing the board to

1 mandate requirements for continuing medical
2 education, including alternative methods for
3 obtaining credits; amending s. 459.008, F.S.;
4 authorizing the board to require by rule
5 continuing medical education and approve
6 alternative methods of obtaining credits;
7 amending s. 459.015, F.S.; revising
8 requirements for an osteopathic physician in
9 responding to a complaint or other document;
10 amending s. 459.021, F.S.; revising certain
11 requirements for registration as a resident,
12 intern, or fellow; amending s. 460.406, F.S.,
13 relating to the licensure of chiropractic
14 physicians; correcting a reference; revising
15 requirements for chiropractic physician
16 licensure to allow a student in his or her
17 final year of an accredited chiropractic school
18 to apply for licensure; amending ss. 460.413
19 and 461.013, F.S.; revising requirements for a
20 chiropractic physician and podiatric physician
21 in responding to a complaint or other document;
22 amending s. 461.014, F.S.; revising the
23 interval at which hospitals with podiatric
24 residency programs submit lists of podiatric
25 residents; amending s. 463.006, F.S., relating
26 to optometry; correcting a reference; amending
27 and reenacting s. 464.009, F.S.; amending s.
28 464.0205, F.S., relating to volunteer nurses;
29 correcting a cross-reference; amending s.
30 464.201, F.S.; defining the term "practice of a
31 certified nursing assistant"; amending s.

1 464.202, F.S.; requiring rules for practice as
2 a certified nursing assistant which specify the
3 scope of authorized practice and level of
4 supervision required; amending s. 464.203,
5 F.S.; revising screening requirements for
6 certified nursing assistants; revising the
7 requirements for conducting the background
8 screening; requiring the Agency for Health Care
9 Administration to post information relating to
10 background screening in its database after
11 January 1, 2005; requiring that the database be
12 available to employers and prospective
13 employers; amending s. 464.204, F.S., relating
14 to disciplinary actions; clarifying a
15 cross-reference; amending s. 465.0075, F.S.;
16 clarifying requirements for certain continuing
17 education for pharmacists; amending s. 465.022,
18 F.S.; requiring that a pharmacy permit be
19 issued only to a person or corporate officers
20 who are 18 years of age or older and of good
21 moral character; requiring that certain persons
22 applying for a pharmacy permit submit
23 fingerprints for a criminal history check;
24 amending s. 465.023, F.S.; authorizing the
25 department to deny a pharmacy permit
26 application for specified reasons; specifying
27 additional criteria for denying, revoking or
28 suspending a pharmacy permit; amending s.
29 465.025, F.S.; revising requirements for the
30 substitution of drugs; deleting requirements
31 that a pharmacy establish a formulary of

1 generic and brand name drugs; amending s.
2 465.0251, F.S., relating to generic drugs;
3 correcting a cross-reference; amending s.
4 465.0265, 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.
12 490.014, F.S.; providing a salaried employee of
13 a private provider who contracts with a
14 governmental agency to provide certain
15 psychological services the same exemption from
16 licensing requirements which a salaried
17 employee of the governmental agency receives;
18 amending s. 491.005, F.S., relating to
19 clinical, counseling, and psychotherapy
20 services; revising licensure requirements;
21 correcting references; amending s. 491.006,
22 F.S.; providing requirements for licensure by
23 endorsement as a mental health counselor;
24 amending s. 491.014, F.S.; providing a salaried
25 employee of a private provider who contracts
26 with a governmental agency to provide certain
27 psychological services the same exemption from
28 licensing requirements which a salaried
29 employee of the governmental agency receives;
30 amending ss. 491.009 and 491.0145, F.S.;
31 clarifying provisions governing the discipline

1 of a certified master social worker; creating
2 s. 491.0146, F.S.; providing for the validity
3 of certain licenses to practice as a certified
4 master social worker; amending s. 491.0147,
5 F.S.; providing an exemption from liability for
6 disclosure of confidential information under
7 certain circumstances; amending s. 766.314,
8 F.S.; correcting a cross-reference; amending s.
9 817.505, F.S.; clarifying provisions
10 prohibiting actions that constitute patient
11 brokering; amending s. 817.567, F.S., relating
12 to making false claims of a degree or title;
13 correcting a reference; amending s. 1009.992,
14 F.S., relating to the Florida Higher Education
15 Loan Authority Act; correcting a reference;
16 amending s. 468.711, F.S.; deleting the
17 requirement that continuing education for
18 athletic trainers include first aid; amending
19 s. 468.723, F.S.; revising exemptions from
20 licensure requirements; amending s. 1012.46,
21 F.S.; providing that a first responder for a
22 school district may not represent himself or
23 herself as an athletic trainer; providing for
24 reactivation of a license to practice medicine
25 by certain retired practitioners; providing
26 conditions on such reactivation; providing for
27 a fee; providing powers, including rulemaking
28 powers, of the Board of Medicine; providing for
29 future review and expiration; amending s.
30 466.0135, F.S.; providing additional
31 requirements for continuing education for

1 dentists; amending s. 480.034, F.S.; exempting
2 certain massage therapists from premises
3 licensure; amending s. 400.9905, F.S.;
4 providing that certain entities providing
5 oncology or radiation therapy services are
6 exempt from the licensure requirements of part
7 XIII of ch. 400, F.S.; providing legislative
8 intent with respect to such exemption;
9 providing for retroactive application;
10 repealing ss. 456.033, 456.034, 458.313,
11 458.3147, 458.316, 458.3165, 458.317,
12 468.711(3), and 480.044(1)(h), F.S., relating
13 to instruction concerning HIV and AIDS,
14 licensure by endorsement of physicians, medical
15 school eligibility, public health and public
16 psychiatry certificates, limited licenses, and
17 examination fees; amending s. 466.006, F.S.;
18 allowing certain dental students to take the
19 examinations required to practice dentistry in
20 this state under specified conditions;
21 providing a prerequisite to licensure of such
22 students; creating s. 466.0065, F.S.; allowing
23 certain dental students to take regional
24 licensure examinations under specified
25 conditions; restricting the applicability of
26 examination results to licensing in other
27 jurisdictions; requiring approval by the Board
28 of Dentistry and providing prerequisites to
29 such approval; amending s. 456.048, F.S.;
30 requiring the Board of Medicine and the Board
31 of Osteopathic Medicine to require medical

1 malpractice insurance or proof of financial
2 responsibility as a condition of licensure or
3 licensure renewal for licensed anesthesiologist
4 assistants; amending ss. 458.331, 459.015,
5 F.S.; revising grounds for which a physician
6 may be disciplined for failing to provide
7 adequate supervision; creating ss. 458.3475,
8 459.023, F.S.; providing definitions; providing
9 performance standards for anesthesiologist
10 assistants and supervising anesthesiologists;
11 providing for the approval of training programs
12 and for services authorized to be performed by
13 trainees; providing licensing procedures;
14 providing for fees; providing for additional
15 membership, powers, and duties of the Board of
16 Medicine and the Board of Osteopathic Medicine;
17 providing penalties; providing for disciplinary
18 actions; providing for the adoption of rules;
19 prescribing liability; providing for the
20 allocation of fees; amending s. 400.506, F.S.;
21 revising duties of nurse registries with
22 respect to advising patients and their families
23 or representatives with respect to home visits;
24 revising requirements for plans of treatment;
25 amending s. 400.487, F.S.; revising home health
26 agency service agreements and treatment orders;
27 providing a short title; requiring the Agency
28 for Workforce Innovation to establish a pilot
29 program for delivery of certified geriatric
30 specialty nursing education; specifying
31 eligibility requirements for certified nursing

1 assistants to obtain certified geriatric
2 specialty nursing education; specifying
3 requirements for the education of certified
4 nursing assistants to prepare for certification
5 as a certified geriatric specialist; creating a
6 Certified Geriatric Specialty Nursing
7 Initiative Steering Committee; providing for
8 the composition of and manner of appointment to
9 the Certified Geriatric Specialty Nursing
10 Initiative Steering Committee; providing
11 responsibilities of the steering committee;
12 providing for reimbursement for per diem and
13 travel expenses; requiring the Agency for
14 Workforce Innovation to conduct or contract for
15 an evaluation of the pilot program for delivery
16 of certified geriatric specialty nursing
17 education; requiring the evaluation to include
18 recommendations regarding the expansion of the
19 delivery of certified geriatric specialty
20 nursing education in nursing homes; requiring
21 the Agency for Workforce Innovation to report
22 to the Governor and Legislature regarding the
23 status and evaluation of the pilot program;
24 creating s. 464.0125, F.S.; providing
25 definitions; providing requirements for persons
26 to become certified geriatric specialists;
27 specifying fees; providing for articulation of
28 geriatric specialty nursing coursework and
29 practical nursing coursework; providing
30 practice standards and grounds for which
31 certified geriatric specialists may be subject

1 to discipline by the Board of Nursing; creating
2 restrictions on the use of professional nursing
3 titles; prohibiting the use of certain
4 professional titles; providing penalties;
5 authorizing approved nursing programs to
6 provide education for the preparation of
7 certified geriatric specialists without further
8 board approval; authorizing certified geriatric
9 specialists to supervise the activities of
10 others in nursing home facilities according to
11 rules by the Board of Nursing; revising
12 terminology relating to nursing to conform to
13 the certification of geriatric specialists;
14 amending s. 381.00315, F.S.; revising
15 requirements for the reactivation of the
16 licenses of specified health care practitioners
17 in the event of a public health emergency to
18 include certified geriatric specialists;
19 amending s. 400.021, F.S.; including services
20 provided by a certified geriatric specialist
21 within the definition of nursing service;
22 amending s. 400.23, F.S.; specifying that
23 certified geriatric specialists shall be
24 considered licensed nursing staff; authorizing
25 licensed practical nurses to supervise the
26 activities of certified geriatric specialists
27 in nursing home facilities according to rules
28 adopted by the Board of Nursing; amending s.
29 409.908, F.S.; revising the methodology for
30 reimbursement of Medicaid program providers to
31 include services of certified geriatric

1 | specialists; amending s. 1009.65, F.S.;

2 | revising eligibility for the Medical Education

3 | Reimbursement and Loan Repayment Program to

4 | include certified geriatric specialists;

5 | amending s. 1009.66, F.S.; revising eligibility

6 | requirements for the Nursing Student Loan

7 | Forgiveness Program to include certified

8 | geriatric specialists; providing an

9 | appropriation; amending s. 400.9905, F.S.;

10 | revising the definitions of "clinic" and

11 | "medical director" and defining "mobile clinic"

12 | and "portable equipment provider" for purposes

13 | of the Health Care Clinic Act; providing that

14 | certain entities providing oncology or

15 | radiation therapy services are exempt from the

16 | licensure requirements of part XIII of ch. 400,

17 | F.S.; providing legislative intent with respect

18 | to such exemption; providing for retroactive

19 | application; amending s. 400.991, F.S.;

20 | requiring each mobile clinic to obtain a health

21 | care clinic license; requiring a portable

22 | equipment provider to obtain a health care

23 | clinic license for a single office and

24 | exempting such a provider from submitting

25 | certain information to the Agency for Health

26 | Care Administration; revising the date by which

27 | an initial application for a health care clinic

28 | license must be filed with the agency; revising

29 | the definition of "applicant"; amending s.

30 | 400.9935, F.S.; providing that an exemption

31 | from licensure is not transferable; providing

1 that the agency may charge a fee of applicants
2 for certificates of exemption; providing that
3 the agency may deny an application or revoke a
4 license under certain circumstances; amending
5 s. 400.995, F.S.; providing that the agency may
6 deny, revoke, or suspend specified licenses and
7 impose fines for certain violations; providing
8 that a temporary license expires after a notice
9 of intent to deny an application is issued by
10 the agency; providing that persons or entities
11 made exempt under the act and which have paid
12 the clinic licensure fee to the agency are
13 entitled to a partial refund from the agency;
14 providing that certain persons or entities are
15 not in violation of part XIII of ch. 400, F.S.,
16 due to failure to apply for a clinic license by
17 a specified date; providing that certain
18 payments may not be denied to such persons or
19 entities for failure to apply for or obtain a
20 clinic license before a specified date;
21 providing effective dates.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Present subsection (2) of section 381.005,
26 Florida Statutes, is redesignated as subsection (3), and a new
27 subsection (2) is added to that section, to read:

28 381.005 Primary and preventive health services.--

29 (2) Between October 1, or earlier if the vaccination
30 is available, and February 1 of every year, subject to the
31 availability of an adequate supply of the necessary vaccine,

1 each hospital licensed under chapter 395 shall implement a
2 program to offer immunizations against the influenza virus and
3 pneumococcal bacteria to all patients 65 years of age or
4 older, in accordance with the recommendations of the Advisory
5 Committee on Immunization Practices of the United States
6 Centers for Disease Control and Prevention and subject to the
7 clinical judgment of the responsible practitioner.

8 Section 2. Subsections (9), (10), and (11) are added
9 to section 395.003, Florida Statutes, to read:

10 395.003 Licensure; issuance, renewal, denial,
11 modification, suspension, and revocation.--

12 (9) A hospital may not be licensed or relicensed if:

13 (a) The diagnosis-related groups for 65 percent or
14 more of the discharges from the hospital, in the most recent
15 year for which data is available to the Agency for Health Care
16 Administration pursuant to s. 408.061, are for diagnosis,
17 care, and treatment of patients who have:

18 1. Cardiac-related diseases and disorders classified
19 as diagnosis-related groups 103-145, 478-479, 514-518, or
20 525-527;

21 2. Orthopedic-related diseases and disorders
22 classified as diagnosis-related groups 209-256, 471, 491,
23 496-503, or 519-520;

24 3. Cancer-related diseases and disorders classified as
25 diagnosis-related groups 64, 82, 172, 173, 199, 200, 203,
26 257-260, 274, 275, 303, 306, 307, 318, 319, 338, 344, 346,
27 347, 363, 366, 367, 400-414, 473, or 492; or

28 4. Any combination of the above discharges.

29 (b) The hospital restricts its medical and surgical
30 services to primarily or exclusively cardiac, orthopedic,
31 surgical, or oncology specialties.

1 (10) A hospital licensed as of June 1, 2004, shall be
2 exempt from subsection (9) as long as the hospital maintains
3 the same ownership, facility street address, and range of
4 services that were in existence on June 1, 2004. Any transfer
5 of beds, or other agreements that result in the establishment
6 of a hospital or hospital services within the intent of this
7 section, shall be subject to subsection (9). Unless the
8 hospital is otherwise exempt under subsection (9), the agency
9 shall deny or revoke the license of a hospital that violates
10 any of the criteria set forth in that subsection.

11 (11) The agency may adopt rules implementing the
12 licensure requirements set forth in subsection (9). Within 14
13 days after rendering its decision on a license application or
14 revocation, the agency shall publish its proposed decision in
15 the Florida Administrative Weekly. Within 21 days after
16 publication of the agency's decision, any authorized person
17 may file a request for an administrative hearing. In
18 administrative proceedings challenging the approval, denial,
19 or revocation of a license pursuant to subsection (9), the
20 hearing must be based on the facts and law existing at the
21 time of the agency's proposed agency action. Existing
22 hospitals may initiate or intervene in an administrative
23 hearing to approve, deny, or revoke licensure under subsection
24 (9) based upon a showing that an established program will be
25 substantially affected by the issuance or renewal of a license
26 to a hospital within the same district or service area.

27 Section 3. Subsection (1) of section 395.003, Florida
28 Statutes, is amended to read:

29 395.003 Licensure; issuance, renewal, denial,
30 modification, suspension, and revocation.--

31

1 (1)(a) ~~A~~ ~~no~~ person ~~may not~~ ~~shall~~ establish, conduct,
2 or maintain a hospital, ambulatory surgical center, or mobile
3 surgical facility in this state without first obtaining a
4 license under this part.

5 (b)1. It is unlawful for ~~a~~ ~~any~~ person to use or
6 advertise to the public, in any way or by any medium
7 whatsoever, any facility as a "hospital," "ambulatory surgical
8 center," or "mobile surgical facility" unless such facility
9 has first secured a license under the provisions of this part.

10 2. ~~Nothing in~~ This part ~~does not apply~~ ~~applies~~ to
11 veterinary hospitals or to commercial business establishments
12 using the word "hospital," "ambulatory surgical center," or
13 "mobile surgical facility" as a part of a trade name if no
14 treatment of human beings is performed on the premises of such
15 establishments.

16 3. By December 31, 2004, the agency shall submit a
17 report to the President of the Senate and the Speaker of the
18 House of Representatives recommending whether it is in the
19 public interest to allow a hospital to license or operate an
20 emergency department located off the premises of the hospital.
21 If the agency finds it to be in the public interest, the
22 report shall also recommend licensure criteria for such
23 medical facilities, including criteria related to quality of
24 care and, if deemed necessary, the elimination of the
25 possibility of confusion related to the service capabilities
26 of such facility in comparison to the service capabilities of
27 an emergency department located on the premises of the
28 hospital. Until July 1, 2005, additional emergency departments
29 located off the premises of licensed hospitals may not be
30 authorized by the agency.

31

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

3 395.0193 Licensed facilities; peer review;
4 disciplinary powers; agency or partnership with physicians.--

5 (4) Pursuant to ss. 458.337 and 459.016, any
6 disciplinary actions taken under subsection (3) shall be
7 reported in writing to the Division of Medical Health Quality
8 Assurance of the Department of Health ~~agency~~ within 30 working
9 days after its initial occurrence, regardless of the pendency
10 of appeals to the governing board of the hospital. The
11 notification shall identify the disciplined practitioner, the
12 action taken, and the reason for such action. All final
13 disciplinary actions taken under subsection (3), if different
14 from those which were reported to the division ~~agency~~ within
15 30 days after the initial occurrence, shall be reported within
16 10 working days to the Division of Medical Health Quality
17 Assurance of the department ~~agency~~ in writing and shall
18 specify the disciplinary action taken and the specific grounds
19 therefor. The division shall review each report and determine
20 whether it potentially involved conduct by the licensee that
21 is subject to disciplinary action, in which case s. 456.073
22 shall apply. The reports are not subject to inspection under
23 s. 119.07(1) even if the division's investigation results in a
24 finding of probable cause.

25 Section 5. Subsection (7) of section 395.0197, Florida
26 Statutes, is amended to read:

27 395.0197 Internal risk management.--

28 (7) Any of the following adverse incidents, whether
29 occurring in the licensed facility or arising from health care
30 prior to admission in the licensed facility, shall be reported
31

1 by the facility to the agency within 15 calendar days after
2 its occurrence:

3 (a) The death of a patient;

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

5 (c) The performance of a surgical procedure on the
6 wrong patient;

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

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

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

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

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

19

20 The agency may grant extensions to this reporting requirement
21 for more than 15 days upon justification submitted in writing
22 by the facility administrator to the agency. The agency may
23 require an additional, final report. These reports shall not
24 be available to the public under ~~pursuant to~~ s. 119.07(1) or
25 any other law providing access to public records, nor be
26 discoverable or admissible in any civil or administrative
27 action, except in disciplinary proceedings by the agency or
28 the appropriate regulatory board, nor shall they be available
29 to the public as part of the record of investigation for and
30 prosecution in disciplinary proceedings made available to the
31 public by the agency or the appropriate regulatory board.

1 However, the agency or the appropriate regulatory board shall
2 make available, upon written request by a health care
3 professional against whom probable cause has been found, any
4 ~~such~~ records ~~that which~~ form the basis of the determination of
5 probable cause. The agency may investigate, as it deems
6 appropriate, any ~~such~~ incident and prescribe measures that
7 must or may be taken in response to the incident. The agency
8 shall forward a copy of the report of review each incident to
9 the Division of Medical Quality Assurance in the Department of
10 Health to ~~and~~ determine whether it potentially involved
11 conduct by the health care professional who is subject to
12 disciplinary action, in which case ~~the provisions of~~ s.
13 456.073 shall apply.

14 Section 6. Paragraphs (a) and (e) of subsection (4) of
15 section 395.3025, Florida Statutes, are amended, paragraph (1)
16 is added to that subsection, and paragraph (b) of subsection
17 (7) of that section, is amended, to read:

18 395.3025 Patient and personnel records; copies;
19 examination.--

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

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

27 (e) The Department of Health ~~agency~~ upon subpoena
28 issued pursuant to s. 456.071, but the records obtained
29 thereby must be used solely for the purpose of the department
30 ~~agency~~ and the appropriate professional board in its
31 investigation, prosecution, and appeal of disciplinary

1 proceedings. The administrator or records custodian in a
 2 facility licensed under this chapter shall certify that a true
 3 and complete copy of the records requested under a subpoena or
 4 the release of a patient have been provided to the department
 5 or otherwise identify those documents that have not been
 6 provided. If the department agency requests copies of the
 7 records, the facility may charge the department the reasonable
 8 costs of reproducing the records ~~shall charge no more than its~~
 9 ~~actual copying costs, including reasonable staff time.~~ The
 10 records must be sealed and must not be available to the public
 11 pursuant to s. 119.07(1) or any other statute providing access
 12 to records, nor may they be available to the public as part of
 13 the record of investigation for and prosecution in
 14 disciplinary proceedings made available to the public by the
 15 department agency or the appropriate regulatory board.
 16 However, the department agency must make available, upon
 17 written request by a practitioner against whom probable cause
 18 has been found, any such records that form the basis of the
 19 determination of probable cause.

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

- 22 a. For the first 25 pages, \$1 per page.
 23 b. For each page in excess of 25 pages, 25 cents.

24 2. Reasonable costs of reproducing X rays and other
 25 special kinds of records are the actual costs. The term
 26 "actual costs" means the cost of the material and supplies
 27 used to duplicate the record, as well as the labor costs
 28 associated with the duplication.

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

1 (7)

2 (b) Absent a specific written release or authorization

3 permitting utilization of patient information for ~~solicitation~~

4 ~~or~~ marketing the sale of goods or services, any use of such

5 ~~that~~ information for that purpose ~~those purposes~~ is

6 prohibited. As used in this paragraph, the term "marketing"

7 has the same meaning as set forth in 45 C.F.R. s. 164.501.

8 Section 7. Paragraph (b) of subsection (2) of section

9 395.7015, Florida Statutes, is amended to read:

10 395.7015 Annual assessment on health care entities.--

11 (2) There is imposed an annual assessment against

12 certain health care entities as described in this section:

13 (b) For the purpose of this section, "health care

14 entities" include the following:

15 1. Ambulatory surgical centers and mobile surgical

16 facilities licensed under s. 395.003. This subsection shall

17 only apply to mobile surgical facilities operating under

18 contracts entered into on or after July 1, 1998.

19 2. Clinical laboratories licensed under s. 483.091,

20 excluding any hospital laboratory defined under s. 483.041(6),

21 any clinical laboratory operated by the state or a political

22 subdivision of the state, any clinical laboratory which

23 qualifies as an exempt organization under s. 501(c)(3) of the

24 Internal Revenue Code of 1986, as amended, and which receives

25 70 percent or more of its gross revenues from services to

26 charity patients or Medicaid patients, and any blood, plasma,

27 or tissue bank procuring, storing, or distributing blood,

28 plasma, or tissue either for future manufacture or research or

29 distributed on a nonprofit basis, and further excluding any

30 clinical laboratory which is wholly owned and operated by 6 or

31 fewer physicians who are licensed under ~~pursuant to~~ chapter

1 458 or chapter 459 and who practice in the same group
2 practice, and at which no clinical laboratory work is
3 performed for patients referred by any health care provider
4 who is not a member of the same group.

5 3. Diagnostic-imaging centers that are freestanding
6 outpatient facilities that provide specialized services for
7 the identification or determination of a disease through
8 examination and also provide sophisticated radiological
9 services, and in which services are rendered by a physician
10 licensed by the Board of Medicine under s. 458.311, ~~s.~~
11 ~~458.313~~, or s. 458.315 ~~s. 458.317~~, or by an osteopathic
12 physician licensed by the Board of Osteopathic Medicine under
13 s. 459.006, s. 459.007, or s. 459.0075. For purposes of this
14 paragraph, "sophisticated radiological services" means the
15 following: magnetic resonance imaging; nuclear medicine;
16 angiography; arteriography; computed tomography; positron
17 emission tomography; digital vascular imaging; bronchography;
18 lymphangiography; splenography; ultrasound, excluding
19 ultrasound providers that are part of a private physician's
20 office practice or when ultrasound is provided by two or more
21 physicians licensed under chapter 458 or chapter 459 who are
22 members of the same professional association and who practice
23 in the same medical specialties; and such other sophisticated
24 radiological services, excluding mammography, as adopted in
25 rule by the board.

26 Section 8. Subsection (10) of section 400.141, Florida
27 Statutes, is amended to read:

28 400.141 Administration and management of nursing home
29 facilities.--Every licensed facility shall comply with all
30 applicable standards and rules of the agency and shall:
31

1 (10) Keep full records of resident admissions and
2 discharges; medical and general health status, including
3 medical records, personal and social history, and identity and
4 address of next of kin or other persons who may have
5 responsibility for the affairs of the residents; and
6 individual resident care plans including, but not limited to,
7 prescribed services, service frequency and duration, and
8 service goals. The records shall be open to inspection by the
9 agency. A certified true and complete copy of the records
10 shall be provided to the Department of Health upon subpoena
11 issued under s. 456.057 or s. 456.071. The provisions of
12 chapter 456 apply to the records obtained under this section.

13
14 Facilities that have been awarded a Gold Seal under the
15 program established in s. 400.235 may develop a plan to
16 provide certified nursing assistant training as prescribed by
17 federal regulations and state rules and may apply to the
18 agency for approval of their program.

19 Section 9. Subsection (3) is added to section 400.145,
20 Florida Statutes, to read:

21 400.145 Records of care and treatment of resident;
22 copies to be furnished.--

23 (3) The administrator or records custodian in a
24 facility licensed under this chapter shall certify that a true
25 and complete copy of the records requested pursuant to a
26 subpoena or patient release have been provided to the
27 Department of Health or otherwise identify those documents
28 that have not been provided. The department may be charged a
29 reasonable fee, in accordance with subsection (1), for copies
30 of written or typed documents or reports provided to the
31 department.

1 Section 10. Subsections (7) and (8) of section
2 400.147, Florida Statutes, are amended to read:

3 400.147 Internal risk management and quality assurance
4 program.--

5 (7) The facility shall initiate an investigation and
6 shall notify the agency within 1 business day after the risk
7 manager or his or her designee has received a report under
8 ~~pursuant to~~ paragraph (1)(d). The notification must be made in
9 writing and be provided electronically, by facsimile device or
10 overnight mail delivery. The notification must include
11 information regarding the identity of the affected resident,
12 the type of adverse incident, the initiation of an
13 investigation by the facility, and whether the events causing
14 or resulting in the adverse incident represent a potential
15 risk to any other resident. The notification is confidential
16 as provided by law and is not discoverable or admissible in
17 any civil or administrative action, except in disciplinary
18 proceedings by the agency, the Department of Health, or the
19 appropriate regulatory board. The agency may investigate, as
20 it deems appropriate, any such incident and prescribe measures
21 that must or may be taken in response to the incident. The
22 Department of Health ~~agency~~ shall review each incident and
23 determine whether it potentially involved conduct by the
24 health care professional who is subject to disciplinary
25 action, in which case ~~the provisions of~~ s. 456.073 shall
26 apply.

27 (8)(a) Each facility shall complete the investigation
28 and submit an adverse incident report to the agency for each
29 adverse incident within 15 calendar days after its occurrence.
30 If, after a complete investigation, the risk manager
31 determines that the incident was not an adverse incident as

1 defined in subsection (5), the facility shall include this
 2 information in the report. The agency shall develop a form for
 3 reporting this information.

4 (b) A copy of the report submitted ~~The information~~
 5 ~~reported~~ to the agency under ~~pursuant to~~ paragraph (a) which
 6 relates to health care practitioners as defined in s.
 7 456.001(4) shall be forwarded by the agency to the Division of
 8 Medical Quality Assurance of the Department of Health for
 9 review ~~persons licensed under chapter 458, chapter 459,~~
 10 ~~chapter 461, or chapter 466 shall be reviewed by the agency.~~
 11 The division ~~agency~~ shall determine whether any of the
 12 incidents potentially involved conduct by a health care
 13 professional who is subject to disciplinary action, in which
 14 case ~~the provisions of s. 456.073 shall apply.~~

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

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

21 Section 11. Subsection (1) and (4) of section 400.211,
 22 Florida Statutes, are amended to read:

23 400.211 Persons employed as nursing assistants;
 24 certification requirement.--

25 (1) To serve as a nursing assistant in any nursing
 26 home, a person must be certified as a nursing assistant under
 27 part II of chapter 464, unless the person is a registered
 28 nurse, a ~~practical~~ nurse, or a certified geriatric
 29 specialist certified or licensed in accordance with part I of
 30 chapter 464 or an applicant for such licensure who is
 31

1 permitted to practice nursing in accordance with rules adopted
2 by the Board of Nursing pursuant to part I of chapter 464.

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

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

11 ~~464.203(8)~~;

12 (b) Include, at a minimum:

13 1. Techniques for assisting with eating and proper
14 feeding;

15 2. Principles of adequate nutrition and hydration;

16 3. Techniques for assisting and responding to the
17 cognitively impaired resident or the resident with difficult
18 behaviors;

19 4. Techniques for caring for the resident at the
20 end-of-life; and

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

23 (c) Address areas of weakness as determined in nursing
24 assistant performance reviews and may address the special
25 needs of residents as determined by the nursing home facility
26 staff.

27
28 Costs associated with this training may not be reimbursed from
29 additional Medicaid funding through interim rate adjustments.

30 Section 12. Subsection (4) of section 400.211, Florida
31 Statutes, is amended to read:

1 400.211 Persons employed as nursing assistants;
2 certification requirement.--

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

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

13 (b) Include, at a minimum:

- 14 1. Techniques for assisting with eating and proper
15 feeding;
- 16 2. Principles of adequate nutrition and hydration;
- 17 3. Techniques for assisting and responding to the
18 cognitively impaired resident or the resident with difficult
19 behaviors;
- 20 4. Techniques for caring for the resident at the
21 end-of-life; and
- 22 5. Recognizing changes that place a resident at risk
23 for pressure ulcers and falls; and

24 (c) Address areas of weakness as determined in nursing
25 assistant performance reviews and may address the special
26 needs of residents as determined by the nursing home facility
27 staff.

28
29 Costs associated with this training may not be reimbursed from
30 additional Medicaid funding through interim rate adjustments.

31

1 Section 13. Subsection (5) of section 400.215, Florida
2 Statutes, is amended to read:

3 400.215 Personnel screening requirement.--

4 (5) Any provision of law to the contrary
5 notwithstanding, persons who have been screened and qualified
6 as required by this section or s. 464.203 and who have not
7 been unemployed for more than 180 days thereafter, and who
8 under penalty of perjury attest to not having been convicted
9 of a disqualifying offense since the completion of such
10 screening, shall not be required to be rescreened. For
11 purposes of this subsection, screened and qualified under s.
12 464.203 means that the person subject to such screening at the
13 time of certification by the Board of Nursing does not have
14 any disqualifying offense under chapter 435 or has received an
15 exemption from any disqualification under chapter 435 from the
16 Board of Nursing. An employer may obtain, under ~~pursuant to~~ s.
17 435.10, written verification of qualifying screening results
18 from the previous employer or other entity which caused the
19 ~~such~~ screening to be performed.

20 Section 14. Subsection (7) of section 400.423, Florida
21 Statutes, is amended to read:

22 400.423 Internal risk management and quality assurance
23 program; adverse incidents and reporting requirements.--

24 (7) A copy of the report submitted ~~The information~~
25 ~~reported~~ to the agency under ~~pursuant to~~ subsection (3) which
26 relates to health care practitioners as defined in s.
27 456.001(4) shall be forwarded by the agency to the Division of
28 Medical Quality Assurance of the Department of Health for
29 review ~~persons licensed under chapter 458, chapter 459,~~
30 ~~chapter 461, chapter 464, or chapter 465 shall be reviewed by~~
31 ~~the agency.~~ The Department of Health ~~agency~~ shall determine

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

11 Section 15. Section 400.455, Florida Statutes, is
 12 created to read:

13 400.455 Certified copy of subpoenaed records.--Upon a
 14 subpoena issued by the Department of Health pursuant to s.
 15 456.057 or s. 456.071, a certified true and complete copy of
 16 the requested records shall be provided. The department may be
 17 charged a reasonable fee for copies of all documents provided
 18 to the department under this section. The provisions of
 19 chapter 456 apply to the records obtained under this section.

20 Section 16. Paragraph (m) of subsection (1) of section
 21 440.13, Florida Statutes, is amended to read:

22 440.13 Medical services and supplies; penalty for
 23 violations; limitations.--

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

25 (m) "Medicine" means a drug prescribed by an
 26 authorized health care provider and includes only generic
 27 drugs or single-source patented drugs for which there is no
 28 generic equivalent, unless the authorized health care provider
 29 writes or states that the brand-name drug as defined in s.
 30 465.025 is medically necessary, or is a drug appearing on the
 31 schedule of drugs created pursuant to s. 465.025(5)

1 | ~~465.025(6)~~, or is available at a cost lower than its generic
2 | equivalent.

3 | Section 17. 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 18. 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.

31

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 19. 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 20. 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 21. 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 22. 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 23. 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 24. Subsections (4), (7), 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 (7) Each board, or the department if there is no
4 board, shall establish, by rule, a fee not to exceed \$250 for
5 anyone seeking approval to provide continuing education
6 courses or programs and shall establish by rule a biennial
7 renewal fee not to exceed \$250 for the renewal of providership
8 of such courses. The fees collected from continuing education
9 providers shall be used for the purposes of reviewing course
10 provider applications, monitoring the integrity of the courses
11 provided, and covering legal expenses incurred as a result of
12 not granting or renewing a providership, ~~and developing and~~
13 ~~maintaining an electronic continuing education tracking~~
14 ~~system. The department shall implement an electronic~~
15 ~~continuing education tracking system for each new biennial~~
16 ~~renewal cycle for which electronic renewals are implemented~~
17 ~~after the effective date of this act and shall integrate such~~
18 ~~system into the licensure and renewal system. All approved~~
19 ~~continuing education providers shall provide information on~~
20 ~~course attendance to the department necessary to implement the~~
21 ~~electronic tracking system. The department shall, by rule,~~
22 ~~specify the form and procedures by which the information is to~~
23 ~~be submitted.~~

24 (9) The department shall provide a ~~condensed~~
25 management report of revenues and expenditures, performance
26 measures, and recommendations, if needed, to each board at
27 least once each quarter ~~budgets, finances, performance~~
28 ~~statistics, and recommendations to each board at least once a~~
29 ~~quarter. The department shall identify and include in such~~
30 ~~presentations any changes, or projected changes, made to the~~
31 ~~board's budget since the last presentation.~~

1 Section 25. Section 456.0251, Florida Statutes, is
2 created to read:

3 456.0251 Continuing education.--

4 (1) Unless otherwise provided in a profession's
5 practice act, each board, or the department if there is no
6 board, shall establish by rule procedures for approval of
7 continuing education providers and continuing education
8 courses for renewal of licenses. Except for those continuing
9 education courses whose subjects are prescribed by law, each
10 board, or the department if there is no board, may limit by
11 rule the subject matter for approved continuing education
12 courses to courses addressing the scope of practice of each
13 respective health care profession.

14 (2) Licensees who have not completed all of the
15 continuing education credits required for licensure during a
16 biennium may obtain an extension of 3 months from the date
17 after the end of the license renewal biennium within which to
18 complete the requisite hours for license renewal. Each board,
19 or the department if there is no board, shall establish by
20 rule procedures for requesting a 3-month extension and whether
21 proof of completion of some approved hours of continuing
22 education are required to be submitted with the request for
23 extension as a prerequisite for granting the request.

24 (3) Failure to complete the requisite number of hours
25 of continuing education hours within a license renewal
26 biennium or within a 3 month period from the date after the
27 end of the license renewal biennium, if requested, shall be
28 grounds for issuance of a citation and a fine, plus a
29 requirement that at least the deficit hours are completed
30 within a time established by rule of each board, or the
31 department if there is no board. Each board, or the department

1 if there is no board, shall establish by rule a fine for each
2 continuing education hour which was not completed within the
3 license renewal biennium or the 3-month period following the
4 last day of the biennium if so requested, not to exceed \$500
5 per each hour not completed. The issuance of the citation and
6 fine shall not be considered discipline. A citation and a fine
7 issued under this subsection may only be issued to a licensee
8 a maximum of two times for two separate failures to complete
9 the requisite number of hours for license renewal.

10 (4) The department shall report to each board no later
11 than 3 months following the last day of the license renewal
12 biennium the percentage of licensees regulated by that board
13 who have not timely complied with the continuing education
14 requirements during the previous license renewal biennium for
15 which auditing of licensees regulated by that board are
16 completed. Each board shall direct the department the
17 percentage of licensees regulated by that board that are to be
18 audited during the next license renewal biennium. In addition
19 to the percentage of licensees audited as directed by the
20 boards, the department shall audit those licensees found to be
21 deficient during any of the two license renewal bienniums.

22 Section 26. Section 456.031, Florida Statutes, is
23 amended to read:

24 456.031 Requirement for instruction on domestic
25 violence.--

26 (1)(a) The appropriate board shall require each person
27 licensed or certified under chapter 458, chapter 459, part I
28 of chapter 464, chapter 466, chapter 467, chapter 490, or
29 chapter 491 to complete a ~~1-hour~~ continuing education course,
30 approved by the board, on domestic violence, as defined in s.
31 741.28, as part of initial licensure, biennial relicensure, or

1 recertification. The course shall consist of a skills-based
2 curriculum that includes practice protocols for identifying
3 and treating a victim of domestic violence, consistent with
4 the profession and instructions on practical applications. As
5 used in this section, the term "skills-based curriculum" means
6 a curriculum that details methods of practical applications to
7 improve responses to domestic violence victims through
8 culturally competent methods of routine screening, assessment,
9 intervention, and health-records documentation. Each licensee
10 must complete continuing education on domestic violence as
11 prescribed by board rule. Initial applicants for licensure
12 shall be allowed 1 year following the date of licensure to
13 ~~complete the required course. information on the number of~~
14 ~~patients in that professional's practice who are likely to be~~
15 ~~victims of domestic violence and the number who are likely to~~
16 ~~be perpetrators of domestic violence, screening procedures for~~
17 ~~determining whether a patient has any history of being either~~
18 ~~a victim or a perpetrator of domestic violence, and~~
19 ~~instruction on how to provide such patients with information~~
20 ~~on, or how to refer such patients to, resources in the local~~
21 ~~community, such as domestic violence centers and other~~
22 ~~advocacy groups, that provide legal aid, shelter, victim~~
23 ~~counseling, batterer counseling, or child protection services.~~
24 ~~(b) Each such licensee or certificateholder shall~~
25 ~~submit confirmation of having completed such course, on a form~~
26 ~~provided by the board, when submitting fees for each biennial~~
27 ~~renewal.~~
28 ~~(c) The board may approve additional equivalent~~
29 ~~courses that may be used to satisfy the requirements of~~
30 ~~paragraph (a). Each licensing board that requires a licensee~~
31 ~~to complete an educational course pursuant to this subsection~~

1 ~~may include the hour required for completion of the course in~~
2 ~~the total hours of continuing education required by law for~~
3 ~~such profession unless the continuing education requirements~~
4 ~~for such profession consist of fewer than 30 hours biennially.~~

5 (b)(d) Any person holding two or more licenses subject
6 to the provisions of this subsection shall be permitted to
7 show proof of having taken one board-approved course on
8 domestic violence, for purposes of initial licensure,
9 relicensure, or recertification for additional licenses.

10 ~~(e) Failure to comply with the requirements of this~~
11 ~~subsection shall constitute grounds for disciplinary action~~
12 ~~under each respective practice act and under s. 456.072(1)(k).~~
13 ~~In addition to discipline by the board, the licensee shall be~~
14 ~~required to complete such course.~~

15 ~~(2) The board shall also require, as a condition of~~
16 ~~granting a license under any chapter specified in paragraph~~
17 ~~(1)(a), that each applicant for initial licensure under the~~
18 ~~appropriate chapter complete an educational course acceptable~~
19 ~~to the board on domestic violence which is substantially~~
20 ~~equivalent to the course required in subsection (1). An~~
21 ~~applicant who has not taken such course at the time of~~
22 ~~licensure shall, upon submission of an affidavit showing good~~
23 ~~cause, be allowed 6 months to complete such requirement.~~

24 ~~(3)(a) In lieu of completing a course as required in~~
25 ~~subsection (1), a licensee or certificateholder may complete a~~
26 ~~course in end of life care and palliative health care, if the~~
27 ~~licensee or certificateholder has completed an approved~~
28 ~~domestic violence course in the immediately preceding~~
29 ~~biennium.~~

30 ~~(b) In lieu of completing a course as required by~~
31 ~~subsection (1), a person licensed under chapter 466 who has~~

1 ~~completed an approved domestic violence education course in~~
 2 ~~the immediately preceding 2 years may complete a course~~
 3 ~~approved by the Board of Dentistry.~~

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

6 ~~(5)~~ ~~Each board shall report to the President of the~~
 7 ~~Senate, the Speaker of the House of Representatives, and the~~
 8 ~~chairs of the appropriate substantive committees of the~~
 9 ~~Legislature by March 1 of each year as to the implementation~~
 10 ~~of and compliance with the requirements of this section.~~

11 Section 27. Subsection (13) of section 456.036,
 12 Florida Statutes, is amended to read:

13 456.036 Licenses; active and inactive status;
 14 delinquency.--

15 (13) The board, or the department when there is no
 16 board, may adopt rules under ~~pursuant to~~ ss. 120.536(1) and
 17 120.54 as necessary to administer ~~implement~~ this section. The
 18 rules may require the display of a license.

19 Section 28. Section 456.037, Florida Statutes, is
 20 amended to read:

21 456.037 Business establishments; requirements for
 22 active status licenses; delinquency; discipline;
 23 applicability; display of license.--

24 (1) A business establishment regulated by the Division
 25 of Medical Quality Assurance under ~~pursuant to~~ this chapter
 26 may provide regulated services only if the business
 27 establishment has an active status license. A business
 28 establishment that provides regulated services without an
 29 active status license is in violation of this section and s.
 30 456.072, and the board, or the department if there is no
 31 board, may impose discipline on the business establishment.

1 (2) A business establishment must apply with a
2 complete application, as defined by rule of the board, or the
3 department if there is no board, to renew an active status
4 license before the license expires. If a business
5 establishment fails to renew before the license expires, the
6 license becomes delinquent, except as otherwise provided in
7 statute, in the license cycle following expiration.

8 (3) A delinquent business establishment must apply
9 with a complete application, as defined by rule of the board,
10 or the department if there is no board, for active status
11 within 6 months after becoming delinquent. Failure of a
12 delinquent business establishment to renew the license within
13 the 6 months after the expiration date of the license renders
14 the license null without any further action by the board or
15 the department. Any subsequent licensure shall be as a result
16 of applying for and meeting all requirements imposed on a
17 business establishment for new licensure.

18 (4) The status or a change in status of a business
19 establishment license does not alter in any way the right of
20 the board, or of the department if there is no board, to
21 impose discipline or to enforce discipline previously imposed
22 on a business establishment for acts or omissions committed by
23 the business establishment while holding a license, whether
24 active or null.

25 (5) This section applies to any business establishment
26 registered, permitted, or licensed by the department to do
27 business. Business establishments include, but are not limited
28 to, dental laboratories, electrology facilities, massage
29 establishments, and pharmacies.

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

1 Section 29. Paragraph (a) of subsection (4) of section
2 456.039, Florida Statutes, is amended to read:

3 456.039 Designated health care professionals;
4 information required for licensure.--

5 (4)(a) An applicant for initial licensure must submit
6 a set of fingerprints to the Department of Health in
7 accordance with s. 458.311, s. 458.3115, s. 458.3124, ~~s.~~
8 ~~458.313~~, s. 459.0055, s. 460.406, or s. 461.006.

9 Section 30. Present subsections (16) through (19) of
10 section 456.057, Florida Statutes, are redesignated as
11 subsections (17) through (20), respectively, and a new
12 subsection (16) is added to that section to read:

13 456.057 Ownership and control of patient records;
14 report or copies of records to be furnished.--

15 (16) A health care practitioner or records owner
16 furnishing copies of reports or records or making the reports
17 or records available for digital scanning pursuant to this
18 section may charge the department the reasonable costs of
19 reproducing the records.

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

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

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

24 (b) Reasonable costs of reproducing X rays and other
25 special kinds of records are the actual costs. The term
26 "actual costs" means the cost of the material and supplies
27 used to duplicate the record, as well as the labor costs
28 associated with the duplication.

29 Section 31. Subsection (3) of section 456.063, Florida
30 Statutes, is amended to read:

31

1 456.063 Sexual misconduct; disqualification for
2 license, certificate, or registration.--

3 (3) Licensed health care practitioners shall report
4 allegations of sexual misconduct to the department, regardless
5 of the practice setting in which the alleged sexual misconduct
6 occurred. Each board, or the department if there is no board,
7 may adopt rules to administer the requirements for reporting
8 allegations of sexual misconduct, including rules to determine
9 the sufficiency of allegations.

10 Section 32. Paragraphs (aa) and (bb) of subsection (1)
11 of section 456.072, Florida Statutes, are amended, paragraphs
12 (ff), and (gg) are added to that subsection, and subsection
13 (7) is added to that section, to read:

14 456.072 Grounds for discipline; penalties;
15 enforcement.--

16 (1) The following acts shall constitute grounds for
17 which the disciplinary actions specified in subsection (2) may
18 be taken:

19 (aa) Performing or attempting to perform health care
20 services on the wrong patient, a wrong-site procedure, a wrong
21 procedure, or an unauthorized procedure or a procedure that is
22 medically unnecessary or otherwise unrelated to the patient's
23 diagnosis or medical condition. For the purposes of this
24 paragraph, performing or attempting to perform health care
25 services includes invasive actions taken in furtherance of the
26 preparation of the patient, but does not include those
27 preparations that are noninvasive.

28 (bb) Leaving a foreign body in a patient, such as a
29 sponge, clamp, forceps, surgical needle, or other
30 paraphernalia commonly used in surgical, examination, or other
31 diagnostic procedures, unless leaving the foreign body is

1 medically indicated and documented in the patient record. For
2 the purposes of this paragraph, it shall be legally presumed
3 that retention of a foreign body is not in the best interest
4 of the patient and is not within the standard of care of the
5 profession, unless medically indicated and documented in the
6 patient record ~~regardless of the intent of the professional.~~

7 (ff) Prescribing, administering, dispensing, or
8 distributing a legend drug, including a controlled substance,
9 when the practitioner knows or reasonably should know that the
10 receiving patient has not established a valid professional
11 relationship with the prescribing practitioner. A medical
12 questionnaire completed by Internet, telephone, electronic
13 transfer, or mail does not establish a valid professional
14 relationship.

15 (gg) Being terminated from an impaired practitioner
16 program that is overseen by an impaired practitioner
17 consultant as described in s. 456.076 for failure to comply
18 with the terms of the monitoring or treatment contract entered
19 into by the licensee without good cause.

20 (7) In addition to any other discipline imposed by
21 final order and entered on or after July 1, 2004, under this
22 section, or discipline imposed through final order and entered
23 on or after July 1, 2004, for violation of any practice act,
24 the board, or the department when there is no board, shall
25 assess a nonrefundable fee to defray the costs of monitoring
26 the licensee's compliance with the order in the amount of \$25
27 per month for each month or portion of a month set forth in
28 the final order to complete the length of term of the
29 probation, suspension, or practice restrictions imposed by the
30 final order. The assessment shall be included in the terms of
31 the final order. The board, or the department if there is no

1 board, may elect to assess the same fee to offset other costs
2 of monitoring compliance with the terms imposed by a final
3 order that does not include probation, suspension, or practice
4 restrictions.

5 Section 33. Subsection (1) of section 456.073, Florida
6 Statutes, is amended to read:

7 456.073 Disciplinary proceedings.--Disciplinary
8 proceedings for each board shall be within the jurisdiction of
9 the department.

10 (1) The department, for the boards under its
11 jurisdiction, shall cause to be investigated any complaint
12 that is filed before it if the complaint is in writing, signed
13 by the complainant, and legally sufficient. A complaint filed
14 by a state prisoner against a health care practitioner
15 employed by or otherwise providing health care services within
16 a facility of the Department of Corrections is not legally
17 sufficient unless there is a showing that the prisoner
18 complainant has exhausted all available administrative
19 remedies within the state correctional system before filing
20 the complaint. However, if the Department of Health determines
21 after a preliminary inquiry of a state prisoner's complaint
22 that the practitioner may present a serious threat to the
23 health and safety of any individual who is not a state
24 prisoner, the Department of Health may determine legal
25 sufficiency and proceed with discipline. The Department of
26 Health shall be notified within 15 days after the Department
27 of Corrections disciplines or allows a health care
28 practitioner to resign for an offense related to the practice
29 of his or her profession. A complaint is legally sufficient if
30 it contains ultimate facts that show that a violation of this
31 chapter, of any of the practice acts relating to the

1 professions regulated by the department, or of any rule
2 adopted by the department or a regulatory board in the
3 department has occurred. In order to determine legal
4 sufficiency, the department may require supporting information
5 or documentation. The department may investigate, and the
6 department or the appropriate board may take appropriate final
7 action on, a complaint even though the original complainant
8 withdraws it or otherwise indicates a desire not to cause the
9 complaint to be investigated or prosecuted to completion. The
10 department may investigate an anonymous complaint if the
11 complaint is in writing and is legally sufficient, if the
12 alleged violation of law or rules is substantial, and if the
13 department has reason to believe, after preliminary inquiry,
14 that the violations alleged in the complaint are true. The
15 department may investigate a complaint made by a confidential
16 informant if the complaint is legally sufficient, if the
17 alleged violation of law or rule is substantial, and if the
18 department has reason to believe, after preliminary inquiry,
19 that the allegations of the complainant are true. The
20 department may initiate an investigation if it has reasonable
21 cause to believe that a licensee or a group of licensees has
22 violated a Florida statute, a rule of the department, or a
23 rule of a board. Notwithstanding subsection (13), the
24 department may investigate information filed under ~~pursuant to~~
25 s. 456.041(4) relating to liability actions with respect to
26 practitioners licensed under chapter 458 or chapter 459 which
27 have been reported under s. 456.049 or s. 627.912 within the
28 previous 6 years for any paid claim that exceeds \$50,000.
29 ~~Except as provided in ss. 458.331(9), 459.015(9), 460.413(5),~~
30 ~~and 461.013(6),~~ When an investigation of any subject is
31 undertaken, the department shall promptly furnish to the

1 subject or the subject's attorney a copy of the complaint or
2 document that resulted in the initiation of the investigation.
3 The subject may submit a written response to the information
4 contained in the ~~such~~ complaint or document within 30 ~~20~~ days
5 after service to the subject of the complaint or document. The
6 subject's written response shall be considered by the probable
7 cause panel. The right to respond does not prohibit the
8 issuance of a summary emergency order if necessary to protect
9 the public. However, if the secretary, or the secretary's
10 designee, and the chair of the respective board or the chair
11 of its probable cause panel agree in writing that the ~~such~~
12 notification would be detrimental to the investigation, the
13 department may withhold notification. The department may
14 conduct an investigation without notification to any subject
15 if the act under investigation is a criminal offense.

16 Section 34. Subsection (2) of section 457.105, Florida
17 Statutes, is amended, to read:

18 457.105 Licensure qualifications and fees.--

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

21 (a) Is 21 years of age or older, has good moral
22 character, and has the ability to communicate in English,
23 which is demonstrated by having passed the national written
24 examination in English or, if such examination was passed in a
25 foreign language, by also having passed a nationally
26 recognized English proficiency examination;

27 (b) Effective July 31, 2001, has completed 60 college
28 credits from an accredited postsecondary institution as a
29 prerequisite to enrollment in and completion of an authorized
30 ~~3-year course of study in acupuncture and oriental medicine,~~
31 ~~and has completed a 3-year course of study in acupuncture and~~

1 ~~oriental medicine, and effective July 31, 2001, a 4-year~~
2 course of study in acupuncture and oriental medicine, which
3 meets standards established by the board by rule, which
4 standards include, but are not limited to, successful
5 completion of academic courses in western anatomy, western
6 physiology, western pathology, western biomedical terminology,
7 first aid, and cardiopulmonary resuscitation (CPR). However,
8 any person who enrolled in an authorized course of study in
9 acupuncture before August 1, 1997, must have completed only a
10 2-year course of study which meets standards established by
11 the board by rule, which standards must include, but are not
12 limited to, successful completion of academic courses in
13 western anatomy, western physiology, and western pathology. In
14 addition, any person who enrolled in an authorized 3-year
15 course of study in acupuncture and oriental medicine prior to
16 July 31, 2001, must have completed 60 college credits from an
17 accredited postsecondary institution as a prerequisite to
18 enrollment in an authorized 3-year course of study in
19 acupuncture and oriental medicine and must have completed a
20 3-year course of study in acupuncture and oriental medicine
21 which meets standards established by the board by rule;

22 (c) Has successfully completed a board-approved
23 national certification process, is actively licensed in a
24 state that has examination requirements that are substantially
25 equivalent to or more stringent than those of this state, or
26 passes the national ~~an~~ examination approved ~~administered~~ by
27 the board ~~department~~, which examination tests the applicant's
28 competency and knowledge of the practice of acupuncture and
29 oriental medicine. At the request of any applicant, oriental
30 nomenclature for the points shall be used in the examination.
31 The examination shall include a practical examination of the

1 knowledge and skills required to practice modern and
2 traditional acupuncture and oriental medicine, covering
3 diagnostic and treatment techniques and procedures; and

4 (d) Pays the required fees set by the board by rule
5 not to exceed the following amounts:

6 1. Examination fee: \$500 plus the actual per applicant
7 cost to the department for purchase of the written and
8 practical portions of the examination from a national
9 organization approved by the board.

10 2. Application fee: \$300.

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

15 4. Initial biennial licensure fee: \$400, if licensed
16 in the first half of the biennium, and \$200, if licensed in
17 the second half of the biennium.

18 Section 35. Section 457.107, Florida Statutes, is
19 amended to read:

20 457.107 Renewal of licenses; continuing education.--

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

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

26 (3) The board shall by rule prescribe continuing
27 education requirements, not to exceed 30 hours biennially, as
28 a condition for renewal of a license. ~~All education programs
29 that contribute to the advancement, extension, or enhancement
30 of professional skills and knowledge related to the practice
31 of acupuncture, whether conducted by a nonprofit or~~

1 ~~profitmaking entity, are eligible for approval.~~ The continuing
 2 professional education requirements must be in acupuncture or
 3 oriental medicine subjects, including, but not limited to,
 4 anatomy, biological sciences, adjunctive therapies, sanitation
 5 and sterilization, emergency protocols, and diseases. The
 6 board may adopt rules establishing standards for the approval
 7 of providers of continuing education activities. The board
 8 shall have the authority to set a fee, not to exceed \$100, for
 9 each continuing education provider. The licensee shall retain
 10 in his or her records the certificates of completion of
 11 continuing professional education requirements to prove
 12 compliance with this subsection. The board may request the
 13 ~~such~~ documentation without cause from applicants who are
 14 selected at random. All national and state acupuncture and
 15 oriental medicine organizations and acupuncture and oriental
 16 medicine schools are approved to provide continuing
 17 professional education in accordance with this subsection.

18 Section 36. Paragraph (c) of subsection (1) of section
 19 457.109, Florida Statutes, is amended to read:

20 457.109 Disciplinary actions; grounds; action by the
 21 board.--

22 (1) The following acts constitute grounds for denial
 23 of a license or disciplinary action, as specified in s.
 24 456.072(2):

25 (c) Being convicted or found guilty, or entering a
 26 plea of nolo contendere to, regardless of adjudication, in a
 27 court of this state or other ~~any~~ jurisdiction of a crime that
 28 ~~which~~ directly relates to the practice of acupuncture or to
 29 the ability to practice acupuncture. ~~Any plea of nolo~~
 30 ~~contendere shall be considered a conviction for purposes of~~
 31 ~~this chapter.~~

1 Section 37. Section 458.303, Florida Statutes, is
2 amended to read:

3 458.303 Provisions not applicable to other
4 practitioners; exceptions, etc.--

5 (1) The provisions of ss. 458.301, 458.303, 458.305,
6 458.307, 458.309, 458.311, ~~458.313~~, 458.315, ~~458.317~~, 458.319,
7 458.321, 458.327, 458.329, 458.331, 458.337, 458.339, 458.341,
8 458.343, 458.345, and 458.347 shall have no application to:

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

11 (b) Any physician lawfully licensed in another state
12 or territory or foreign country, when meeting duly licensed
13 physicians of this state in consultation.

14 (c) Commissioned medical officers of the Armed Forces
15 of the United States and of the Public Health Service of the
16 United States while on active duty and while acting within the
17 scope of their military or public health responsibilities.

18 (d) Any person while actually serving without salary
19 or professional fees on the resident medical staff of a
20 hospital in this state, subject to the provisions of s.
21 458.321.

22 (e) Any person furnishing medical assistance in case
23 of an emergency.

24 (f) The domestic administration of recognized family
25 remedies.

26 (g) The practice of the religious tenets of any church
27 in this state.

28 (h) Any person or manufacturer who, without the use of
29 drugs or medicine, mechanically fits or sells lenses,
30 artificial eyes or limbs, or other apparatus or appliances or
31 is engaged in the mechanical examination of eyes for the

1 purpose of constructing or adjusting spectacles, eyeglasses,
2 or lenses.

3 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
4 458.307, s. 458.309, s. 458.311, ~~s. 458.313~~, s. 458.319, s.
5 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
6 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347
7 shall be construed to prohibit any service rendered by a
8 registered nurse, ~~or~~ a licensed practical nurse, or a
9 geriatric specialist certified under part I of chapter 464, if
10 such service is rendered under the direct supervision and
11 control of a licensed physician who provides specific
12 direction for any service to be performed and gives final
13 approval to all services performed. Further, nothing in this
14 or any other chapter shall be construed to prohibit any
15 service rendered by a medical assistant in accordance with ~~the~~
16 ~~provisions of~~ s. 458.3485.

17 Section 38. Section 458.311, Florida Statutes, is
18 amended to read:

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

21 458.311 Licensure; requirements; fees.--

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

26 (2) Each applicant must demonstrate compliance with
27 the following:

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

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

31 (c) Is of good moral character.

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

9 (f) Has caused to be submitted to the department core
10 credentials verified by the Federation Credentials
11 Verification Service of the Federation of State Medical
12 Boards.

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

31

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

3 (a) Is a graduate of an allopathic medical school or
4 allopathic college recognized and approved by an accrediting
5 agency recognized by the United States Department of Education
6 or is a graduate of an allopathic medical school or allopathic
7 college within a territorial jurisdiction of the United States
8 recognized by the accrediting agency of the governmental body
9 of that jurisdiction; or

10 (b) Is a graduate of an allopathic international
11 medical school registered with the World Health Organization
12 and has had his or her medical credentials evaluated by the
13 Educational Commission for Foreign Medical Graduates, holds an
14 active, valid certificate issued by that commission, and has
15 passed the examination used by that commission. However, a
16 graduate of an international medical school need not present
17 the certificate issued by the Educational Commission for
18 Foreign Medical Graduates or pass the examination used by that
19 commission if the graduate has:

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

22 2. Studied at a medical school which is recognized by
23 the World Health Organization.

24 3. Completed all of the formal requirements of the
25 international medical school, except the internship or social
26 service requirements, and passed part I of the National Board
27 of Medical Examiners examination or the Educational Commission
28 for Foreign Medical Graduates examination equivalent.

29 4. Completed an academic year of supervised clinical
30 training in a hospital affiliated with a medical school
31 approved by the Council on Medical Education of the American

1 Medical Association and, upon completion, passed part II of
2 the National Board of Medical Examiners examination or the
3 Educational Commission for Foreign Medical Graduates
4 examination equivalent.

5 (4) Each applicant must demonstrate that he or she has
6 completed a residency approved by the Accreditation Council
7 for Graduate Medical Education (ACGME), as defined by board
8 rule, of at least 2 years, or a fellowship of at least 2 years
9 in one specialty area that is counted toward regular or
10 subspecialty certification by a board recognized and certified
11 by the American Board of Medical Specialties. However, each
12 applicant who meets the requirements of paragraph (3)(a) and
13 who completed his or her training prior to October 1, 2003,
14 must demonstrate completion of at least 1 year of an approved
15 residency.

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

19 1. Prior to January 1, 2000, has obtained a passing
20 score, as established by rule of the board, on the licensure
21 examination of the National Board of Medical Examiners (NBME),
22 the licensure examination of the Federation of State Medical
23 Boards of the United States, Inc. (FLEX), the United States
24 Medical Licensing Examination (USMLE), or a combination
25 thereof;

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

29 3. Has obtained a passing score on a state board
30 examination or the Canadian licensing examination (LLMCC) if
31 the applicant has a current active license in at least one

1 other jurisdiction of the United States or Canada and has
2 practiced under the licensure continuously for the immediately
3 preceding 10 years without encumbrance on the license.

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

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

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

17 (7) The board may not certify to the department for
18 licensure any applicant who is under investigation in another
19 jurisdiction for an offense that would constitute a violation
20 of this chapter until the investigation is completed. Upon
21 completion of the investigation, the provisions of s. 458.331
22 shall apply. Furthermore, the department may not issue an
23 unrestricted license to any individual who has committed any
24 act or offense in any jurisdiction which would constitute the
25 basis for disciplining a physician under s. 458.331. When the
26 board finds that an individual has committed an act or offense
27 in any jurisdiction which would constitute the basis for
28 disciplining a physician under s. 458.331, the board may enter
29 an order imposing one or more of the terms set forth in s.
30 456.072(2).

31

1 (8) The board may adopt rules pursuant to ss.
 2 120.536(1) and 120.54 necessary to carry out the provisions of
 3 this section, which shall be applied on a uniform and
 4 consistent basis.

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

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

12 (b) Certification to the department of an application
 13 for licensure, certification, or registration with
 14 restrictions on the scope of practice of the licensee; or

15 (c) Certification to the department of an application
 16 for licensure, certification, or registration with placement
 17 of the physician on probation for a period of time and subject
 18 to conditions specified by the board, including, but not
 19 limited to, requiring the physician to submit to treatment,
 20 attend continuing education courses, submit to reexamination,
 21 or work under the supervision of another physician.

22 Section 39. Subsection (5) of section 458.3124,
 23 Florida Statutes, is amended to read:

24 458.3124 Restricted license; certain experienced
 25 foreign-trained physicians.--

26 (5) Notwithstanding s. 458.311(3) and (4) ~~s.~~
 27 458.311(1)(f), a person who successfully meets the
 28 requirements of this section and who successfully passes Step
 29 III of the United States Medical Licensing Examination is
 30 eligible for full licensure as a physician.

31

1 Section 40. Section 458.315, Florida Statutes, is
2 amended to read:

3 (Substantial rewording of section. See
4 s. 458.315, F.S., for present text.)
5 458.315 Limited licenses.--

6 (1) Any person desiring to obtain a limited license
7 shall apply to the department on forms furnished by the
8 department. The department shall license each applicant who
9 the board certifies:

10 (a) Has submitted to the department, with an
11 application and fee not to exceed \$300, a statement stating
12 that he or she has been licensed to practice medicine in any
13 jurisdiction or territory of the United States or Canada for
14 at least 2 years and intends to practice only pursuant to the
15 restrictions of a limited license granted under this section.
16 However, if the physician will use the limited license only
17 for noncompensated practice and submits a statement from the
18 employing agency or institution stating that he or she will
19 not receive compensation for any service involving the
20 practice of medicine, the application fee and all licensure
21 fees shall be waived.

22 (b) Has submitted evidence of the active licensed
23 practice of medicine in any jurisdiction or territory of the
24 United States or Canada for at least 2 of the immediately
25 preceding 4 years. For purposes of this paragraph, the term
26 "active licensed practice of medicine" means that practice of
27 medicine by physicians, including those employed by any
28 government entity in community or public health, as defined by
29 this chapter, those designated as medical directors under s.
30 641.495(11) who are practicing medicine, and those on the
31 active teaching faculty of an accredited medical school. If it

1 has been more than 3 years since active practice was conducted
2 by the applicant, a licensed physician approved by the board
3 shall supervise the applicant for a period of 6 months after
4 he or she is granted a limited license for practice, unless
5 the board determines that a shorter period of supervision will
6 be sufficient to ensure that the applicant is qualified for
7 licensure. Procedures for such supervision shall be
8 established by the board.

9 (c) Has submitted to the department a set of
10 fingerprints on a form and following procedures established by
11 the department for the criminal history check of the
12 applicant.

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

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

21 (3) The recipient of a limited license used for
22 noncompensated practice shall practice only in the employ of
23 programs or facilities that provide uncompensated health care
24 services by volunteer licensed health care professionals to
25 low-income persons whose family income does not exceed 150
26 percent of the federal poverty level or to uninsured persons.
27 These facilities include, but are not limited to, the
28 department, community and migrant health centers funded under
29 s. 330 of the Public Health Service Act, and volunteer health
30 care provider programs contracted with the department to
31 provide uncompensated care under s. 766.1115.

1 (4) The recipient of a limited license used for
2 compensated practice shall practice only in the employ of
3 certain programs and facilities that provide health care
4 services and that are located within federally designated
5 primary care health professional shortage areas, unless
6 otherwise approved by the Secretary of Health. These programs
7 and facilities include, but are not limited to, the
8 department, the Department of Corrections, county or municipal
9 correctional facilities, the Department of Juvenile Justice,
10 the Department of Children and Family Services, and those
11 programs and facilities funded under s. 330 of the Public
12 Health Service Act.

13 (5) The recipient of a limited license shall, within
14 30 days after accepting employment, notify the board of all
15 approved institutions in which the licensee practices and all
16 approved institutions in which the licensee's practice
17 privileges have been denied. Evidence of noncompensated
18 employment shall be required for the fee waiver under
19 paragraph (1)(a).

20 (6) Upon renewal, a limited licenseholder shall, in
21 addition to complying with other applicable provisions of this
22 chapter, document compliance with the restrictions prescribed
23 in this section.

24 (7) Any person holding an active or inactive license
25 to practice medicine in the state may convert that license to
26 a limited license for the purpose of providing volunteer,
27 uncompensated care for low-income residents of this state. The
28 licensee must submit a statement from the employing agency or
29 institution stating that he or she will not receive
30 compensation for any service involving the practice of
31

1 medicine. All licensure fees, including neurological injury
2 compensation assessments, shall be waived.

3 (8) This section does not limit in any way any policy
4 by the board, otherwise authorized by law, to grant licenses
5 to physicians duly licensed in other states under conditions
6 less restrictive than the requirements of this section.
7 Notwithstanding any other provision of this section, the board
8 may refuse to authorize a physician otherwise qualified to
9 practice in the employ of any agency or institution if the
10 agency or institution has caused or permitted violations of
11 the provisions of this chapter which it knew or should have
12 known were occurring.

13 Section 41. Subsection (4) of section 458.319, Florida
14 Statutes, is amended to read:

15 458.319 Renewal of license.--

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

21 Section 42. Paragraph (c) of subsection (5) of section
22 458.320, Florida Statutes, is amended to read:

23 458.320 Financial responsibility.--

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

26 (c) Any person holding a limited license pursuant to
27 s. 458.315 ~~s. 458.317~~ and practicing under the scope of such
28 limited license.

29 Section 43. Subsection (9) of section 458.331, Florida
30 Statutes, is amended to read:

31

1 458.331 Grounds for disciplinary action; action by the
2 board and department.--

3 (9) When an investigation of a physician is
4 undertaken, the department shall promptly furnish to the
5 physician or the physician's attorney a copy of the complaint
6 or document which resulted in the initiation of the
7 investigation. For purposes of this subsection, such documents
8 include, but are not limited to: the pertinent portions of an
9 annual report submitted to the department pursuant to s.
10 395.0197(6); a report of an adverse incident which is provided
11 to the department pursuant to s. 395.0197; a report of peer
12 review disciplinary action submitted to the department
13 pursuant to s. 395.0193(4) or s. 458.337, providing that the
14 investigations, proceedings, and records relating to such peer
15 review disciplinary action shall continue to retain their
16 privileged status even as to the licensee who is the subject
17 of the investigation, as provided by ss. 395.0193(8) and
18 458.337(3); a report of a closed claim submitted pursuant to
19 s. 627.912; a presuit notice submitted pursuant to s.
20 766.106(2); and a petition brought under the Florida
21 Birth-Related Neurological Injury Compensation Plan, pursuant
22 to s. 766.305(2). The physician may submit a written response
23 to the information contained in the complaint or document
24 which resulted in the initiation of the investigation within
25 30 ~~45~~ days after service to the physician of the complaint or
26 document. The physician's written response shall be considered
27 by the probable cause panel.

28 Section 44. Paragraph (c) of subsection (1) of section
29 458.345, Florida Statutes, is amended to read:

30
31

1 458.345 Registration of resident physicians, interns,
2 and fellows; list of hospital employees; prescribing of
3 medicinal drugs; penalty.--

4 (1) Any person desiring to practice as a resident
5 physician, assistant resident physician, house physician,
6 intern, or fellow in fellowship training which leads to
7 subspecialty board certification in this state, or any person
8 desiring to practice as a resident physician, assistant
9 resident physician, house physician, intern, or fellow in
10 fellowship training in a teaching hospital in this state as
11 defined in s. 408.07(44) or s. 395.805(2), who does not hold a
12 valid, active license issued under this chapter shall apply to
13 the department to be registered and shall remit a fee not to
14 exceed \$300 as set by the board. The department shall
15 register any applicant the board certifies has met the
16 following requirements:

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

19 Section 45. Subsection (7) of section 458.347, Florida
20 Statutes, is amended to read:

21 458.347 Physician assistants.--

22 (7) PHYSICIAN ASSISTANT LICENSURE.--

23 (a) Any person desiring to be licensed as a physician
24 assistant must apply to the department. The department shall
25 issue a license to any person certified by the council as
26 having met the following requirements:

- 27 1. Is at least 18 years of age.
28 2. Has satisfactorily passed a proficiency examination
29 by an acceptable score established by the National Commission
30 on Certification of Physician Assistants. If an applicant
31 does not hold a current certificate issued by the National

1 Commission on Certification of Physician Assistants and has
2 not actively practiced as a physician assistant within the
3 immediately preceding 4 years, the applicant must retake and
4 successfully complete the entry-level examination of the
5 National Commission on Certification of Physician Assistants
6 to be eligible for licensure.

7 3. Has completed the application form and remitted an
8 application fee not to exceed \$300 as set by the boards. An
9 application for licensure made by a physician assistant must
10 include:

- 11 a. A certificate of completion of a physician
12 assistant training program specified in subsection (6).
13 b. A sworn statement of any prior felony convictions.
14 c. A sworn statement of any previous revocation or
15 denial of licensure or certification in any state.
16 d. Two letters of recommendation.

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

20 ~~a. Has completed the application form and remitted a~~
21 ~~nonrefundable application fee not to exceed \$500 and an~~
22 ~~examination fee not to exceed \$300, plus the actual cost to~~
23 ~~the department to provide the examination. The examination fee~~
24 ~~is refundable if the applicant is found to be ineligible to~~
25 ~~take the examination. The department shall not require the~~
26 ~~applicant to pass a separate practical component of the~~
27 ~~examination. For examinations given after July 1, 1998,~~
28 ~~competencies measured through practical examinations shall be~~
29 ~~incorporated into the written examination through a~~
30 ~~multiple choice format. The department shall translate the~~
31 ~~examination into the native language of any applicant who~~

1 ~~requests and agrees to pay all costs of such translation,~~
2 ~~provided that the translation request is filed with the board~~
3 ~~office no later than 9 months before the scheduled examination~~
4 ~~and the applicant remits translation fees as specified by the~~
5 ~~department no later than 6 months before the scheduled~~
6 ~~examination, and provided that the applicant demonstrates to~~
7 ~~the department the ability to communicate orally in basic~~
8 ~~English. If the applicant is unable to pay translation costs,~~
9 ~~the applicant may take the next available examination in~~
10 ~~English if the applicant submits a request in writing by the~~
11 ~~application deadline and if the applicant is otherwise~~
12 ~~eligible under this section. To demonstrate the ability to~~
13 ~~communicate orally in basic English, a passing score or grade~~
14 ~~is required, as determined by the department or organization~~
15 ~~that developed it, on the test for spoken English (TSE) by the~~
16 ~~Educational Testing Service (ETS), the test of English as a~~
17 ~~foreign language (TOEFL) by ETS, a high school or college~~
18 ~~level English course, or the English examination for~~
19 ~~citizenship, Immigration and Naturalization Service. A~~
20 ~~notarized copy of an Educational Commission for Foreign~~
21 ~~Medical Graduates (ECFMG) certificate may also be used to~~
22 ~~demonstrate the ability to communicate in basic English; and~~
23 ~~b.(1) Is an unlicensed physician who graduated from a~~
24 ~~foreign medical school listed with the World Health~~
25 ~~Organization who has not previously taken and failed the~~
26 ~~examination of the National Commission on Certification of~~
27 ~~Physician Assistants and who has been certified by the Board~~
28 ~~of Medicine as having met the requirements for licensure as a~~
29 ~~medical doctor by examination as set forth in s. 458.311(1),~~
30 ~~(3), (4), and (5), with the exception that the applicant is~~
31 ~~not required to have completed an approved residency of at~~

1 ~~least 1 year and the applicant is not required to have passed~~
2 ~~the licensing examination specified under s. 458.311 or hold a~~
3 ~~valid, active certificate issued by the Educational Commission~~
4 ~~for Foreign Medical Graduates; was eligible and made initial~~
5 ~~application for certification as a physician assistant in this~~
6 ~~state between July 1, 1990, and June 30, 1991; and was a~~
7 ~~resident of this state on July 1, 1990, or was licensed or~~
8 ~~certified in any state in the United States as a physician~~
9 ~~assistant on July 1, 1990; or~~

10 ~~(II) Completed all coursework requirements of the~~
11 ~~Master of Medical Science Physician Assistant Program offered~~
12 ~~through the Florida College of Physician's Assistants prior to~~
13 ~~its closure in August of 1996. Prior to taking the~~
14 ~~examination, such applicant must successfully complete any~~
15 ~~clinical rotations that were not completed under such program~~
16 ~~prior to its termination and any additional clinical rotations~~
17 ~~with an appropriate physician assistant preceptor, not to~~
18 ~~exceed 6 months, that are determined necessary by the council.~~
19 ~~The boards shall determine, based on recommendations from the~~
20 ~~council, the facilities under which such incomplete or~~
21 ~~additional clinical rotations may be completed and shall also~~
22 ~~determine what constitutes successful completion thereof,~~
23 ~~provided such requirements are comparable to those established~~
24 ~~by accredited physician assistant programs. This~~
25 ~~sub sub subparagraph is repealed July 1, 2001.~~

26 ~~2. The department may grant temporary licensure to an~~
27 ~~applicant who meets the requirements of subparagraph 1.~~
28 ~~Between meetings of the council, the department may grant~~
29 ~~temporary licensure to practice based on the completion of all~~
30 ~~temporary licensure requirements. All such administratively~~
31 ~~issued licenses shall be reviewed and acted on at the next~~

1 ~~regular meeting of the council. A temporary license expires 30~~
2 ~~days after receipt and notice of scores to the licenseholder~~
3 ~~from the first available examination specified in subparagraph~~
4 ~~1. following licensure by the department. An applicant who~~
5 ~~fails the proficiency examination is no longer temporarily~~
6 ~~licensed, but may apply for a one time extension of temporary~~
7 ~~licensure after reapplying for the next available examination.~~
8 ~~Extended licensure shall expire upon failure of the~~
9 ~~licenseholder to sit for the next available examination or~~
10 ~~upon receipt and notice of scores to the licenseholder from~~
11 ~~such examination.~~

12 ~~3. Notwithstanding any other provision of law, the~~
13 ~~examination specified pursuant to subparagraph 1. shall be~~
14 ~~administered by the department only five times. Applicants~~
15 ~~certified by the board for examination shall receive at least~~
16 ~~6 months' notice of eligibility prior to the administration of~~
17 ~~the initial examination. Subsequent examinations shall be~~
18 ~~administered at 1 year intervals following the reporting of~~
19 ~~the scores of the first and subsequent examinations. For the~~
20 ~~purposes of this paragraph, the department may develop,~~
21 ~~contract for the development of, purchase, or approve an~~
22 ~~examination that adequately measures an applicant's ability to~~
23 ~~practice with reasonable skill and safety. The minimum passing~~
24 ~~score on the examination shall be established by the~~
25 ~~department, with the advice of the board. Those applicants~~
26 ~~failing to pass that examination or any subsequent examination~~
27 ~~shall receive notice of the administration of the next~~
28 ~~examination with the notice of scores following such~~
29 ~~examination. Any applicant who passes the examination and~~
30 ~~meets the requirements of this section shall be licensed as a~~
31 ~~physician assistant with all rights defined thereby.~~

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

3 1. A renewal fee not to exceed \$500 as set by the
4 boards.

5 2. A sworn statement of no felony convictions in the
6 previous 2 years.

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

11 ~~(d)(e)~~ Upon employment as a physician assistant, a
12 licensed physician assistant must notify the department in
13 writing within 30 days after such employment or after any
14 subsequent changes in the supervising physician. The
15 notification must include the full name, Florida medical
16 license number, specialty, and address of the supervising
17 physician.

18 ~~(e)(f)~~ Notwithstanding subparagraph (a)2., the
19 department may grant a temporary license to a recent graduate
20 of an approved program, as specified in subsection (6), who
21 expects to take the first examination administered by the
22 National Commission on Certification of Physician Assistants
23 available for registration after the applicant's graduation, a
24 temporary license. The temporary license shall expire 1 year
25 after the date of graduation ~~30 days after receipt of scores~~
26 ~~of the proficiency examination administered by the National~~
27 ~~Commission on Certification of Physician Assistants.~~ Between
28 meetings of the council, the department may grant a temporary
29 license to practice under this subsection ~~based on the~~
30 ~~completion of all temporary licensure requirements.~~ All such
31 administratively issued licenses shall be reviewed and acted

1 on at the next regular meeting of the council. The recent
2 graduate may be licensed prior to employment, but must comply
3 with paragraph(d)(e). An applicant who has passed the
4 National Commission on Certification of Physician Assistants
5 ~~proficiency~~ examination may be granted permanent licensure. ~~An~~
6 ~~applicant failing the proficiency examination is no longer~~
7 ~~temporarily licensed, but may reapply for a 1 year extension~~
8 ~~of temporary licensure. An applicant may not be granted more~~
9 ~~than two temporary licenses and may not be licensed as a~~
10 ~~physician assistant until he or she passes the examination~~
11 ~~administered by the National Commission on Certification of~~
12 ~~Physician Assistants.~~ As prescribed by board rule, the council
13 may require an applicant who does not pass the national
14 licensing examination after five or more attempts to complete
15 additional remedial education or training. The council shall
16 prescribe the additional requirements in a manner that permits
17 the applicant to complete the requirements and be reexamined
18 within 2 years after the date the applicant petitions the
19 council to retake the examination a sixth or subsequent time.

20 ~~(f)(g)~~ The Board of Medicine may impose any of the
21 penalties authorized under ss. 456.072 and 458.331(2) upon a
22 physician assistant if the physician assistant or the
23 supervising physician has been found guilty of or is being
24 investigated for any act that constitutes a violation of this
25 chapter or chapter 456.

26 Section 46. Subsections (4) and (5) of section
27 459.008, Florida Statutes, are amended to read:

28 459.008 Renewal of licenses and certificates.--

29 (4) The board shall, by rule, prescribe continuing
30 education programs and courses, not to exceed 40 hours
31 biennially, as a condition for renewal of a license. The ~~Such~~

1 programs and courses must build on the basic educational
2 requirements for licensure as an osteopathic physician and
3 must be approved by the board. The board may mandate by rule
4 specific continuing medical education requirements, and may
5 approve by rule alternative methods of obtaining continuing
6 education credits, including, but not limited to, attending a
7 board meeting at which another licensee is disciplined,
8 serving as a volunteer expert witness for the department in a
9 disciplinary case, or serving as a member of a probable cause
10 panel following the expiration of a board member's term.

11 (5) ~~Notwithstanding the provisions of s. 456.033,~~ An
12 osteopathic physician may complete continuing education on
13 end-of-life and palliative care in lieu of continuing
14 education in AIDS/HIV, if that physician has completed the
15 AIDS/HIV continuing education in the immediately preceding
16 biennium.

17 Section 47. Subsection (9) of section 459.015, Florida
18 Statutes, is amended to read:

19 459.015 Grounds for disciplinary action; action by the
20 board and department.--

21 (9) When an investigation of an osteopathic physician
22 is undertaken, the department shall promptly furnish to the
23 osteopathic physician or his or her attorney a copy of the
24 complaint 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. 459.016, provided 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
5 459.016(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 osteopathic physician may submit a
10 written response to the information contained in the complaint
11 or document which resulted in the initiation of the
12 investigation within 30 ~~45~~ days after service to the
13 osteopathic physician of the complaint or document. The
14 osteopathic physician's written response shall be considered
15 by the probable cause panel.

16 Section 48. Subsections (1) and (2) of section
17 459.021, Florida Statutes, are amended to read:

18 459.021 Registration of resident physicians, interns,
19 and fellows; list of hospital employees; penalty.--

20 (1) Any person who holds a degree of Doctor of
21 Osteopathic Medicine from a college of osteopathic medicine
22 recognized and approved by the American Osteopathic
23 Association who desires to practice as a resident physician,
24 assistant resident physician, house physician, intern, or
25 fellow in fellowship training which leads to subspecialty
26 board certification in this state, or any person desiring to
27 practice as a resident physician, assistant resident
28 physician, house physician, intern, or fellow in fellowship
29 training in a teaching hospital in this state as defined in s.
30 408.07(44) or s. 395.805(2), who does not hold an active
31 license issued under this chapter shall apply to the

1 department to be registered, on an application provided by the
2 department, within 30 days prior to ~~of~~ commencing such a
3 training program and shall remit a fee not to exceed \$300 as
4 set by the board.

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

13 Section 49. Paragraphs (c) and (d) of subsection (1)
14 of section 460.406, Florida Statutes, are amended and
15 subsection (5) is added to that section to read:

16 460.406 Licensure by examination.--

17 (1) Any person desiring to be licensed as a
18 chiropractic physician shall apply to the department to take
19 the licensure examination. There shall be an application fee
20 set by the board not to exceed \$100 which shall be
21 nonrefundable. There shall also be an examination fee not to
22 exceed \$500 plus the actual per applicant cost to the
23 department for purchase of portions of the examination from
24 the National Board of Chiropractic Examiners or a similar
25 national organization, which may be refundable if the
26 applicant is found ineligible to take the examination. The
27 department shall examine each applicant who the board
28 certifies has:

29 (c) Submitted proof satisfactory to the department
30 that he or she is within 6 months of graduating from or is a
31 graduate of a chiropractic college which is accredited by or

1 has status with the Council on Chiropractic Education or its
2 predecessor agency. However, any applicant who is a graduate
3 of a chiropractic college that was initially accredited by the
4 Council on Chiropractic Education in 1995, who graduated from
5 such college within the 4 years immediately preceding such
6 accreditation, and who is otherwise qualified shall be
7 eligible to take the examination. No application for a
8 license to practice chiropractic medicine shall be denied
9 solely because the applicant is a graduate of a chiropractic
10 college that subscribes to one philosophy of chiropractic
11 medicine as distinguished from another.

12 (d)1. For an applicant who has matriculated in a
13 chiropractic college prior to July 2, 1990, completed at least
14 2 years of residence college work, consisting of a minimum of
15 one-half the work acceptable for a bachelor's degree granted
16 on the basis of a 4-year period of study, in a college or
17 university accredited by an accrediting agency recognized and
18 approved by the United States Department of Education.
19 However, before ~~prior to~~ being certified by the board to sit
20 for the examination, each applicant who has matriculated in a
21 chiropractic college after July 1, 1990, shall have been
22 granted a bachelor's degree, based upon 4 academic years of
23 study, by a college or university accredited by a regional
24 accrediting agency which is a member of the Council for Higher
25 Education Accreditation, the United States Department of
26 Education, or a successor organization ~~Commission on~~
27 ~~Recognition of Postsecondary Accreditation.~~

28 2. Effective July 1, 2000, completed, before ~~prior to~~
29 matriculation in a chiropractic college, at least 3 years of
30 residence college work, consisting of a minimum of 90 semester
31 hours leading to a bachelor's degree in a liberal arts college

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

13 (5) A student in a school or college of chiropractic
14 accredited by the Council on Chiropractic Education, or its
15 successors, in the final 6 months prior to his or her
16 scheduled graduation, may file an application under subsection
17 (1), take all examinations required for licensure, submit a
18 set of fingerprints and pay all fees required for
19 licensure. A chiropractic student who takes and successfully
20 passes the licensure examinations and who otherwise meets all
21 requirements for licensure as a chiropractic physician during
22 the student's final 6 months of study must graduate and supply
23 proof of graduation to the department before being certified
24 for licensure under s. 460.406.

25 Section 50. Subsection (5) of section 460.413, Florida
26 Statutes, is amended to read:

27 460.413 Grounds for disciplinary action; action by
28 board or department.--

29 (5) When an investigation of a chiropractic physician
30 is undertaken, the department shall promptly furnish to the
31 chiropractic physician or her or his attorney a copy of the

1 | complaint or document which resulted in the initiation of the
2 | investigation. The chiropractic physician may submit a written
3 | response to the information contained in such complaint or
4 | document within 30 ~~45~~ days after service to the chiropractic
5 | physician of the complaint or document. The chiropractic
6 | physician's written response shall be considered by the
7 | probable cause panel.

8 | Section 51. Subsection (6) of section 461.013, Florida
9 | Statutes, is amended to read:

10 | 461.013 Grounds for disciplinary action; action by the
11 | board; investigations by department.--

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

22 | Section 52. Subsection (4) of section 461.014, Florida
23 | Statutes, is amended to read:

24 | 461.014 Residency.--The board shall encourage and
25 | develop podiatric residency programs in hospitals in this
26 | state and shall establish such programs by the promulgation of
27 | rules, subject to the following conditions:

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

1 Section 53. Paragraph (b) of subsection (1) of section
2 463.006, Florida Statutes, is amended to read:

3 463.006 Licensure and certification by examination.--

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

8 (b) Submitted proof satisfactory to the department
9 that she or he:

10 1. Is at least 18 years of age.

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

13 3. Is of good moral character.

14 4. Has successfully completed at least 110 hours of
15 transcript-quality coursework and clinical training in general
16 and ocular pharmacology as determined by the board, at an
17 institution that:

18 a. Has facilities for both didactic and clinical
19 instructions in pharmacology, ~~and~~

20 b. Is accredited by a regional or professional
21 accrediting organization that is recognized and approved by
22 the Council for Higher Education ~~Commission on Recognition of~~
23 ~~Postsecondary~~ Accreditation or the United States Department of
24 Education, or a successor organization.

25 5. Has completed at least 1 year of supervised
26 experience in differential diagnosis of eye disease or
27 disorders as part of the optometric training or in a clinical
28 setting as part of the optometric experience.

29 Section 54. Subsection (1) of section 464.009, Florida
30 Statutes, is amended and reenacted to read:

31 464.009 Licensure by endorsement.--

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

6 (a) Holds a valid license to practice professional or
7 practical nursing in another state or territory of the United
8 States, provided that, when the applicant secured his or her
9 original license, the requirements for licensure were
10 substantially equivalent to or more stringent than those
11 existing in Florida at that time;

12 (b) Meets the qualifications for licensure in s.
13 464.008 and has successfully completed a state, regional, or
14 national examination which is substantially equivalent to or
15 more stringent than the examination given by the department;
16 or

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

21 Applicants who become licensed under ~~pursuant to~~ this
22 paragraph must complete within 6 months after licensure a
23 Florida laws and rules course that is approved by the board.
24 Once the department has received the results of the national
25 criminal history check and has determined that the applicant
26 has no criminal history, the appropriate license by
27 endorsement shall be issued to the applicant. ~~This paragraph~~
28 ~~is repealed July 1, 2004, unless reenacted by the Legislature.~~

29 Section 55. Paragraph (a) of subsection (4) of section
30 464.0205, Florida Statutes, is amended to read:

31 464.0205 Retired volunteer nurse certificate.--

1 (4) A retired volunteer nurse receiving certification
2 from the board shall:

3 (a) Work under the direct supervision of the director
4 of a county health department, a physician working under a
5 limited license issued pursuant to s. 458.315 ~~s. 458.317~~ or s.
6 459.0075, a physician licensed under chapter 458 or chapter
7 459, an advanced registered nurse practitioner certified under
8 s. 464.012, or a registered nurse licensed under s. 464.008 or
9 s. 464.009.

10 Section 56. Subsection (6) is added to section
11 464.201, Florida Statutes, to read:

12 464.201 Definitions.--As used in this part, the term:

13 (6) "Practice of a certified nursing assistant" means
14 providing care and assisting persons with tasks relating to
15 the activities of daily living. Such tasks are those
16 associated with personal care, maintaining mobility, nutrition
17 and hydration, toileting and elimination, assistive devices,
18 safety and cleanliness, data gathering, reporting abnormal
19 signs and symptoms, postmortem care, patient socialization and
20 reality orientation, end-of-life care, CPR and emergency care,
21 notification of residents' or patients' rights, documentation
22 of nursing assistant services, and other tasks that a
23 certified nurse assistant may perform after training beyond
24 that required for initial certification and upon validation of
25 competence in that skill by a registered nurse. This
26 subsection does not restrict the ability of any person who is
27 otherwise trained and educated from performing such tasks.

28 Section 57. Section 464.202, Florida Statutes, is
29 amended to read:

30 464.202 Duties and powers of the board.--The board
31 shall maintain, or contract with or approve another entity to

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

1 Section 58. Subsections (1), (5), and (7) of section
2 464.203, Florida Statutes, are amended, and subsections (8),
3 (9), and (10) are added to that section, to read:

4 464.203 Certified nursing assistants; certification
5 requirement.--

6 (1) The board shall issue a certificate to practice as
7 a certified nursing assistant to any person who demonstrates a
8 minimum competency to read and write and successfully passes
9 the required background ~~Level I or Level II~~ screening in
10 subsection (9) ~~pursuant to s. 400.215~~ and who meets one of the
11 following requirements:

12 (a) Has successfully completed an approved training
13 program and achieved a minimum score, established by rule of
14 the board, on the nursing assistant competency examination,
15 which consists of a written portion and skills-demonstration
16 portion approved by the board and administered at a site and
17 by personnel approved by the department.

18 (b) Has achieved a minimum score, established by rule
19 of the board, on the nursing assistant competency examination,
20 which consists of a written portion and skills-demonstration
21 portion, approved by the board and administered at a site and
22 by personnel approved by the department and:

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

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

29 (d) Has completed the curriculum developed under the
30 Enterprise Florida Jobs and Education Partnership Grant and
31 achieved a minimum score, established by rule of the board, on

1 the nursing assistant competency examination, which consists
2 of a written portion and skills-demonstration portion,
3 approved by the board and administered at a site and by
4 personnel approved by the department.

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

15 (7) A certified nursing assistant shall complete 12 ~~18~~
16 hours of inservice training during each calendar year. The
17 certified nursing assistant shall be responsible for
18 maintaining documentation demonstrating compliance with these
19 provisions. The Council on Certified Nursing Assistants, in
20 accordance with s. 464.2085(2)(b), shall propose rules to
21 implement this subsection.

22 (8) The department shall renew a certificate upon
23 receipt of the renewal application and imposition of a fee of
24 \$20 which may be increased to not more than \$50 biennially.
25 The department shall adopt rules establishing a procedure for
26 the biennial renewal of certificates. Any certificate not
27 renewed by July 1, 2006, shall be void.

28 (9) For purposes of this section, background screening
29 shall include:

30 (a) A determination whether the person seeking the
31 certificate has committed any act that would constitute

1 grounds for disciplinary sanctions as provided in s.
2 464.204(1); and

3 (b)1. For persons who have continuously resided in
4 this state for the 5 years immediately preceding the date of
5 screening, level 1 screening as set forth in chapter 435; or

6 2. For persons who have not continuously resided in
7 this state for the 5 years immediately preceding the date of
8 screening, level 2 screening as set forth in chapter 435.

9 (10) Beginning January 1, 2005, the Department of
10 Health and the Agency for Health Care Administration shall,
11 after certification of an applicant, post information relating
12 to background screening on the agency's background-screening
13 database, which shall be available only to employers and
14 prospective employers, who, as a condition of employment, are
15 required by law to conduct a background check for the
16 employment of certified nursing assistants.

17 Section 59. Paragraph (b) of subsection (1) of section
18 464.204, Florida Statutes, is amended to read:

19 464.204 Denial, suspension, or revocation of
20 certification; disciplinary actions.--

21 (1) The following acts constitute grounds for which
22 the board may impose disciplinary sanctions as specified in
23 subsection (2):

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

26 Section 60. Subsection (2) of section 465.0075,
27 Florida Statutes, is amended to read:

28 465.0075 Licensure by endorsement; requirements;
29 fee.--

30 (2) An applicant licensed in another state for a
31 period in excess of 2 years from the date of application for

1 licensure in this state shall submit a total of at least 30
2 hours of board-approved continuing education for the 24 months
3 ~~2 calendar years~~ immediately preceding application.

4 Section 61. Subsections (2) and (4) of section
5 465.022, Florida Statutes, are amended to read:

6 465.022 Pharmacies; general requirements; fees.--

7 (2) A pharmacy permit shall be issued only to a person
8 who is at least 18 years of age and of good moral character,
9 to a partnership whose partners are at least 18 years of age
10 and of good moral character, or to a corporation ~~that~~ which is
11 registered pursuant to chapter 607 or chapter 617 whose
12 officers, directors, and shareholders with an ownership
13 interest of 5 percent or more are at least 18 years of age and
14 of good moral character.

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

30 (b) The department shall submit the fingerprints
31 provided by the applicant to the Department of Law Enforcement

1 for a statewide criminal history check and the Department of
 2 Law Enforcement shall forward the fingerprints to the Federal
 3 Bureau of Investigation for a national criminal history check.

4 (c) After the application has been filed with the
 5 board and the permit fee provided in this section has been
 6 received, the board shall cause the application to be fully
 7 investigated, both as to the qualifications of the applicant
 8 and the prescription department manager or consultant
 9 pharmacist designated to be in charge and as to the premises
 10 and location described in the application.

11 Section 62. Section 465.023, Florida Statutes, is
 12 amended to read:

13 465.023 Pharmacy permittee; disciplinary action.--

14 (1) The department or the board may deny a pharmacy
 15 permit application or revoke or suspend the permit of any
 16 pharmacy permittee, and may fine, place on probation, or
 17 otherwise discipline any pharmacy permittee when the applicant
 18 for a pharmacy permit, pharmacy permittee, or any officer,
 19 director, or agent of an applicant or permittee ~~who~~ has:

20 (a) Obtained a permit by misrepresentation or fraud or
 21 through an error of the department or the board;

22 (b) Attempted to procure, or has procured, a permit
 23 for any other person by making, or causing to be made, any
 24 false representation;

25 (c) Violated any of the requirements of this chapter
 26 or any of the rules of the Board of Pharmacy; of chapter 499,
 27 known as the "Florida Drug and Cosmetic Act"; of 21 U.S.C. ss.
 28 301-392, known as the "Federal Food, Drug, and Cosmetic Act";
 29 of 21 U.S.C. ss. 821 et seq., known as the Comprehensive Drug
 30 Abuse Prevention and Control Act; or of chapter 893; ~~or~~

31

1 (d) Been convicted or found guilty, regardless of
2 adjudication, of a felony or any other crime involving moral
3 turpitude in any of the courts of this state, of any other
4 state, or of the United States;—

5 (e) Been convicted or disciplined by a regulatory
6 agency of the Federal Government or a regulatory agency of
7 another state for any offense that would constitute a
8 violation of this chapter; or

9 (f) Been convicted of, found guilty of, or entered a
10 plea of guilty or nolo contendere to, regardless of
11 adjudication, a crime in any jurisdiction which relates to the
12 practice of, or the ability to practice, the profession of
13 pharmacy.

14 (2) If a pharmacy permit is revoked or suspended, the
15 owner, manager, or proprietor shall cease to operate the
16 establishment as a pharmacy as of the effective date of the
17 ~~such~~ suspension or revocation. In the event of a ~~such~~
18 revocation or suspension, the owner, manager, or proprietor
19 shall remove from the premises all signs and symbols
20 identifying the premises as a pharmacy. The period of the
21 ~~such~~ suspension shall be prescribed by the Board of Pharmacy,
22 but in no case shall it exceed 1 year. In the event that the
23 permit is revoked, the person owning or operating the
24 establishment shall not be entitled to make application for a
25 permit to operate a pharmacy for a period of 1 year from the
26 date of the ~~such~~ revocation. Upon the effective date of the
27 ~~such~~ revocation, the permittee shall advise the Board of
28 Pharmacy of the disposition of the medicinal drugs located on
29 the premises. The ~~Such~~ disposition shall be subject to
30 continuing supervision and approval by the Board of Pharmacy.
31

1 Section 63. Subsections (2) and (5) of section
2 465.025, Florida Statutes, are amended to read:

3 465.025 Substitution of drugs.--

4 (2) A pharmacist who receives a prescription for a
5 brand name drug shall, unless requested otherwise by the
6 purchaser, substitute a less expensive, generically equivalent
7 drug product that is+

8 ~~(a)~~ distributed by a business entity doing business,
9 and subject to suit and service of legal process, in the
10 United States; ~~and~~

11 ~~(b) Listed in the formulary of generic and brand name~~
12 ~~drug products as provided in subsection (5) for the brand name~~
13 ~~drug prescribed,~~

14
15 unless the prescriber writes the words "MEDICALLY NECESSARY,"
16 in her or his own handwriting, on the face of a written
17 prescription; ~~or~~ unless, in the case of an electronically
18 transmitted prescription, the prescriber indicates in the
19 transmitted prescription that the brand name drug is medically
20 necessary; or unless, in the case of an oral prescription, the
21 prescriber expressly indicates to the pharmacist that the
22 brand name drug prescribed is medically necessary.

23 ~~(5) Each community pharmacy shall establish a~~
24 ~~formulary of generic and brand name drug products which, if~~
25 ~~selected as the drug product of choice, would not pose a~~
26 ~~threat to the health and safety of patients receiving~~
27 ~~prescription medication. In compiling the list of generic and~~
28 ~~brand name drug products for inclusion in the formulary, the~~
29 ~~pharmacist shall rely on drug product research, testing,~~
30 ~~information, and formularies compiled by other pharmacies, by~~
31 ~~states, by the United States Department of Health, Education,~~

1 ~~and Welfare, by the United States Department of Health and~~
2 ~~Human Services, or by any other source which the pharmacist~~
3 ~~deems reliable. Each community pharmacy shall make such~~
4 ~~formulary available to the public, the Board of Pharmacy, or~~
5 ~~any physician requesting same. This formulary shall be~~
6 ~~revised following each addition, deletion, or modification of~~
7 ~~said formulary.~~

8 Section 64. Section 465.0251, Florida Statutes, is
9 amended to read:

10 465.0251 Generic drugs; removal from formulary under
11 specified circumstances.--

12 (1) The Board of Pharmacy and the Board of Medicine
13 shall remove any generic named drug product from the formulary
14 established by s. 465.025(5) ~~s. 465.025(6)~~, if every
15 commercially marketed equivalent of that drug product is "A"
16 rated as therapeutically equivalent to a reference listed drug
17 or is a reference listed drug as referred to in "Approved Drug
18 Products with Therapeutic Equivalence Evaluations" (Orange
19 Book) published by the United States Food and Drug
20 Administration.

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

25 Section 65. Section 465.026, Florida Statutes, is
26 amended to read:

27 465.026 Filling of certain prescriptions.--~~Nothing~~
28 ~~contained in This chapter~~ does not ~~shall be construed to~~
29 prohibit a pharmacist licensed in this state from filling or
30 refilling a valid prescription which is on file in a pharmacy
31 located in this state or in another state and has been

1 transferred from one pharmacy to another by any means,
2 including any electronic means, under the following
3 conditions:

4 (1) Before ~~Prior to~~ dispensing any transferred
5 prescription, the dispensing pharmacist must, either verbally
6 or by any electronic means, do all of the following:

7 (a) Advise the patient that the prescription on file
8 at the other pharmacy must be canceled before it may be filled
9 or refilled.

10 (b) Determine that the prescription is valid and on
11 file at the other pharmacy and that the prescription may be
12 filled or refilled, as requested, in accordance with the
13 prescriber's intent expressed on the prescription.

14 (c) Notify the pharmacist or pharmacy where the
15 prescription is on file that the prescription must be
16 canceled.

17 (d) Record in writing, or by any electronic means, the
18 prescription order, the name of the pharmacy at which the
19 prescription was on file, the prescription number, the name of
20 the drug and the original amount dispensed, the date of
21 original dispensing, and the number of remaining authorized
22 refills.

23 (e) Obtain the consent of the prescriber to the
24 refilling of the prescription when the prescription, in the
25 dispensing pharmacist's professional judgment, so requires.
26 Any interference with the professional judgment of the
27 dispensing pharmacist by any pharmacist or pharmacy permittee,
28 or its agents or employees, shall be grounds for discipline.

29 (2) Upon receipt of a prescription transfer request,
30 if the pharmacist is satisfied in her or his professional
31 judgment that the request is valid, or if the request has been

1 validated by any electronic means, the pharmacist or pharmacy
2 must do all of the following:

3 (a) Transfer the information required by paragraph
4 (1)(d) accurately and completely.

5 (b) Record on the prescription, or by any electronic
6 means, the requesting pharmacy and pharmacist and the date of
7 request.

8 (c) Cancel the prescription on file by electronic
9 means or by recording the word "void" on the prescription
10 record. No further prescription information shall be given or
11 medication dispensed under ~~pursuant to~~ the original
12 prescription.

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

19 (4) In the case of a prescription to be transferred
20 from or to a pharmacy located in another state, it shall be
21 the responsibility of the pharmacist or pharmacy located in
22 the State of Florida to verify, whether by electronic means or
23 otherwise, that the person or entity involved in the transfer
24 is a licensed pharmacist or pharmacy in the other state.

25 (5) Electronic transfers of prescriptions are
26 permitted regardless of whether the transferor or transferee
27 pharmacy is open for business.

28 (6) The transfer of a prescription for medicinal drugs
29 listed in Schedules III, IV, and V appearing in chapter 893
30 for the purpose of refill dispensing is permissible, subject
31 to the requirements of this section and federal law.

1 Compliance with federal law shall be deemed compliance with
2 the requirements of this section.

3 (7) A community pharmacy licensed under this chapter
4 which only receives and transfers prescriptions for dispensing
5 by another pharmacy may transfer a prescription for a
6 medicinal drug listed in Schedule II under chapter 893. The
7 pharmacy receiving the prescription may ship, mail, or deliver
8 in any manner the dispensed Schedule II medicinal drug into
9 this state under the following conditions:

10 (a) The pharmacy receiving and dispensing the
11 transferred prescription maintains at all times a valid,
12 unexpired license, permit, or registration to operate the
13 pharmacy in compliance with the laws of the state in which the
14 pharmacy is located and from which the medicinal drugs are
15 dispensed;

16 (b) The community pharmacy and the receiving pharmacy
17 are owned and operated by the same person and share a
18 centralized database; and

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

21 Section 66. Present subsection (4) of section
22 465.0265, Florida Statutes, is redesignated as subsection (8),
23 and a new subsection (4) and subsections (5), (6), and (7) are
24 added to that section, to read:

25 465.0265 Centralized prescription filling.--

26 (4) A pharmacy that performs centralized prescription
27 filling services may not mail or otherwise deliver a filled
28 prescription directly to a patient or individual practitioner
29 if the prescription was filled on behalf of another. The
30 filled prescription must be transported to the originating
31 pharmacy for dispensing.

1 (5) A pharmacy that provides centralized prescription
2 filling services may prepare prescriptions on behalf of other
3 pharmacies only if it has a contractual agreement to provide
4 these services or it shares a common owner. Each pharmacy that
5 performs centralized prescription filling services shall keep
6 a list of pharmacies for which it has agreed to provide these
7 services and must verify the Drug Enforcement Administration
8 registration of any pharmacy for which it is filling
9 prescriptions before sending or receiving a prescription for a
10 controlled substance.

11 (6) Each pharmacy shall keep a list of pharmacies that
12 fill prescriptions on its behalf and verify that those
13 pharmacies are registered with the Drug Enforcement
14 Administration.

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

20 Section 67. Paragraph (a) of subsection (3) of section
21 466.007, Florida Statutes, is amended to read:

22 466.007 Examination of dental hygienists.--

23 (3) A graduate of a dental college or school shall be
24 entitled to take the examinations required in this section to
25 practice dental hygiene in this state if, in addition to the
26 requirements specified in subsection (2), the graduate meets
27 the following requirements:

28 (a) Submits the following credentials for review by
29 the board:

30 1. ~~Transcripts totaling of predental education and~~
31 ~~dental education totaling 5 academic years of postsecondary~~

1 ~~education, including~~ 4 academic years of postsecondary dental
2 education; and

3 2. A dental school diploma which is comparable to a
4 D.D.S. or D.M.D.

5
6 Such credentials shall be submitted in a manner provided by
7 rule of the board. The board shall approve those credentials
8 which comply with this paragraph and with rules of the board
9 adopted under ~~pursuant to~~ this paragraph. The provisions of
10 this paragraph notwithstanding, an applicant of a foreign
11 dental college or school not accredited in accordance with s.
12 466.006(2)(b) who cannot produce the credentials required by
13 this paragraph, as a result of political or other conditions
14 in the country in which the applicant received his or her
15 education, may seek the board's approval of his or her
16 educational background by submitting, in lieu of the
17 credentials required in this paragraph, such other reasonable
18 and reliable evidence as may be set forth by board rule. The
19 board shall not accept such other evidence until it has made a
20 reasonable attempt to obtain the credentials required by this
21 paragraph from the educational institutions the applicant is
22 alleged to have attended, unless the board is otherwise
23 satisfied that such credentials cannot be obtained.

24 Section 68. Section 466.021, Florida Statutes, is
25 amended to read:

26 466.021 Employment of unlicensed persons by dentist;
27 penalty.--Every duly licensed dentist who uses the services of
28 any unlicensed person for the purpose of constructing,
29 altering, repairing, or duplicating any denture, partial
30 denture, bridge splint, or orthodontic or prosthetic appliance
31 shall be required to furnish such unlicensed person with a

1 written work order in such form as prescribed by rule of the
2 board. This form shall be dated and signed by such dentist and
3 shall include the patient's name or number with sufficient
4 descriptive information to clearly identify the case for each
5 separate and individual piece of work. A copy of such work
6 order shall be retained in a ~~permanent~~ file in the dentist's
7 office for a period of 4 2 years, and the original work order
8 shall be retained in a ~~permanent~~ file for a period of 4 2
9 years by such unlicensed person in her or his place of
10 business. Such ~~permanent~~ file of work orders to be kept by
11 such dentist or by such unlicensed person shall be open to
12 inspection at any reasonable time by the department or its
13 duly constituted agent. Failure of the dentist to keep such
14 ~~permanent~~ records of such work orders shall subject the
15 dentist to suspension or revocation of her or his license to
16 practice dentistry. Failure of such unlicensed person to have
17 in her or his possession a work order as required by this
18 section shall be admissible evidence of a violation of this
19 chapter and shall constitute a misdemeanor of the second
20 degree, punishable as provided in s. 775.082 or s. 775.083.
21 Nothing in this section shall preclude a registered dental
22 laboratory from working for another registered dental
23 laboratory, provided that such work is performed pursuant to
24 written authorization, in a form to be prescribed by rule of
25 the board, which evidences that the originating laboratory has
26 obtained a valid work order and which sets forth the work to
27 be performed. Furthermore, ~~nothing in~~ this section does not
28 ~~shall~~ preclude a registered laboratory from providing its
29 services to dentists licensed and practicing in another state,
30 provided that such work is requested or otherwise authorized
31 in written form which clearly identifies the name and address

1 of the requesting dentist and which sets forth the work to be
2 performed.

3 Section 69. Subsection (8) of section 467.009, Florida
4 Statutes, is amended to read:

5 467.009 Midwifery programs; education and training
6 requirements.--

7 (8) Nonpublic educational institutions that conduct
8 approved midwifery programs shall be accredited by an
9 accrediting agency recognized and approved by the Council for
10 Higher Education Accreditation, the United States Department
11 of Education, or a successor organization, a member of the
12 Commission on Recognition of Postsecondary Accreditation and
13 shall be licensed by the Commission for Independent State
14 Board of Nonpublic Career Education.

15 Section 70. Section 467.013, Florida Statutes, is
16 amended to read:

17 467.013 Inactive status.--A licensee may request that
18 his or her license be placed in an inactive status by making
19 application to the department pursuant to department rule and
20 paying a fee.

21 ~~(1) An inactive license may be renewed for one~~
22 ~~additional biennium upon application to the department and~~
23 ~~payment of the applicable biennium renewal fee. The department~~
24 ~~shall establish by rule procedures and fees for applying to~~
25 ~~place a license on inactive status, renewing an inactive~~
26 ~~license, and reactivating an inactive license. The fee for any~~
27 ~~of these procedures may not exceed the biennial renewal fee~~
28 ~~established by the department.~~

29 ~~(2) Any license that is not renewed by the end of the~~
30 ~~biennium established by the department automatically reverts~~
31 ~~to involuntary inactive status unless the licensee has applied~~

1 ~~for voluntary inactive status. Such license may be reactivated~~
2 ~~only if the licensee meets the requirements for reactivating~~
3 ~~the license established by department rule.~~

4 ~~(3) A midwife who desires to reactivate an inactive~~
5 ~~license shall apply to the department, complete the~~
6 ~~reactivation application, remit the applicable fees, and~~
7 ~~submit proof of compliance with the requirements for~~
8 ~~continuing education established by department rule.~~

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

13 ~~(5) The licensee shall submit to the department~~
14 ~~evidence of participation in 10 hours of continuing education,~~
15 ~~approved by the department and clinically related to the~~
16 ~~practice of midwifery, for each year of the biennium in which~~
17 ~~the license was inactive. This requirement is in addition to~~
18 ~~submitting evidence of completing the continuing education~~
19 ~~required for the most recent biennium in which the licensee~~
20 ~~held an active license.~~

21 Section 71. Section 467.0135, Florida Statutes, is
22 amended to read:

23 467.0135 Fees.--The department shall establish fees
24 for application, ~~examination~~, initial licensure, renewal of
25 active status licensure, licensure by endorsement, inactive
26 status, delinquent status, and reactivation of an inactive
27 status license. The appropriate fee must be paid at the time
28 of application and is payable to the Department of Health, in
29 accordance with rules adopted by the department. A fee is
30 nonrefundable, unless otherwise provided by rule. A fee may
31 not exceed:

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

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

3 ~~(2)(3)~~ Five hundred dollars for renewal of an active

4 status license licensure.

5 ~~(3)(4)~~ Two hundred dollars for application, ~~which fee~~

6 ~~is nonrefundable~~.

7 ~~(4)(5)~~ Five hundred dollars for renewal ~~reactivation~~

8 of an inactive status license.

9 ~~(5)(6)~~ Five hundred dollars for licensure by

10 endorsement.

11

12 A fee for inactive status, reactivation of an inactive status

13 license, or delinquency may not exceed the fee established by

14 the department for biennial renewal of an active license. All

15 fees collected under this section shall be deposited in the

16 Medical Quality Assurance Trust Fund.

17 Section 72. Subsection (1) of section 467.017, Florida

18 Statutes, is amended to read:

19 467.017 Emergency care plan; immunity.--

20 (1) Every licensed midwife shall develop a written

21 plan for the appropriate delivery of emergency care. A copy

22 of the plan shall accompany any application for license

23 issuance and must be made available upon request of the

24 department ~~or renewal~~. The plan shall address the following:

25 (a) Consultation with other health care providers.

26 (b) Emergency transfer.

27 (c) Access to neonatal intensive care units and

28 obstetrical units or other patient care areas.

29 Section 73. Paragraph (b) of subsection (2) and

30 paragraph (b) of subsection (3) of section 468.1155, Florida

31 Statutes, are amended to read:

1 468.1155 Provisional license; requirements.--

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

5 (b) Received a master's degree or is currently
6 enrolled in a doctoral degree program with a major emphasis in
7 speech-language pathology from an institution of higher
8 learning which is, or at the time the applicant was enrolled
9 and graduated was, accredited by an accrediting agency
10 recognized by the Council for Higher Education Accreditation,
11 the United States Department of Education, or a successor
12 organization, or from an institution which is a member in good
13 standing with the Association of Universities and Colleges of
14 Canada. An applicant who graduated from or is currently
15 enrolled in a program at a university or college outside the
16 United States or Canada must present documentation of the
17 determination of equivalency to standards established by the
18 Council for Higher Education Accreditation in order to
19 qualify. The applicant must have completed 60 semester hours
20 that include:

21 1. Fundamental information applicable to the normal
22 development and use of speech, hearing, and language;
23 information about training in management of speech, hearing,
24 and language disorders; and information supplementary to these
25 fields.

26 2. Six semester hours in audiology.

27 3. Thirty of the required 60 semester hours in courses
28 acceptable toward a graduate degree by the college or
29 university in which these courses were taken, of which 24
30 semester hours must be in speech-language pathology.
31

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

4 (b) Received a master's degree or is currently
5 enrolled in a doctoral degree program with a major emphasis in
6 audiology from an institution of higher learning which is, or
7 at the time the applicant was enrolled and graduated was,
8 accredited by an accrediting agency recognized by the Council
9 for Higher Education Accreditation, the United States
10 Department of Education, or a successor organization, or from
11 an institution which is a member in good standing with the
12 Association of Universities and Colleges of Canada. An
13 applicant who graduated from or is currently enrolled in a
14 program at a university or college outside the United States
15 or Canada must present documentation of the determination of
16 equivalency to standards established by the Council for Higher
17 Education Accreditation in order to qualify. The applicant
18 must have completed 60 semester hours that include:

19 1. Fundamental information applicable to the normal
20 development and use of speech, hearing, and language;
21 information about training in management of speech, hearing,
22 and language disorders; and information supplementary to these
23 fields.

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

25 3. Thirty of the required 60 semester hours in courses
26 acceptable toward a graduate degree by the college or
27 university in which these courses were taken, of which 24
28 semester hours must be in audiology.

29 Section 74. Section 468.352, Florida Statutes, is
30 amended to read:

31 (Substantial rewording of section. See

- 1 s. 468.352, F.S., for present text.)
2 468.352 Definitions.--As used in this part, the term:
3 (1) "Board" means the Board of Respiratory Care.
4 (2) "Certified respiratory therapist" means any person
5 licensed pursuant to this part who is certified by the
6 National Board for Respiratory Care or its successor; who is
7 employed to deliver respiratory care services, under the order
8 of a physician licensed under chapter 458 or chapter 459, in
9 accordance with protocols established by a hospital or other
10 health care provider or the board; and who functions in
11 situations of unsupervised patient contact requiring
12 individual judgment.
13 (3) "Critical care" means care given to a patient in
14 any setting involving a life-threatening emergency.
15 (4) "Department" means the Department of Health.
16 (5) "Direct supervision" means practicing under the
17 direction of a licensed, registered, or certified respiratory
18 therapist who is physically on the premises and readily
19 available, as defined by the board.
20 (6) "Physician supervision" means supervision and
21 control by a physician licensed under chapter 458 or chapter
22 459 who assumes the legal liability for the services rendered
23 by the personnel employed in his or her office. Except in the
24 case of an emergency, physician supervision requires the easy
25 availability of the physician within the office or the
26 physical presence of the physician for consultation and
27 direction of the actions of the persons who deliver
28 respiratory care services.
29 (7) "Practice of respiratory care" or "respiratory
30 therapy" means the allied health specialty associated with the
31 cardiopulmonary system that is practiced under the orders of a

1 physician licensed under chapter 458 or chapter 459 and in
2 accordance with protocols, policies, and procedures
3 established by a hospital or other health care provider or the
4 board, including the assessment, diagnostic evaluation,
5 treatment, management, control, rehabilitation, education, and
6 care of patients in all care settings.

7 (8) "Registered respiratory therapist" means any
8 person licensed under this part who is registered by the
9 National Board for Respiratory Care or its successor, and who
10 is employed to deliver respiratory care services under the
11 order of a physician licensed under chapter 458 or chapter
12 459, in accordance with protocols established by a hospital or
13 other health care provider or the board, and who functions in
14 situations of unsupervised patient contact requiring
15 individual judgment.

16 (9) "Respiratory care practitioner" means any person
17 licensed under this part who is employed to deliver
18 respiratory care services, under direct supervision, pursuant
19 to the order of a physician licensed under chapter 458 or
20 chapter 459.

21 (10) "Respiratory care services" includes:

22 (a) Evaluation and disease management.

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

25 (c) Administration of drugs, as duly ordered or
26 prescribed by a physician licensed under chapter 458 or
27 chapter 459 and in accordance with protocols, policies, and
28 procedures established by a hospital or other health care
29 provider or the board.

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

1 (e) Diagnostic procedures, research, and therapeutic
2 treatment and procedures, including measurement of ventilatory
3 volumes, pressures, and flows; specimen collection and
4 analysis of blood for gas transport and acid/base
5 determinations; pulmonary-function testing; and other related
6 physiological monitoring of cardiopulmonary systems.

7 (f) Cardiopulmonary rehabilitation.

8 (g) Cardiopulmonary resuscitation, advanced cardiac
9 life support, neonatal resuscitation, and pediatric advanced
10 life support, or equivalent functions.

11 (h) Insertion and maintenance of artificial airways
12 and intravascular catheters.

13 (i) Education of patients, families, the public, or
14 other health care providers, including disease process and
15 management programs and smoking prevention and cessation
16 programs.

17 (j) Initiation and management of hyperbaric oxygen.

18 Section 75. Section 468.355, Florida Statutes, is
19 amended to read:

20 (Substantial rewording of section. See

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

22 468.355 Licensure requirements.--To be eligible for
23 licensure by the board, an applicant must be an active
24 "Certified Respiratory Therapist" or an active "Registered
25 Respiratory Therapist" as designated by the National Board for
26 Respiratory Care, or its successor.

27 Section 76. Section 468.368, Florida Statutes, is
28 amended to read:

29 (Substantial rewording of section. See

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

31

1 468.368 Exemptions.--This part may not be construed to
2 prevent or restrict the practice, service, or activities of:

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

6 (2) Any legally qualified person in the state or
7 another state or territory who is employed by the United
8 States Government or any agency thereof while such person is
9 discharging his or her official duties.

10 (3) A friend or family member who is providing
11 respiratory care services to an ill person and who does not
12 represent himself or herself to be a respiratory care
13 practitioner or respiratory therapist.

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

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

22 (6) Any individual certified or registered as a
23 pulmonary function technologist who is credentialed by the
24 National Board for Respiratory Care for performing
25 cardiopulmonary diagnostic studies.

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

30 (8) The delivery of incidental respiratory care to
31 noninstitutionalized persons by surrogate family members who

1 do not represent themselves as registered or certified
2 respiratory care therapists.

3 (9) Any individual credentialed by the Underseas
4 Hyperbaric Society in hyperbaric medicine or its equivalent as
5 determined by the board, while performing related duties. This
6 subsection does not, however, authorize the practice of
7 respiratory care without a license.

8 Section 77. Effective January 1, 2005, sections
9 468.356 and 468.357, Florida Statutes, are repealed.

10 Section 78. Subsection (2) of section 468.509, Florida
11 Statutes, is amended to read:

12 468.509 Dietitian/nutritionist; requirements for
13 licensure.--

14 (2) The agency shall examine any applicant who the
15 board certifies has completed the application form and
16 remitted the application and examination fees specified in s.
17 468.508 and who:

18 (a)1. Possesses a baccalaureate or postbaccalaureate
19 degree with a major course of study in human nutrition, food
20 and nutrition, dietetics, or food management, or an equivalent
21 major course of study, from a school or program accredited, at
22 the time of the applicant's graduation, by the appropriate
23 accrediting agency recognized by the Council for Higher
24 Education Commission on Recognition of Postsecondary
25 Accreditation, or ~~and~~ the United States Department of
26 Education, or a successor organization; and

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

30 (b)1. Has an academic degree, from a foreign country,
31 that has been validated by an accrediting agency approved by

1 the United States Department of Education as equivalent to the
 2 baccalaureate or postbaccalaureate degree conferred by a
 3 regionally accredited college or university in the United
 4 States;

5 2. Has completed a major course of study in human
 6 nutrition, food and nutrition, dietetics, or food management;
 7 and

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

11 Section 79. Section 468.707, Florida Statutes, is
 12 amended to read:

13 468.707 Licensure by examination; requirements.--

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

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

19 ~~(a)1.~~ Has completed the application form and remitted
 20 the required fees.

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

22 ~~(c)3.~~ Has obtained a baccalaureate degree from a
 23 college or university accredited by an accrediting agency
 24 recognized and approved by the United States Department of
 25 Education, ~~or the Council for Higher Education Commission on~~
 26 ~~Recognition of Postsecondary~~ Accreditation, or a successor
 27 organization, or approved by the board.

28 ~~(d)4.~~ Has completed coursework from a college or
 29 university accredited by an accrediting agency recognized and
 30 approved by the United States Department of Education, ~~or the~~
 31 Council for Higher Education Commission on Recognition of

1 ~~Postsecondary~~ Accreditation, or a successor organization, or
2 approved by the board, in each of the following areas, as
3 provided by rule: health, human anatomy,
4 kinesiology/biomechanics, human physiology, physiology of
5 exercise, basic athletic training, and advanced athletic
6 training.

7 ~~(e)5-~~ Has current certification in standard first aid
8 and cardiovascular pulmonary resuscitation from the American
9 Red Cross or an equivalent certification as determined by the
10 board.

11 ~~(f)6-~~ Has, within 2 of the preceding 5 years, attained
12 a minimum of 800 hours of athletic training experience under
13 the direct supervision of a licensed athletic trainer or an
14 athletic trainer certified by the National Athletic Trainers'
15 Association or a comparable national athletic standards
16 organization.

17 ~~(g)7-~~ Has passed an examination administered or
18 approved by the board.

19 ~~(2)(b)~~ The department shall also license each
20 applicant who:

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

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

24 ~~(c)3-~~ Has current certification in standard first aid
25 and cardiovascular pulmonary resuscitation from the American
26 Red Cross or an equivalent certification as determined by the
27 board.

28 ~~(d)1.4.a-~~ Has practiced athletic training for at least
29 3 of the 5 years preceding application; or
30
31

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

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

8 Section 80. Section 480.041, Florida Statutes, is
9 amended to read:

10 480.041 Massage therapists; qualifications; licensure;
11 endorsement.--

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

14 (a) Has completed an application form and submitted
15 the appropriate fee to the department, is at least 18 years of
16 age, ~~or~~ has received a high school diploma or graduate
17 equivalency diploma, and demonstrates good moral character;

18 (b) Has completed a course of study at a
19 board-approved massage school or has completed an
20 apprenticeship program that meets standards adopted by the
21 board; and

22 (c) Has received a passing grade on a board-approved
23 national ~~an~~ examination certified ~~administered~~ by the
24 department.

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

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

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

5 ~~(3)(4)~~ The board shall adopt rules:

6 (a) Establishing a minimum training program for
7 apprentices.

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

11 (c) Specifying licensing procedures for practitioners
12 desiring to be licensed in this state who hold an active
13 license and have practiced in any other state, territory, or
14 jurisdiction of the United States or any foreign national
15 jurisdiction which has licensing standards substantially
16 similar to, equivalent to, or more stringent than the
17 standards of this state.

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

23 Section 81. Subsection (9) of section 486.021, Florida
24 Statutes, is amended to read:

25 486.021 Definitions.--In this chapter, unless the
26 context otherwise requires, the term:

27 (9) "Direct supervision" means supervision by a
28 physical therapist who is licensed pursuant to this chapter.
29 Except in a case of emergency, direct supervision requires the
30 physical presence of the licensed physical therapist for
31 consultation and direction of the actions of a physical

1 therapist or physical therapist assistant ~~who is practicing~~
2 ~~under a temporary permit and who is a candidate for licensure~~
3 ~~by examination.~~

4 Section 82. Section 486.031, Florida Statutes, is
5 amended to read:

6 486.031 Physical therapist; licensing
7 requirements.--To be eligible for licensing as a physical
8 therapist, 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 of physical
12 therapy which has been approved for the educational
13 preparation of physical therapists by an ~~the appropriate~~
14 accrediting agency recognized by the Council for Higher
15 Education Commission on Recognition of Postsecondary
16 Accreditation or the United States Department of Education, or
17 a successor organization, at the time of her or his graduation
18 and have passed, to the satisfaction of the board, the
19 American Registry Examination prior to 1971 or a national
20 examination approved by the board to determine her or his
21 fitness for practice as a physical therapist as hereinafter
22 provided;

23 (b) Have received a diploma from a program in physical
24 therapy in a foreign country and have educational credentials
25 deemed equivalent to those required for the educational
26 preparation of physical therapists in this country, as
27 recognized by the appropriate agency as identified by the
28 board, and have passed to the satisfaction of the board an
29 examination to determine her or his fitness for practice as a
30 physical therapist as hereinafter provided; or

31

1 (c) Be entitled to licensure without examination as
2 provided in s. 486.081.

3 Section 83. Section 486.051, Florida Statutes, is
4 amended to read:

5 486.051 Physical therapist; examination of
6 applicant.--The examinations of an applicant for licensing as
7 a physical therapist shall be in accordance with rules adopted
8 by the board, to test the applicant's qualifications and shall
9 include the taking of tests ~~a test~~ by the applicant. If an
10 applicant fails to pass the examination in three attempts, the
11 applicant ~~shall not be eligible for reexamination unless she~~
12 ~~or he completes additional educational or training~~
13 ~~requirements prescribed by the board. An applicant who has~~
14 ~~completed the additional educational or training requirements~~
15 ~~prescribed by the board may take the examination on two more~~
16 ~~occasions. If the applicant has failed to pass the~~
17 ~~examination after five attempts, she or he is no longer~~
18 eligible to take the examination.

19 Section 84. Section 486.081, Florida Statutes, is
20 amended to read:

21 486.081 Physical therapist; issuance of license by
22 endorsement without examination to a person licensed in
23 another jurisdiction ~~passing examination of another authorized~~
24 ~~examining board; fee.--~~

25 (1) The board may cause a license to be issued through
26 the department by endorsement without examination to any
27 applicant who presents evidence satisfactory to the board,
28 under oath, of having passed the American Registry Examination
29 prior to 1971 or of licensure in another jurisdiction ~~an~~
30 ~~examination in physical therapy before a similar lawfully~~
31 ~~authorized examining board of another state, the District of~~

1 ~~Columbia, a territory, or a foreign country~~, if the standards
 2 for licensure in physical therapy in such other jurisdiction
 3 ~~state, district, territory, or foreign country~~ are determined
 4 by the board to be as high as those of this state, as
 5 established by rules adopted pursuant to this chapter. Any
 6 person who holds a license pursuant to this section may use
 7 the words "physical therapist" or "physiotherapist," or the
 8 letters "P.T.," in connection with her or his name or place of
 9 business to denote her or his licensure hereunder.

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

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

20 Section 85. Section 486.102, Florida Statutes, is
 21 amended to read:

22 486.102 Physical therapist assistant; licensing
 23 requirements.--To be eligible for licensing by the board as a
 24 physical therapist assistant, 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 giving a
 28 course of not less than 2 years for physical therapist
 29 assistants, which has been approved for the educational
 30 preparation of physical therapist assistants by the
 31 ~~appropriate accrediting~~ agency recognized by the Council for

1 ~~Higher Education Commission on Recognition of Postsecondary~~
2 Accreditation or the United States Department of Education, or
3 a successor organization, or which is approved by the board,
4 at the time of the applicant's ~~her or his~~ graduation. An
5 applicant must ~~and~~ have passed to the satisfaction of the
6 board an examination to determine the applicant's eligibility
7 for licensure to ~~her or his fitness for~~ practice as a physical
8 therapist assistant as hereinafter provided;

9 (b) Be a graduate of a physical therapy assistant
10 program ~~Have been graduated from a school giving a course for~~
11 ~~physical therapist assistants~~ in a foreign country and have
12 educational credentials deemed equivalent to those required
13 for the educational preparation of physical therapist
14 assistants in this country, as recognized by the appropriate
15 agency as identified by the board, and passed to the
16 satisfaction of the board an examination to determine the
17 applicant's eligibility for licensure to ~~her or his fitness~~
18 ~~for~~ practice as a physical therapist assistant as hereinafter
19 provided; or

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

22 Section 86. Section 486.104, Florida Statutes, is
23 amended to read:

24 486.104 Physical therapist assistant; examination of
25 applicant.--The examination of an applicant for licensing as a
26 physical therapist assistant shall be in accordance with rules
27 adopted by the board, to test the applicant's qualifications
28 and shall include the taking of tests ~~a test~~ by the applicant.
29 If an applicant fails to pass the examination in three
30 attempts, the applicant ~~shall not be eligible for~~
31 ~~reexamination unless she or he completes additional~~

1 ~~educational or training requirements prescribed by the board.~~
2 ~~An applicant who has completed the additional educational or~~
3 ~~training requirements prescribed by the board may take the~~
4 ~~examination on two more occasions. If the applicant has~~
5 ~~failed to pass the examination after five attempts, she or he~~
6 is no longer eligible to take the examination.

7 Section 87. Section 486.107, Florida Statutes, is
8 amended to read:

9 486.107 Physical therapist assistant; issuance of
10 license by endorsement ~~without examination~~ to person licensed
11 in another jurisdiction; fee.--

12 (1) The board may cause a license to be issued through
13 the department by endorsement ~~without examination~~ to any
14 applicant who presents evidence to the board, under oath, of
15 licensure in another jurisdiction ~~state, the District of~~
16 ~~Columbia, or a territory~~, if the standards for registering as
17 a physical therapist assistant or licensing of a physical
18 therapist assistant, as the case may be, in such other
19 jurisdiction ~~state~~ are determined by the board to be as high
20 as those of this state, as established by rules adopted
21 pursuant to this chapter. Any person who holds a license
22 pursuant to this section may use the words "physical therapist
23 assistant," or the letters "P.T.A.," in connection with her or
24 his name to denote licensure hereunder.

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

30 (3) An applicant seeking reentry into the profession
31 who has not been in active practice within the last 3 years

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

4 Section 88. Subsection (2) of section 486.109, Florida
5 Statutes, is amended to read:

6 486.109 Continuing education.--

7 (2) The board shall accept ~~approve~~ only those courses
8 sponsored by a college or university which provides a
9 curriculum for professional education of ~~training~~ physical
10 therapists or physical therapist assistants which is
11 accredited by, or has status with an accrediting agency
12 approved by, the United States Department of Education as
13 determined by board rule, or courses sponsored or approved by
14 the Florida Physical Therapy Association or the American
15 Physical Therapy Association.

16 Section 89. Subsection (2) of section 486.161, Florida
17 Statutes, is amended to read:

18 486.161 Exemptions.--

19 (2) No provision of this chapter shall be construed to
20 prohibit:

21 (a) Any student who is enrolled in a school or course
22 of physical therapy approved by the board from performing such
23 acts of physical therapy as are incidental to her or his
24 course of study. ~~;~~ ~~or~~

25 (b) Any physical therapist from another state from
26 performing physical therapy incidental to a course of study
27 when taking or giving a postgraduate course or other course of
28 study in this state, provided such physical therapist is
29 licensed in another jurisdiction or holds an appointment on
30 the faculty of a school approved for training physical
31 therapists or physical therapist assistants.

1 (c) Any physical therapist who is licensed in another
2 jurisdiction of the United States or credentialed in another
3 country from performing physical therapy if that person, by
4 contract or employment, is providing physical therapy to
5 individuals affiliated with or employed by an established
6 athletic team, athletic organization, or performing arts
7 company temporarily practicing, competing, or performing in
8 this state for not more than 60 days in a calendar year.

9 Section 90. Section 486.172, Florida Statutes, is
10 amended to read:

11 486.172 Application of s. 456.021.--The provisions of
12 s. 456.021, relating to the qualification of immigrants for
13 examination to practice a licensed profession or occupation,
14 shall also be applicable to the provisions of this chapter.

15 Section 91. Paragraph (b) of subsection (2) of section
16 490.005, Florida Statutes, is amended to read:

17 490.005 Licensure by examination.--

18 (2) Any person desiring to be licensed as a school
19 psychologist shall apply to the department to take the
20 licensure examination. The department shall license each
21 applicant who the department certifies has:

22 (b) Submitted satisfactory proof to the department
23 that the applicant:

24 1. Has received a doctorate, specialist, or equivalent
25 degree from a program primarily psychological in nature and
26 has completed 60 semester hours or 90 quarter hours of
27 graduate study, in areas related to school psychology as
28 defined by rule of the department, from a college or
29 university which at the time the applicant was enrolled and
30 graduated was accredited by an accrediting agency recognized
31 and approved by the Council for Higher Education

1 Accreditation, the United States Department of Education, or a
2 successor organization, Commission on Recognition of
3 ~~Postsecondary Accreditation~~ or from an institution that ~~which~~
4 is publicly recognized as a member in good standing with the
5 Association of Universities and Colleges of Canada.

6 2. Has had a minimum of 3 years of experience in
7 school psychology, 2 years of which must be supervised by an
8 individual who is a licensed school psychologist or who has
9 otherwise qualified as a school psychologist supervisor, by
10 education and experience, as set forth by rule of the
11 department. A doctoral internship may be applied toward the
12 supervision requirement.

13 3. Has passed an examination provided by the
14 department.

15 Section 92. Paragraph (a) of subsection (2) of section
16 490.014, Florida Statutes, is amended to read:

17 490.014 Exemptions.--

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

20 (a) Is a salaried employee of a government agency or
21 of a private provider contracting with the governmental agency
22 for the performance of the same essential services previously
23 provided by the governmental agency; developmental services
24 program, mental health, alcohol, or drug abuse facility
25 operating pursuant to chapter 393, chapter 394, or chapter
26 397; subsidized child care program, subsidized child care case
27 management program, or child care resource and referral
28 program operating pursuant to chapter 402; child-placing or
29 child-caring agency licensed pursuant to chapter 409; domestic
30 violence center certified pursuant to chapter 39; accredited
31 academic institution; or research institution, if such

1 employee is performing duties for which he or she was trained
2 and hired solely within the confines of such agency, facility,
3 or institution, so long as the employee is not held out to the
4 public as a psychologist pursuant to s. 490.012(1)(a).

5 Section 93. Subsections (1), (3), and (4) of section
6 491.005, Florida Statutes, are amended to read:

7 491.005 Licensure by examination.--

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

16 (a) Has made application therefor and paid the
17 appropriate fee.

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

25 a. Was accredited by the Council on Social Work
26 Education;

27 b. Was accredited by the Canadian Association of
28 Schools of Social Work; or

29 c. Has been determined to have been a program
30 equivalent to programs approved by the Council on Social Work
31 Education by the Foreign Equivalency Determination Service of

1 the Council on Social Work Education. An applicant who
2 graduated from a program at a university or college outside of
3 the United States or Canada must present documentation of the
4 equivalency determination from the council in order to
5 qualify.

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

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

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

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

28 (c) Has had not less than 2 years of clinical social
29 work experience, which took place subsequent to completion of
30 a graduate degree in social work at an institution meeting the
31 accreditation requirements of this section, under the

1 supervision of a licensed clinical social worker or the
2 equivalent who is a qualified supervisor as determined by the
3 board. An individual who intends to practice in Florida to
4 satisfy clinical experience requirements must register
5 pursuant to s. 491.0045 prior to commencing practice. If the
6 applicant's graduate program was not a program which
7 emphasized direct clinical patient or client health care
8 services as described in subparagraph (b)2., the supervised
9 experience requirement must take place after the applicant has
10 completed a minimum of 15 semester hours or 22 quarter hours
11 of the coursework required. A doctoral internship may be
12 applied toward the clinical social work experience
13 requirement. The clinical experience requirement may be met by
14 work performed on or off the premises of the supervising
15 clinical social worker, or the equivalent, if all work is
16 performed under the direct supervision of ~~provided the~~
17 ~~off premises work is not the independent private practice~~
18 ~~rendering of clinical social work that does not have a~~
19 licensed mental health professional, as determined by the
20 board, ~~on the premises at the same time the intern is~~
21 ~~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 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification of
4 documentation and payment of a fee not to exceed \$200, as set
5 by board rule, plus the actual cost to the department for the
6 purchase of the examination from the Association of Marital
7 and Family Therapy Regulatory Board, or similar national
8 organization, the department shall issue a license as a
9 marriage and family therapist to an applicant who the board
10 certifies:

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

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

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

31

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

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

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

1 Accreditation for Marriage and Family Therapy Education
2 recognized by the United States Department of Education.
3 Certification shall be required from an official of such
4 college, university, or training institution.

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

10

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

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

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

1 | determined by the board, and at least 6 semester hours or 9
2 | quarter hours of the course credits must have been completed
3 | in the area of marriage and family systems, theories, or
4 | techniques. Within the 3 years of required experience, the
5 | applicant shall provide direct individual, group, or family
6 | therapy and counseling, to include the following categories of
7 | cases: unmarried dyads, married couples, separating and
8 | divorcing couples, and family groups including children. A
9 | doctoral internship may be applied toward the clinical
10 | experience requirement. The clinical experience requirement
11 | may be met by work performed on or off the premises of the
12 | supervising marriage and family therapist, or the equivalent,
13 | if all work is performed under the direct supervision of
14 | ~~provided the off premises work is not the independent private~~
15 | ~~practice rendering of marriage and family therapy services~~
16 | ~~that does not have a licensed mental health professional, as~~
17 | ~~determined by the board, on the premises at the same time the~~
18 | ~~intern is 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) For the purposes of dual licensure, the department
28 | shall license as a marriage and family therapist any person
29 | who meets the requirements of s. 491.0057. Fees for dual
30 | licensure shall not exceed those stated in this subsection.
31 |

1 ~~(g)~~ Has satisfied all requirements for coursework in
2 this section by successfully completing the required course as
3 a student or by teaching the required graduate course as an
4 instructor or professor in an accredited institution.

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

14 (a) Has made application therefor and paid the
15 appropriate fee.

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

28 a. Thirty-three semester hours or 44 quarter hours of
29 graduate coursework, which must include a minimum of 3
30 semester hours or 4 quarter hours of graduate-level coursework
31 in each of the following 11 content areas: counseling theories

1 and practice; human growth and development; diagnosis and
2 treatment of psychopathology; human sexuality; group theories
3 and practice; individual evaluation and assessment; career and
4 lifestyle assessment; research and program evaluation; social
5 and cultural foundations; counseling in community settings;
6 and substance abuse. Courses in research, thesis or
7 dissertation work, practicums, internships, or fieldwork may
8 not be applied toward this requirement.

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

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

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

31

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

30 (c) Has had not less than 2 years of clinical
31 experience in mental health counseling, which must be at the

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

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

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

1 (f) Has satisfied all requirements for coursework in
2 this section by successfully completing the required course as
3 a student or by teaching the required graduate course as an
4 instructor or professor in an accredited institution.

5 Section 94. Paragraph (b) of subsection (1) of section
6 491.006, Florida Statutes, is amended to read:

7 491.006 Licensure or certification by endorsement.--

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

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

16 2. Meets the education requirements of this chapter
17 for the profession for which licensure is applied.

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

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

28
29 An applicant for licensure by endorsement as a mental health
30 counselor who has completed the two years of post-master's
31 clinical experience prior to completing the required course in

1 psychopathology or abnormal psychology and who has been
2 licensed in another state for 5 of the last 6 years without
3 being subject to disciplinary action, may be licensed by the
4 board upon successful completion of the required course in
5 psychopathology or abnormal psychology.

6 Section 95. Subsection (2) of section 491.009, Florida
7 Statutes, is amended to read:

8 491.009 Discipline.--

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

16 Section 96. Paragraph (a) of subsection (4) of section
17 491.014, Florida Statutes, is amended to read:

18 491.014 Exemptions.--

19 (4) No person shall be required to be licensed,
20 provisionally licensed, registered, or certified under this
21 chapter who:

22 (a) Is a salaried employee of a government agency or
23 of a private provider contracting with a governmental agency
24 for the performance of the same essential services previously
25 provided by the governmental agency; developmental services
26 program, mental health, alcohol, or drug abuse facility
27 operating pursuant to chapter 393, chapter 394, or chapter
28 397; subsidized child care program, subsidized child care case
29 management program, or child care resource and referral
30 program operating pursuant to chapter 402; child-placing or
31 child-caring agency licensed pursuant to chapter 409; domestic

1 | violence center certified pursuant to chapter 39; accredited
2 | academic institution; or research institution, if such
3 | employee is performing duties for which he or she was trained
4 | and hired solely within the confines of such agency, facility,
5 | or institution, so long as the employee is not held out to the
6 | public as a clinical social worker, mental health counselor,
7 | or marriage and family therapist.

8 | Section 97. Section 491.0145, Florida Statutes, is
9 | amended to read:

10 | 491.0145 Certified master social worker.--~~The~~
11 | department may not adopt any rules that would cause any person
12 | who was not licensed as a certified master social worker in
13 | accordance with this chapter on January 1, 1990, to become
14 | licensed. The department may certify an applicant for a
15 | designation as a certified master social worker upon the
16 | following conditions:

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

23 | (2) The applicant submits proof satisfactory to the
24 | department that the applicant has received a doctoral degree
25 | in social work, or a master's degree with a major emphasis or
26 | specialty in clinical practice or administration, including,
27 | but not limited to, agency administration and supervision,
28 | program planning and evaluation, staff development, research,
29 | community organization, community services, social planning,
30 | and human service advocacy. Doctoral degrees must have been
31 | received from a graduate school of social work which at the

1 | time the applicant was enrolled and graduated was accredited
2 | by an accrediting agency approved by the United States
3 | Department of Education. Master's degrees must have been
4 | received from a graduate school of social work which at the
5 | time the applicant was enrolled and graduated was accredited
6 | by the Council on Social Work Education or the Canadian
7 | Association of Schools of Social Work or by one that meets
8 | comparable standards.

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

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

27 | (5) The applicant has passed an examination required
28 | by the department for this purpose. The nonrefundable fee for
29 | such examination may not exceed \$250 as set by department
30 | rule.
31 |

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

4 Section 98. Section 491.0146, Florida Statutes, is
5 created to read:

6 491.0146 Saving clause.--All licenses to practice as a
7 certified master social worker issued under this chapter and
8 valid on October 1, 2002, shall remain in full force and
9 effect.

10 Section 99. Subsection (3) of section 491.0147,
11 Florida Statutes, is amended to read:

12 491.0147 Confidentiality and privileged
13 communications.--Any communication between any person licensed
14 or certified under this chapter and her or his patient or
15 client shall be confidential. This secrecy may be waived
16 under the following conditions:

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

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

27 Section 100. Paragraph (b) of subsection (4) of
28 section 766.314, Florida Statutes, is amended to read:

29 766.314 Assessments; plan of operation.--
30
31

1 (4) The following persons and entities shall pay into
2 the association an initial assessment in accordance with the
3 plan of operation:

4 (b)1. On or before October 15, 1988, all physicians
5 licensed pursuant to chapter 458 or chapter 459 as of October
6 1, 1988, other than participating physicians, shall be
7 assessed an initial assessment of \$250, which must be paid no
8 later than December 1, 1988.

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

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

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

18 a. A resident physician, assistant resident physician,
19 or intern in an approved postgraduate training program, as
20 defined by the Board of Medicine or the Board of Osteopathic
21 Medicine by rule;

22 b. A retired physician who has withdrawn from the
23 practice of medicine but who maintains an active license as
24 evidenced by an affidavit filed with the Department of Health.
25 Prior to reentering the practice of medicine in this state, a
26 retired physician as herein defined must notify the Board of
27 Medicine or the Board of Osteopathic Medicine and pay the
28 appropriate assessments pursuant to this section;

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

1 d. A physician who is employed full time by the United
2 States Department of Veterans Affairs and whose practice is
3 confined to United States Department of Veterans Affairs
4 hospitals; or

5 e. A physician who is a member of the Armed Forces of
6 the United States and who meets the requirements of s.
7 456.024.

8 f. A physician who is employed full time by the State
9 of Florida and whose practice is confined to state-owned
10 correctional institutions, a county health department, or
11 state-owned mental health or developmental services
12 facilities, or who is employed full time by the Department of
13 Health.

14 Section 101. Paragraph (a) of subsection (2) of
15 section 817.505, Florida Statutes, is amended to read:

16 817.505 Patient brokering prohibited; exceptions;
17 penalties.--

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

19 (a) "Health care provider or health care facility"
20 means any person or entity licensed, certified, or registered
21 with the Department of Health or the Agency for Health Care
22 Administration; any person or entity that has contracted with
23 the Agency for Health Care Administration to provide goods or
24 services to Medicaid recipients as provided under s. 409.907;
25 a county health department established under part I of chapter
26 154; any community service provider contracting with the
27 Department of Children and Family Services to furnish alcohol,
28 drug abuse, or mental health services under part IV of chapter
29 394; any substance abuse service provider licensed under
30 chapter 397; or any federally supported primary care program
31 such as a migrant or community health center authorized under

1 ss. 329 and 330 of the United States Public Health Services
2 Act.

3 Section 102. Subsection (1) of section 817.567,
4 Florida Statutes, is amended to read:

5 817.567 Making false claims of academic degree or
6 title.--

7 (1) No person in the state may claim, either orally or
8 in writing, to possess an academic degree, as defined in s.
9 1005.02, or the title associated with said degree, unless the
10 person has, in fact, been awarded said degree from an
11 institution that is:

12 (a) Accredited by a regional or professional
13 accrediting agency recognized by the United States Department
14 of Education, ~~or the Council for Higher Education Commission~~
15 ~~on Recognition of Postsecondary Accreditation, or a successor~~
16 organization;

17 (b) Provided, operated, and supported by a state
18 government or any of its political subdivisions or by the
19 Federal Government;

20 (c) A school, institute, college, or university
21 chartered outside the United States, the academic degree from
22 which has been validated by an accrediting agency approved by
23 the United States Department of Education as equivalent to the
24 baccalaureate or postbaccalaureate degree conferred by a
25 regionally accredited college or university in the United
26 States;

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

30 (e) A religious seminary, institute, college, or
31 university which offers only educational programs that prepare

1 students for a religious vocation, career, occupation,
2 profession, or lifework, and the nomenclature of whose
3 certificates, diplomas, or degrees clearly identifies the
4 religious character of the educational program.

5 Section 103. Subsection (13) of section 1009.992,
6 Florida Statutes, is amended to read:

7 1009.992 Definitions.--As used in this act:

8 (13) "Institution" means any college or university
9 which, by virtue of law or charter, is accredited by and holds
10 membership in the Council for Higher Education Commission on
11 Recognition of Postsecondary Accreditation or a successor
12 organization; which grants baccalaureate or associate degrees;
13 which is not a pervasively sectarian institution; and which
14 does not discriminate in the admission of students on the
15 basis of race, color, religion, sex, or creed.

16 Section 104. Subsection (2) of section 468.711,
17 Florida Statutes, is amended to read:

18 468.711 Renewal of license; continuing education.--

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

25 Section 105. Section 468.723, Florida Statutes, is
26 amended to read:

27 468.723 Exemptions.--Nothing in this part shall be
28 construed as preventing or restricting:

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

31

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

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

6 (3)~~(4)~~ A person from administering standard first aid
7 treatment to an athlete.

8 (4)~~(5)~~ A person licensed under chapter 548, provided
9 such person is acting within the scope of such license.

10 (5)~~(6)~~ A person providing personal training
11 instruction for exercise, aerobics, or weightlifting, if the
12 person does not represent himself or herself as able to
13 provide "athletic trainer" services and if any recognition or
14 treatment of injuries is limited to the provision of first
15 aid.

16 Section 106. Section 1012.46, Florida Statutes, is
17 amended to read:

18 1012.46 Athletic trainers.--

19 (1) School districts may establish and implement an
20 athletic injuries prevention and treatment program. Central to
21 this program should be the employment and availability of
22 persons trained in the prevention and treatment of physical
23 injuries which may occur during athletic activities. The
24 program should reflect opportunities for progressive
25 advancement and compensation in employment as provided in
26 subsection (2) and meet certain other minimum standards
27 developed by the Department of Education. The goal of the
28 Legislature is to have school districts employ and have
29 available a full-time ~~teacher~~ athletic trainer in each high
30 school in the state.

31

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

4 (a) First responder.--To qualify as a first responder,
5 a person must possess a professional, temporary, part-time,
6 adjunct, or substitute certificate pursuant to s. 1012.56, be
7 certified in cardiopulmonary resuscitation, first aid, and
8 have 15 semester hours in courses such as care and prevention
9 of athletic injuries, anatomy, physiology, nutrition,
10 counseling, and other similar courses approved by the
11 Commissioner of Education. This person may only administer
12 first aid and similar care and may not hold himself or herself
13 out to the school district or public as an athletic trainer
14 pursuant to part XIII of chapter 468.

15 (b) ~~Teacher~~ Athletic trainer.--To qualify as an a
16 ~~teacher~~ athletic trainer, a person must be licensed as
17 required by part XIII of chapter 468 and may be used by the
18 school district as possess a professional, temporary,
19 part-time, adjunct, or substitute teacher provided such person
20 holds a certificate pursuant to s. 1012.35, s. 1012.56 or s.
21 1012.57, ~~and be licensed as required by part XIII of chapter~~
22 ~~468.~~

23 Section 107. Reactivation of license for clinical
24 research purposes.--

25 (1) Any person who was licensed to practice medicine
26 in this state, who left the practice of medicine for purposes
27 of retirement, and who, at the time of retirement, was in good
28 standing with the Board of Medicine may apply to have his or
29 her license reinstated, without examination, solely for the
30 purpose of providing medical services to patients in a
31 clinical research setting. Such person must not have been out

1 of the practice of medicine for more than 15 years at the time
2 he or she applies for reactivation under this section.

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

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

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

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

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

15 Section 108. Subsection (1) of section 466.0135,
16 Florida Statutes, is amended to read:

17 466.0135 Continuing education; dentists.--

18 (1) In addition to the other requirements for renewal
19 set out in this chapter, each licensed dentist shall be
20 required to complete biennially not less than 30 hours of
21 continuing professional education in dental subjects. Programs
22 of continuing education shall be programs of learning that
23 contribute directly to the dental education of the dentist and
24 may include, but shall not be limited to, attendance at
25 lectures, study clubs, college postgraduate courses, or
26 scientific sessions of conventions; and research, graduate
27 study, teaching, or service as a clinician. Programs of
28 continuing education shall be acceptable when adhering to the
29 following general guidelines:

30
31

1 (a) The aim of continuing education for dentists is to
2 improve all phases of dental health care delivery to the
3 public.

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

7 1. Basic medical and scientific subjects, including,
8 but not limited to, biology, physiology, pathology,
9 biochemistry, and pharmacology;

10 2. Clinical and technological subjects, including, but
11 not limited to, clinical techniques and procedures, materials,
12 and equipment; and

13 3. Subjects pertinent to oral health and safety.

14 (c) In addition to courses described under paragraph
15 (b), the board may authorize up to 2 hours' credit for a
16 course on practice management which includes, but is not
17 limited to, principles of ethical practice management,
18 provider substance abuse, effective communications with
19 patients, time management, and burnout prevention.

20 ~~(d)(e)~~ Continuing education credits shall be earned at
21 the rate of one-half credit hour per 25-30 contact minutes of
22 instruction and one credit hour per 50-60 contact minutes of
23 instruction.

24 Section 109. Subsection (5) is added to section
25 480.034, Florida Statutes, to read:

26 480.034 Exemptions.--

27 (5) The establishment licensure requirements of this
28 act do not apply to massage therapists licensed under this
29 chapter or to the office of a health care practitioner
30 licensed under chapter 457, chapter 458, chapter 459, chapter
31 460, chapter 461, chapter 466, or chapter 486, if massage

1 therapy provided by a massage therapist at the office is only
2 provided to the patients of the health care practitioner.

3 Section 110. Paragraph (h) is added to subsection (3)
4 of section 400.9905, Florida Statutes, to read:

5 400.9905 Definitions.--

6 (3) "Clinic" means an entity at which health care
7 services are provided to individuals and which tenders charges
8 for reimbursement for such services. For purposes of this
9 part, the term does not include and the licensure requirements
10 of this part do not apply to:

11 (h) Entities that provide only oncology or radiation
12 therapy services by physicians licensed under chapter 458 or
13 459.

14 Section 111. The amendment made by this act to section
15 400.9905(3), Florida Statutes, is intended to clarify the
16 legislative intent of this provision as it existed at the time
17 the provision initially took effect as section 456.0375(1)(b),
18 Florida Statutes, and section 400.9905(3)(h), Florida
19 Statutes, as created by this act, shall operate retroactively
20 to October 1, 2001.

21 Section 112. Paragraph (c) of subsection (10) and
22 paragraph (a) of subsection (17) of section 400.506, Florida
23 Statutes, are amended to read:

24 400.506 Licensure of nurse registries; requirements;
25 penalties.--

26 (10)

27 (c) A nurse registry shall, at the time of contracting
28 for services through the nurse registry, advise the patient,
29 the patient's family, or a person acting on behalf of the
30 patient of the availability of registered nurses to make
31 visits to the patient's home at an additional cost. *

1 ~~registered nurse shall make monthly visits to the patient's~~
2 ~~home to assess the patient's condition and quality of care~~
3 ~~being provided by the certified nursing assistant or home~~
4 ~~health aide.~~ Any condition that ~~which~~ in the professional
5 judgment of the nurse requires further medical attention shall
6 be reported to the attending physician and the nurse registry.
7 The assessment shall become a part of the patient's file with
8 the nurse registry ~~and may be reviewed by the agency during~~
9 ~~their survey procedure.~~

10 (17) All persons referred for contract in private
11 residences by a nurse registry must comply with the following
12 requirements for a plan of treatment:

13 (a) When, in accordance with the privileges and
14 restrictions imposed upon a nurse under part I of chapter 464,
15 the delivery of care to a patient is under the direction or
16 supervision of a physician or when a physician is responsible
17 for the medical care of the patient, a medical plan of
18 treatment must be established for each patient receiving care
19 or treatment provided by a licensed nurse in the home. The
20 original medical plan of treatment must be timely signed by
21 the physician, physician's assistant, or advanced registered
22 nurse practitioner, acting within his or her respective scope
23 of practice, and reviewed ~~by him or her~~ in consultation with
24 the licensed nurse at least every 2 months. Any additional
25 order or change in orders must be obtained from the physician,
26 physician's assistant, or advanced registered nurse
27 practitioner and reduced to writing and timely signed by the
28 physician, physician's assistant, or advanced registered nurse
29 practitioner. The delivery of care under a medical plan of
30 treatment must be substantiated by the appropriate nursing
31

1 notes or documentation made by the nurse in compliance with
2 nursing practices established under part I of chapter 464.

3 Section 113. Sections 456.033, 456.034, 458.313,
4 458.3147, 458.316, 458.3165, 458.317, subsection (3) of
5 section 468.711, and paragraph (h) of subsection (1) of
6 section 480.044, Florida Statutes, are repealed.

7 Section 114. Subsection (2) of section 466.006,
8 Florida Statutes, is amended to read:

9 466.006 Examination of dentists.--

10 (2) An applicant shall be entitled to take the
11 examinations required in this section to practice dentistry in
12 this state if the applicant:

13 (a) Is 18 years of age or older.

14 (b)1. Is a graduate of a dental school accredited by
15 the Commission on Accreditation of the American Dental
16 Association or its successor agency, if any, or any other
17 nationally recognized accrediting agency; ~~or-~~

18 2. Is a dental student in the final year of a program
19 at such an accredited school who has completed all the
20 coursework necessary to prepare the student to perform the
21 clinical and diagnostic procedures required to pass the
22 examinations. With respect to a dental student in the final
23 year of a program at a dental school, a passing score on the
24 examinations is valid for 180 days after the date the
25 examinations were completed. A dental school student who takes
26 the licensure examinations during the student's final year of
27 an approved dental school must have graduated before being
28 certified for licensure pursuant to s. 466.011.

29 (c) Has successfully completed the National Board of
30 Dental Examiners dental examination within 10 years of the
31 date of application.

1 Section 115. Section 466.0065, Florida Statutes, is
2 created to read:

3 466.0065 Regional licensure examinations.--

4 (1) It is the intent of the Legislature that schools
5 of dentistry be allowed to offer regional licensure
6 examinations to dental students who are in the final year of a
7 program at an approved dental school for the sole purpose of
8 facilitating the student's licensing in other jurisdictions.
9 This section does not allow a person to be licensed as a
10 dentist in this state without taking the examinations as set
11 forth in s. 466.006, nor does this section mean that regional
12 examinations administered under this section may be
13 substituted for complying with testing requirements under s.
14 466.006.

15 (2) Each school of dentistry in this state which is
16 accredited by the Commission on Accreditation of the American
17 Dental Association or its successor agency may, upon written
18 approval by the Board of Dentistry, offer regional licensure
19 examinations only to dental students in the final year of a
20 program at an approved dental school, if the board has
21 approved the hosting school's written plan to comply with the
22 following conditions:

23 (a) A member of the regional examination body's board
24 of directors or equivalent thereof must be a member of the
25 American Association of Dental Examiners.

26 (b) The student must have successfully passed parts I
27 and II of the National Board of Dental Examiners examination
28 within 2 years before taking the regional examination.

29 (c) The student must possess medical malpractice
30 insurance in amounts not less than the amounts required to
31 take the Florida licensure examinations.

1 (d) At least one of the examination monitors must be a
2 dentist licensed in this state who has completed all necessary
3 standardization exercises required by the regional examination
4 body. Recruitment of examination monitors is the
5 responsibility of the regional examination body.

6 (e) Adequate arrangements, as defined by the regional
7 examination body and as otherwise required by law, must be
8 made, when necessary, for patients who require followup care
9 as a result of procedures performed during the clinical
10 portion of the regional examination. The regional examination
11 body must inform patients in writing of their right to
12 followup care in advance of any procedures performed by a
13 student.

14 (f) The board chair or the chair's designee must be
15 allowed to observe testing while it is in progress.

16 (g) Each student, upon being deemed eligible by the
17 dental school to apply to the regional examination body to
18 take the regional examination, must receive written disclosure
19 in at least 12-point boldface type that states: "This
20 examination does not meet the licensure requirements of
21 chapter 466, Florida Statutes, for licensure in the State of
22 Florida. Persons wishing to practice dentistry in Florida must
23 pass the Florida licensure examinations."

24 (h) The student must be enrolled as a dental student
25 in the student's final year of a program at an approved dental
26 school that is accredited by the Commission on Accreditation
27 of the American Dental Association or its successor agency.

28 (i) The student must have completed all coursework
29 deemed necessary by the dental school to prepare the student
30 to perform all clinical and diagnostic procedures required to
31 pass the regional examination.

1 (j) The student's academic record must not include any
2 evidence suggesting that the student poses an unreasonable
3 risk to any live patients who are required for the clinical
4 portion of the regional examination. In order to protect the
5 health and safety of the public, the dental school may request
6 additional information and documents pertaining to the
7 candidate's mental and physical health in order to fully
8 assess the candidate's fitness to engage in exercises
9 involving a live patient.

10 (3) A student who takes the examination pursuant to
11 this section, a dental school that submits a plan pursuant to
12 this section, or a regional examination body that a dental
13 school proposes to host under this section does not have
14 standing to assert that a state agency has taken action for
15 which a hearing may be sought under ss. 120.569 and 120.57.

16 Section 116. Section 456.048, Florida Statutes, is
17 amended to read:

18 456.048 Financial responsibility requirements for
19 certain health care practitioners.--

20 (1) As a prerequisite for licensure or license
21 renewal, the Board of Acupuncture, the Board of Chiropractic
22 Medicine, the Board of Podiatric Medicine, and the Board of
23 Dentistry shall, by rule, require that all health care
24 practitioners licensed under the respective board, and the
25 Board of Medicine and the Board of Osteopathic Medicine shall,
26 by rule, require that all anesthesiologist assistants licensed
27 pursuant to s. 458.3475 or s. 459.023, and the Board of
28 Nursing shall, by rule, require that advanced registered nurse
29 practitioners certified under s. 464.012, and the department
30 shall, by rule, require that midwives maintain medical
31 malpractice insurance or provide proof of financial

1 responsibility in an amount and in a manner determined by the
2 board or department to be sufficient to cover claims arising
3 out of the rendering of or failure to render professional care
4 and services in this state.

5 (2) The board or department may grant exemptions upon
6 application by practitioners meeting any of the following
7 criteria:

8 (a) Any person licensed under chapter 457, s.
9 458.3475, s. 459.023, chapter 460, chapter 461, s. 464.012,
10 chapter 466, or chapter 467 who practices exclusively as an
11 officer, employee, or agent of the Federal Government or of
12 the state or its agencies or its subdivisions. For the
13 purposes of this subsection, an agent of the state, its
14 agencies, or its subdivisions is a person who is eligible for
15 coverage under any self-insurance or insurance program
16 authorized by the provisions of s. 768.28(15) or who is a
17 volunteer under s. 110.501(1).

18 (b) Any person whose license or certification has
19 become inactive under chapter 457, s. 458.3475, s. 459.023,
20 chapter 460, chapter 461, part I of chapter 464, chapter 466,
21 or chapter 467 and who is not practicing in this state. Any
22 person applying for reactivation of a license must show either
23 that such licensee maintained tail insurance coverage which
24 provided liability coverage for incidents that occurred on or
25 after October 1, 1993, or the initial date of licensure in
26 this state, whichever is later, and incidents that occurred
27 before the date on which the license became inactive; or such
28 licensee must submit an affidavit stating that such licensee
29 has no unsatisfied medical malpractice judgments or
30 settlements at the time of application for reactivation.

31

1 (c) Any person holding a limited license pursuant to
2 s. 456.015, and practicing under the scope of such limited
3 license.

4 (d) Any person licensed or certified under chapter
5 457, s. 458.3475, s. 459.023, chapter 460, chapter 461, s.
6 464.012, chapter 466, or chapter 467 who practices only in
7 conjunction with his or her teaching duties at an accredited
8 school or in its main teaching hospitals. Such person may
9 engage in the practice of medicine to the extent that such
10 practice is incidental to and a necessary part of duties in
11 connection with the teaching position in the school.

12 (e) Any person holding an active license or
13 certification under chapter 457, s. 458.3475, s. 459.023,
14 chapter 460, chapter 461, s. 464.012, chapter 466, or chapter
15 467 who is not practicing in this state. If such person
16 initiates or resumes practice in this state, he or she must
17 notify the department of such activity.

18 (f) Any person who can demonstrate to the board or
19 department that he or she has no malpractice exposure in the
20 state.

21 (3) Notwithstanding the provisions of this section,
22 the financial responsibility requirements of ss. 458.320 and
23 459.0085 shall continue to apply to practitioners licensed
24 under those chapters, except for anesthesiologist assistants
25 licensed pursuant to s. 458.3475 or s. 459.023 who must meet
26 the requirements of this section.

27 Section 117. Paragraph (dd) of subsection (1) of
28 section 458.331, Florida Statutes, is amended to read:

29 458.331 Grounds for disciplinary action; action by the
30 board and department.--

31

1 (1) The following acts constitute grounds for denial
2 of a license or disciplinary action, as specified in s.
3 456.072(2):

4 (dd) Failing to supervise adequately the activities of
5 those physician assistants, paramedics, emergency medical
6 technicians, ~~or~~ advanced registered nurse practitioners, or
7 anesthesiologist assistants acting under the supervision of
8 the physician.

9 Section 118. Section 458.3475, Florida Statutes, is
10 created to read:

11 458.3475 Anesthesiologist assistants.--

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

13 (a) "Anesthesiologist" means an allopathic physician
14 who holds an active, unrestricted license; who has
15 successfully completed an anesthesiology training program
16 approved by the Accreditation Council on Graduate Medical
17 Education or its equivalent; and who is certified by the
18 American Board of Anesthesiology, is eligible to take that
19 board's examination, or is certified by the Board of
20 Certification in Anesthesiology affiliated with the American
21 Association of Physician Specialists.

22 (b) "Anesthesiologist assistant" means a graduate of
23 an approved program who is licensed to perform medical
24 services delegated and directly supervised by a supervising
25 anesthesiologist.

26 (c) "Anesthesiology" means the practice of medicine
27 that specializes in the relief of pain during and after
28 surgical procedures and childbirth, during certain chronic
29 disease processes, and during resuscitation and critical care
30 of patients in the operating room and intensive care
31 environments.

1 (d) "Approved program" means a program for the
2 education and training of anesthesiologist assistants which
3 has been approved by the boards as provided in subsection (5).

4 (e) "Boards" means the Board of Medicine and the Board
5 of Osteopathic Medicine.

6 (f) "Continuing medical education" means courses
7 recognized and approved by the boards, the American Academy of
8 Physician Assistants, the American Medical Association, the
9 American Osteopathic Association, the American Academy of
10 Anesthesiologist Assistants, the American Society of
11 Anesthesiologists, or the Accreditation Council on Continuing
12 Medical Education.

13 (g) "Direct supervision" means the on-site, personal
14 supervision by an anesthesiologist who is present in the
15 office when the procedure is being performed in that office,
16 or is present in the surgical or obstetrical suite when the
17 procedure is being performed in that surgical or obstetrical
18 suite and who is in all instances immediately available to
19 provide assistance and direction to the anesthesiologist
20 assistant while anesthesia services are being performed.

21 (h) "Proficiency examination" means an entry-level
22 examination approved by the boards, including examinations
23 administered by the National Commission on Certification of
24 Anesthesiologist Assistants.

25 (i) "Trainee" means a person who is currently enrolled
26 in an approved program.

27 (2) PERFORMANCE OF SUPERVISING ANESTHESIOLOGIST.--

28 (a) An anesthesiologist who directly supervises an
29 anesthesiologist assistant must be qualified in the medical
30 areas in which the anesthesiologist assistant performs and is
31 liable for the performance of the anesthesiologist assistant.

1 An anesthesiologist may only supervise two anesthesiologist
2 assistants at the same time. The board may, by rule, allow an
3 anesthesiologist to supervise up to four anesthesiologist
4 assistants, after July 1, 2008.

5 (b) An anesthesiologist or group of anesthesiologists
6 must, upon establishing a supervisory relationship with an
7 anesthesiologist assistant, file with the board a written
8 protocol that includes, at a minimum:

9 1. The name, address, and license number of the
10 anesthesiologist assistant.

11 2. The name, address, license number, and federal Drug
12 Enforcement Administration number of each physician who will
13 be supervising the anesthesiologist assistant.

14 3. The address of the anesthesiologist assistant's
15 primary practice location and the address of any other
16 locations where the anesthesiologist assistant may practice.

17 4. The date the protocol was developed and the dates
18 of all revisions.

19 5. The signatures of the anesthesiologist assistant
20 and all supervising physicians.

21 6. The duties and functions of the anesthesiologist
22 assistant.

23 7. The conditions or procedures that require the
24 personal provision of care by an anesthesiologist.

25 8. The procedures to be followed in the event of an
26 anesthetic emergency.

27
28 The protocol must be on file with the board before the
29 anesthesiologist assistant may practice with the
30 anesthesiologist or group. An anesthesiologist assistant may
31 not practice unless a written protocol has been filed for that

1 anesthesiologist assistant in accordance with this paragraph,
2 and the anesthesiologist assistant may only practice under the
3 direct supervision of an anesthesiologist who has signed the
4 protocol. The protocol must be updated biennially.

5 (3) PERFORMANCE OF ANESTHESIOLOGIST ASSISTANTS.--

6 (a) An anesthesiologist assistant may assist an
7 anesthesiologist in developing and implementing an anesthesia
8 care plan for a patient. In providing assistance to an
9 anesthesiologist, an anesthesiologist assistant may perform
10 duties established by rule by the board in any of the
11 following functions that are included in the anesthesiologist
12 assistant's protocol while under the direct supervision of an
13 anesthesiologist:

14 1. Obtain a comprehensive patient history and present
15 the history to the supervising anesthesiologist.

16 2. Pretest and calibrate anesthesia delivery systems
17 and monitor, obtain, and interpret information from the
18 systems and monitors.

19 3. Assist the supervising anesthesiologist with the
20 implementation of medically accepted monitoring techniques.

21 4. Establish basic and advanced airway interventions,
22 including intubation of the trachea and performing ventilatory
23 support.

24 5. Administer intermittent vasoactive drugs and start
25 and adjust vasoactive infusions.

26 6. Administer anesthetic drugs, adjuvant drugs, and
27 accessory drugs.

28 7. Assist the supervising anesthesiologist with the
29 performance of epidural anesthetic procedures and spinal
30 anesthetic procedures.

31

1 8. Administer blood, blood products, and supportive
2 fluids.

3 9. Support life functions during anesthesia health
4 care, including induction and intubation procedures, the use
5 of appropriate mechanical supportive devices, and the
6 management of fluid, electrolyte, and blood component
7 balances.

8 10. Recognize and take appropriate corrective action
9 for abnormal patient responses to anesthesia, adjunctive
10 medication, or other forms of therapy.

11 11. Participate in management of the patient while in
12 the postanesthesia recovery area, including the administration
13 of any supporting fluids or drugs.

14 12. Place special peripheral and central venous and
15 arterial lines for blood sampling and monitoring as
16 appropriate.

17 (b) Nothing in this section or chapter prevents
18 third-party payors from reimbursing employers of
19 anesthesiologist assistants for covered services rendered by
20 such anesthesiologist assistants.

21 (c) An anesthesiologist assistant must clearly convey
22 to the patient that he or she is an anesthesiologist
23 assistant.

24 (d) An anesthesiologist assistant may perform
25 anesthesia tasks and services within the framework of a
26 written practice protocol developed between the supervising
27 anesthesiologist and the anesthesiologist assistant.

28 (e) An anesthesiologist assistant may not prescribe,
29 order, or compound any controlled substance, legend drug, or
30 medical device, nor may an anesthesiologist assistant dispense
31 sample drugs to patients. Nothing in this paragraph prohibits

1 an anesthesiologist assistant from administering legend drugs
2 or controlled substances; intravenous drugs, fluids, or blood
3 products; or inhalation or other anesthetic agents to patients
4 which are ordered by the supervising anesthesiologist and
5 administered while under the direct supervision of the
6 supervising anesthesiologist.

7 (4) PERFORMANCE BY TRAINEES.--The practice of a
8 trainee is exempt from the requirements of this chapter while
9 the trainee is performing assigned tasks as a trainee in
10 conjunction with an approved program. Before providing
11 anesthesia services, including the administration of
12 anesthesia in conjunction with the requirements of an approved
13 program, the trainee must clearly convey to the patient that
14 he or she is a trainee.

15 (5) PROGRAM APPROVAL.--The boards shall approve
16 programs for the education and training of anesthesiologist
17 assistants which meet standards established by board rules.
18 The boards may recommend only those anesthesiologist assistant
19 training programs that hold full accreditation or provisional
20 accreditation from the Commission on Accreditation of Allied
21 Health Education Programs.

22 (6) ANESTHESIOLOGIST ASSISTANT LICENSURE.--

23 (a) Any person desiring to be licensed as an
24 anesthesiologist assistant must apply to the department. The
25 department shall issue a license to any person certified by
26 the board to:

27 1. Be at least 18 years of age.

28 2. Have satisfactorily passed a proficiency
29 examination with a score established by the National
30 Commission on Certification of Anesthesiologist Assistants.

31 3. Be certified in advanced cardiac life support.

1 4. Have completed the application form and remitted an
2 application fee, not to exceed \$1,000, as set by the boards.

3 An application must include:

4 a. A certificate of completion of an approved graduate
5 level program.

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

7 c. A sworn statement of any prior discipline or denial
8 of licensure or certification in any state.

9 d. Two letters of recommendation from
10 anesthesiologists.

11 (b) A license must be renewed biennially. Each renewal
12 must include:

13 1. A renewal fee, not to exceed \$1,000, as set by the
14 boards.

15 2. A sworn statement of no felony convictions in the
16 immediately preceding 2 years.

17 (c) Each licensed anesthesiologist assistant must
18 biennially complete 40 hours of continuing medical education
19 or hold a current certificate issued by the National
20 Commission on Certification of Anesthesiologist Assistants or
21 its successor.

22 (d) An anesthesiologist assistant must notify the
23 department in writing within 30 days after obtaining
24 employment that requires a license under this chapter and
25 after any subsequent change in his or her supervising
26 anesthesiologist. The notification must include the full name,
27 license number, specialty, and address of the supervising
28 anesthesiologist. Submission of a copy of the required
29 protocol by the anesthesiologist assistant satisfies this
30 requirement.

31

1 (e) The Board of Medicine may impose upon an
2 anesthesiologist assistant any penalty specified in s. 456.072
3 or s. 458.331(2) if the anesthesiologist assistant or the
4 supervising anesthesiologist is found guilty of or is
5 investigated for an act that constitutes a violation of this
6 chapter or chapter 456.

7 (7) ANESTHESIOLOGIST AND ANESTHESIOLOGIST ASSISTANT TO
8 ADVISE THE BOARD.--

9 (a) The chairman of the board may appoint an
10 anesthesiologist and an anesthesiologist assistant to advise
11 the board as to the adoption of rules for the licensure of
12 anesthesiologist assistants. The board may use a committee
13 structure that is most practicable in order to receive any
14 recommendations to the board regarding rules and all matters
15 relating to anesthesiologist assistants, including, but not
16 limited to, recommendations to improve safety in the clinical
17 practices of licensed anesthesiologist assistants.

18 (b) In addition to its other duties and
19 responsibilities as prescribed by law, the board shall:

20 1. Recommend to the department the licensure of
21 anesthesiologist assistants.

22 2. Develop all rules regulating the use of
23 anesthesiologist assistants by qualified anesthesiologists
24 under this chapter and chapter 459, except for rules relating
25 to the formulary developed under s. 458.347(4)(f). The board
26 shall also develop rules to ensure that the continuity of
27 supervision is maintained in each practice setting. The boards
28 shall consider adopting a proposed rule at the regularly
29 scheduled meeting immediately following the submission of the
30 proposed rule. A proposed rule may not be adopted by either
31 board unless both boards have accepted and approved the

1 identical language contained in the proposed rule. The
2 language of all proposed rules must be approved by both boards
3 pursuant to each respective board's guidelines and standards
4 regarding the adoption of proposed rules.

5 3. Address concerns and problems of practicing
6 anesthesiologist assistants to improve safety in the clinical
7 practices of licensed anesthesiologist assistants.

8 (c) When the board finds that an applicant for
9 licensure has failed to meet, to the board's satisfaction,
10 each of the requirements for licensure set forth in this
11 section, the board may enter an order to:

12 1. Refuse to certify the applicant for licensure;

13 2. Approve the applicant for licensure with
14 restrictions on the scope of practice or license; or

15 3. Approve the applicant for conditional licensure.

16 Such conditions may include placement of the licensee on
17 probation for a period of time and subject to such conditions
18 as the board specifies, including, but not limited to,
19 requiring the licensee to undergo treatment, to attend
20 continuing education courses, or to take corrective action.

21 (8) PENALTY.--A person who falsely holds himself or
22 herself out as an anesthesiologist assistant commits a felony
23 of the third degree, punishable as provided in s. 775.082, s.
24 775.083, or s. 775.084.

25 (9) DENIAL, SUSPENSION, OR REVOCATION OF
26 LICENSURE.--The boards may deny, suspend, or revoke the
27 license of an anesthesiologist assistant who the board
28 determines has violated any provision of this section or
29 chapter or any rule adopted pursuant thereto.

30 (10) RULES.--The boards shall adopt rules to
31 administer this section.

1 (11) LIABILITY.--A supervising anesthesiologist is
2 liable for any act or omission of an anesthesiologist
3 assistant acting under the anesthesiologist's supervision and
4 control and shall comply with the financial responsibility
5 requirements of this chapter and chapter 456, as applicable.

6 (12) FEES.--The department shall allocate the fees
7 collected under this section to the board.

8 Section 119. Paragraph (hh) of subsection (1) of
9 section 459.015, Florida Statutes, is amended to read:

10 459.015 Grounds for disciplinary action; action by the
11 board and department.--

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 (hh) Failing to supervise adequately the activities of
16 those physician assistants, paramedics, emergency medical
17 technicians, advanced registered nurse practitioners,
18 anesthesiologist assistants, or other persons acting under the
19 supervision of the osteopathic physician.

20 Section 120. Section 459.023, Florida Statutes, is
21 created to read:

22 459.023 Anesthesiologist assistants.--

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

24 (a) "Anesthesiologist" means an osteopathic physician
25 who holds an active, unrestricted license; who has
26 successfully completed an anesthesiology training program
27 approved by the Accreditation Council on Graduate Medical
28 Education, or its equivalent, or the American Osteopathic
29 Association; and who is certified by the American Osteopathic
30 Board of Anesthesiology or is eligible to take that board's
31 examination, is certified by the American Board of

1 Anesthesiology or is eligible to take that board's
2 examination, or is certified by the Board of Certification in
3 Anesthesiology affiliated with the American Association of
4 Physician Specialists.

5 (b) "Anesthesiologist assistant" means a graduate of
6 an approved program who is licensed to perform medical
7 services delegated and directly supervised by a supervising
8 anesthesiologist.

9 (c) "Anesthesiology" means the practice of medicine
10 that specializes in the relief of pain during and after
11 surgical procedures and childbirth, during certain chronic
12 disease processes, and during resuscitation and critical care
13 of patients in the operating room and intensive care
14 environments.

15 (d) "Approved program" means a program for the
16 education and training of anesthesiologist assistants which
17 has been approved by the boards as provided in subsection (5).

18 (e) "Boards" means the Board of Medicine and the Board
19 of Osteopathic Medicine.

20 (f) "Continuing medical education" means courses
21 recognized and approved by the boards, the American Academy of
22 Physician Assistants, the American Medical Association, the
23 American Osteopathic Association, the American Academy of
24 Anesthesiologist Assistants, the American Society of
25 Anesthesiologists, or the Accreditation Council on Continuing
26 Medical Education.

27 (g) "Direct supervision" means the on-site, personal
28 supervision by an anesthesiologist who is present in the
29 office when the procedure is being performed in that office,
30 or is present in the surgical or obstetrical suite when the
31 procedure is being performed in that surgical or obstetrical

1 suite and who is in all instances immediately available to
2 provide assistance and direction to the anesthesiologist
3 assistant while anesthesia services are being performed.

4 (h) "Proficiency examination" means an entry-level
5 examination approved by the boards, including examinations
6 administered by the National Commission on Certification of
7 Anesthesiologist Assistants.

8 (i) "Trainee" means a person who is currently enrolled
9 in an approved program.

10 (2) PERFORMANCE OF SUPERVISING ANESTHESIOLOGIST.--

11 (a) An anesthesiologist who directly supervises an
12 anesthesiologist assistant must be qualified in the medical
13 areas in which the anesthesiologist assistant performs and is
14 liable for the performance of the anesthesiologist assistant.
15 An anesthesiologist may only supervise two anesthesiologist
16 assistants at the same time. The board may, by rule, allow an
17 anesthesiologist to supervise up to four anesthesiologist
18 assistants, after July 1, 2008.

19 (b) An anesthesiologist or group of anesthesiologists
20 must, upon establishing a supervisory relationship with an
21 anesthesiologist assistant, file with the board a written
22 protocol that includes, at a minimum:

23 1. The name, address, and license number of the
24 anesthesiologist assistant.

25 2. The name, address, license number, and federal Drug
26 Enforcement Administration number of each physician who will
27 be supervising the anesthesiologist assistant.

28 3. The address of the anesthesiologist assistant's
29 primary practice location and the address of any other
30 locations where the anesthesiologist assistant may practice.

31

1 4. The date the protocol was developed and the dates
2 of all revisions.

3 5. The signatures of the anesthesiologist assistant
4 and all supervising physicians.

5 6. The duties and functions of the anesthesiologist
6 assistant.

7 7. The conditions or procedures that require the
8 personal provision of care by an anesthesiologist.

9 8. The procedures to be followed in the event of an
10 anesthetic emergency.

11
12 The protocol must be on file with the board before the
13 anesthesiologist assistant may practice with the
14 anesthesiologist or group. An anesthesiologist assistant may
15 not practice unless a written protocol has been filed for that
16 anesthesiologist assistant in accordance with this paragraph,
17 and the anesthesiologist assistant may only practice under the
18 direct supervision of an anesthesiologist who has signed the
19 protocol. The protocol must be updated biennially.

20 (3) PERFORMANCE OF ANESTHESIOLOGIST ASSISTANTS.--

21 (a) An anesthesiologist assistant may assist an
22 anesthesiologist in developing and implementing an anesthesia
23 care plan for a patient. In providing assistance to an
24 anesthesiologist, an anesthesiologist assistant may perform
25 duties established by rule by the board in any of the
26 following functions that are included in the anesthesiologist
27 assistant's protocol while under the direct supervision of an
28 anesthesiologist:

29 1. Obtain a comprehensive patient history and present
30 the history to the supervising anesthesiologist.

31

- 1 2. Pretest and calibrate anesthesia delivery systems
2 and monitor, obtain, and interpret information from the
3 systems and monitors.
- 4 3. Assist the supervising anesthesiologist with the
5 implementation of medically accepted monitoring techniques.
- 6 4. Establish basic and advanced airway interventions,
7 including intubation of the trachea and performing ventilatory
8 support.
- 9 5. Administer intermittent vasoactive drugs and start
10 and adjust vasoactive infusions.
- 11 6. Administer anesthetic drugs, adjuvant drugs, and
12 accessory drugs.
- 13 7. Assist the supervising anesthesiologist with the
14 performance of epidural anesthetic procedures and spinal
15 anesthetic procedures.
- 16 8. Administer blood, blood products, and supportive
17 fluids.
- 18 9. Support life functions during anesthesia health
19 care, including induction and intubation procedures, the use
20 of appropriate mechanical supportive devices, and the
21 management of fluid, electrolyte, and blood component
22 balances.
- 23 10. Recognize and take appropriate corrective action
24 for abnormal patient responses to anesthesia, adjunctive
25 medication, or other forms of therapy.
- 26 11. Participate in management of the patient while in
27 the postanesthesia recovery area, including the administration
28 of any supporting fluids or drugs.
- 29 12. Place special peripheral and central venous and
30 arterial lines for blood sampling and monitoring as
31 appropriate.

1 (b) Nothing in this section or chapter prevents
2 third-party payors from reimbursing employers of
3 anesthesiologist assistants for covered services rendered by
4 such anesthesiologist assistants.

5 (c) An anesthesiologist assistant must clearly convey
6 to the patient that she or he is an anesthesiologist
7 assistant.

8 (d) An anesthesiologist assistant may perform
9 anesthesia tasks and services within the framework of a
10 written practice protocol developed between the supervising
11 anesthesiologist and the anesthesiologist assistant.

12 (e) An anesthesiologist assistant may not prescribe,
13 order, or compound any controlled substance, legend drug, or
14 medical device, nor may an anesthesiologist assistant dispense
15 sample drugs to patients. Nothing in this paragraph prohibits
16 an anesthesiologist assistant from administering legend drugs
17 or controlled substances; intravenous drugs, fluids, or blood
18 products; or inhalation or other anesthetic agents to patients
19 which are ordered by the supervising anesthesiologist and
20 administered while under the direct supervision of the
21 supervising anesthesiologist.

22 (4) PERFORMANCE BY TRAINEES.--The practice of a
23 trainee is exempt from the requirements of this chapter while
24 the trainee is performing assigned tasks as a trainee in
25 conjunction with an approved program. Before providing
26 anesthesia services, including the administration of
27 anesthesia in conjunction with the requirements of an approved
28 program, the trainee must clearly convey to the patient that
29 he or she is a trainee.

30 (5) PROGRAM APPROVAL.--The boards shall approve
31 programs for the education and training of anesthesiologist

1 assistants which meet standards established by board rules.

2 The board may recommend only those anesthesiologist assistant
3 training programs that hold full accreditation or provisional
4 accreditation from the Commission on Accreditation of Allied
5 Health Education Programs.

6 (6) ANESTHESIOLOGIST ASSISTANT LICENSURE.--

7 (a) Any person desiring to be licensed as an
8 anesthesiologist assistant must apply to the department. The
9 department shall issue a license to any person certified by
10 the board to:

11 1. Be at least 18 years of age.

12 2. Have satisfactorily passed a proficiency
13 examination with a score established by the National
14 Commission on Certification of Anesthesiologist Assistants.

15 3. Be certified in advanced cardiac life support.

16 4. Have completed the application form and remitted an
17 application fee, not to exceed \$1,000, as set by the boards.

18 An application must include:

19 a. A certificate of completion of an approved graduate
20 level program.

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

22 c. A sworn statement of any prior discipline or denial
23 of licensure or certification in any state.

24 d. Two letters of recommendation from
25 anesthesiologists.

26 (b) A license must be renewed biennially. Each renewal
27 must include:

28 1. A renewal fee, not to exceed \$1,000, as set by the
29 boards.

30 2. A sworn statement of no felony convictions in the
31 immediately preceding 2 years.

1 (c) Each licensed anesthesiologist assistant must
2 biennially complete 40 hours of continuing medical education
3 or hold a current certificate issued by the National
4 Commission on Certification of Anesthesiologist Assistants or
5 its successor.

6 (d) An anesthesiologist assistant must notify the
7 department in writing within 30 days after obtaining
8 employment that requires a license under this chapter and
9 after any subsequent change in her or his supervising
10 anesthesiologist. The notification must include the full name,
11 license number, specialty, and address of the supervising
12 anesthesiologist. Submission of a copy of the required
13 protocol by the anesthesiologist assistant satisfies this
14 requirement.

15 (e) The Board of Osteopathic Medicine may impose upon
16 an anesthesiologist assistant any penalty specified in s.
17 456.072 or s. 459.015(2) if the anesthesiologist assistant or
18 the supervising anesthesiologist is found guilty of or is
19 investigated for an act that constitutes a violation of this
20 chapter or chapter 456.

21 (7) ANESTHESIOLOGIST AND ANESTHESIOLOGIST ASSISTANT TO
22 ADVISE THE BOARD.--

23 (a) The chairman of the board may appoint an
24 anesthesiologist and an anesthesiologist assistant to advise
25 the board as to the adoption of rules for the licensure of
26 anesthesiologist assistants. The board may use a committee
27 structure that is most practicable in order to receive any
28 recommendations to the board regarding rules and all matters
29 relating to anesthesiologist assistants, including, but not
30 limited to, recommendations to improve safety in the clinical
31 practices of licensed anesthesiologist assistants.

1 (b) In addition to its other duties and
2 responsibilities as prescribed by law, the board shall:

3 1. Recommend to the department the licensure of
4 anesthesiologist assistants.

5 2. Develop all rules regulating the use of
6 anesthesiologist assistants by qualified anesthesiologists
7 under this chapter and chapter 458, except for rules relating
8 to the formulary developed under s. 458.347(4)(f). The board
9 shall also develop rules to ensure that the continuity of
10 supervision is maintained in each practice setting. The boards
11 shall consider adopting a proposed rule at the regularly
12 scheduled meeting immediately following the submission of the
13 proposed rule. A proposed rule may not be adopted by either
14 board unless both boards have accepted and approved the
15 identical language contained in the proposed rule. The
16 language of all proposed rules must be approved by both boards
17 pursuant to each respective board's guidelines and standards
18 regarding the adoption of proposed rules.

19 3. Address concerns and problems of practicing
20 anesthesiologist assistants to improve safety in the clinical
21 practices of licensed anesthesiologist assistants.

22 (c) When the board finds that an applicant for
23 licensure has failed to meet, to the board's satisfaction,
24 each of the requirements for licensure set forth in this
25 section, the board may enter an order to:

26 1. Refuse to certify the applicant for licensure;

27 2. Approve the applicant for licensure with
28 restrictions on the scope of practice or license; or

29 3. Approve the applicant for conditional licensure.

30 Such conditions may include placement of the licensee on
31 probation for a period of time and subject to such conditions

1 as the board specifies, including, but not limited to,
2 requiring the licensee to undergo treatment, to attend
3 continuing education courses, or to take corrective action.

4 (8) PENALTY.--A person who falsely holds herself or
5 himself out as an anesthesiologist assistant commits a felony
6 of the third degree, punishable as provided in s. 775.082, s.
7 775.083, or s. 775.084.

8 (9) DENIAL, SUSPENSION, OR REVOCATION OF
9 LICENSURE.--The boards may deny, suspend, or revoke the
10 license of an anesthesiologist assistant who the board
11 determines has violated any provision of this section or
12 chapter or any rule adopted pursuant thereto.

13 (10) RULES.--The boards shall adopt rules to
14 administer this section.

15 (11) LIABILITY.--A supervising anesthesiologist is
16 liable for any act or omission of an anesthesiologist
17 assistant acting under the anesthesiologist's supervision and
18 control and shall comply with the financial responsibility
19 requirements of this chapter and chapter 456, as applicable.

20 (12) FEES.--The department shall allocate the fees
21 collected under this section to the board.

22 Section 121. Subsections (1) and (2) of section
23 400.487, Florida Statutes, are amended to read:

24 400.487 Home health service agreements; physician's,
25 physician's assistant's, and advanced registered nurse
26 practitioner's treatment orders; patient assessment;
27 establishment and review of plan of care; provision of
28 services; orders not to resuscitate.--

29 (1) Services provided by a home health agency must be
30 covered by an agreement between the home health agency and the
31 patient or the patient's legal representative specifying the

1 home health services to be provided, the rates or charges for
2 services paid with private funds, and the sources method of
3 payment, which may include Medicare, Medicaid, private
4 insurance, personal funds, or a combination thereof. A home
5 health agency providing skilled care must make an assessment
6 of the patient's needs within 48 hours after the start of
7 services.

8 (2) When required by the provisions of chapter 464;
9 part I, part III, or part V of chapter 468; or chapter 486,
10 the attending physician, physician's assistant, or advanced
11 registered nurse practitioner, acting within his or her
12 respective scope of practice, shall for a patient who is to
13 receive skilled care must establish treatment orders for a
14 patient who is to receive skilled care. The treatment orders
15 must be signed by the physician, physician's assistant, or
16 advanced registered nurse practitioner before a claim for
17 payment for the skilled services is submitted by the home
18 health agency. If the claim is submitted to a managed care
19 organization, the treatment orders must be signed in the time
20 allowed under the provider agreement. The treatment orders
21 shall within 30 days after the start of care and must be
22 reviewed, as frequently as the patient's illness requires, by
23 the physician, physician's assistant, or advanced registered
24 nurse practitioner in consultation with the home health agency
25 personnel that provide services to the patient.

26 Section 122. Sections 122-134 of this act may be cited
27 as the "Clara Ramsey Care of the Elderly Act."

28 Section 123. Certified Geriatric Specialist
29 Preparation Pilot Program.--

30 (1) The Agency for Workforce Innovation shall
31 establish a pilot program for delivery of geriatric nursing

1 education to certified nursing assistants who wish to become
2 certified geriatric specialists. The agency shall select two
3 pilot sites in nursing homes that have received the Gold Seal
4 designation under section 400.235, Florida Statutes; have been
5 designated as a teaching nursing home under section 430.80,
6 Florida Statutes; or have not received a class I or class II
7 deficiency within the 30 months preceding application for this
8 program.

9 (2) To be eligible to receive geriatric nursing
10 education, a certified nursing assistant must have been
11 employed by a participating nursing home for at least 1 year
12 and must have received a high school diploma or its
13 equivalent.

14 (3) The education shall be provided at the worksite
15 and in coordination with the certified nursing assistant's
16 work schedule.

17 (4) Faculty shall provide the instruction under an
18 approved nursing program pursuant to section 464.019, Florida
19 Statutes.

20 (5) The education must be designed to prepare the
21 certified nursing assistant to meet the requirements for
22 certification as a geriatric specialist. The didactic and
23 clinical education must include all portions of the practical
24 nursing curriculum pursuant to section 464.019, Florida
25 Statutes, except for pediatric and obstetric/maternal-child
26 education, and must include additional education in the care
27 of ill, injured, or infirm geriatric patients and the
28 maintenance of health, the prevention of injury, and the
29 provision of palliative care for geriatric patients.

30 Section 124. Certified Geriatric Specialty Nursing
31 Initiative Steering Committee.--

1 (1) In order to guide the implementation of the
2 Certified Geriatric Specialist Preparation Pilot Program,
3 there is created a Certified Geriatric Specialty Nursing
4 Initiative Steering Committee. The steering committee shall be
5 composed of the following members:

6 (a) The chair of the Board of Nursing or his or her
7 designee;

8 (b) A representative of the Agency for Workforce
9 Innovation, appointed by the Director of Workforce Innovation;

10 (c) A representative of Workforce Florida, Inc.,
11 appointed by the chair of the Board of Directors of Workforce
12 Florida, Inc.;

13 (d) A representative of the Department of Education,
14 appointed by the Commissioner of Education;

15 (e) A representative of the Department of Health,
16 appointed by the Secretary of Health;

17 (f) A representative of the Agency for Health Care
18 Administration, appointed by the Secretary of Health Care
19 Administration;

20 (g) The Director of the Florida Center for Nursing;

21 (h) A representative of the Department of Elderly
22 Affairs, appointed by the Secretary of Elderly Affairs; and

23 (i) A representative of a Gold Seal nursing home that
24 is not one of the pilot program sites, appointed by the
25 Secretary of Health Care Administration.

26 (2) The steering committee shall:

27 (a) Provide consultation and guidance to the Agency
28 for Workforce Innovation on matters of policy during the
29 implementation of the pilot program; and

30 (b) Provide oversight to the evaluation of the pilot
31 program.

1 (3) Members of the steering committee are entitled to
2 reimbursement for per diem and travel expenses under section
3 112.061, Florida Statutes.

4 (4) The steering committee shall complete its
5 activities by June 30, 2007, and the authorization for the
6 steering committee ends on that date.

7 Section 125. Evaluation of the Certified Geriatric
8 Specialist Preparation Pilot Program.--The Agency for
9 Workforce Innovation, in consultation with the Certified
10 Geriatric Specialty Nursing Initiative Steering Committee,
11 shall conduct or contract for an evaluation of the pilot
12 program. The agency shall ensure that an evaluation report is
13 submitted to the Governor, the President of the Senate, and
14 the Speaker of the House of Representatives by January 1,
15 2007. The evaluation must address the experience and success
16 of the certified nursing assistants in the pilot program and
17 must contain recommendations regarding the expansion of the
18 delivery of geriatric nursing education in nursing homes.

19 Section 126. Reports.--The Agency for Workforce
20 Innovation shall submit status reports and recommendations
21 regarding legislation necessary to further the implementation
22 of the pilot program to the Governor, the President of the
23 Senate, and the Speaker of the House of Representatives on
24 January 1, 2005, January 1, 2006, and January 1, 2007.

25 Section 127. Section 464.0125, Florida Statutes, is
26 created to read:

27 464.0125 Certified geriatric specialists;
28 certification requirements.--

29 (1) DEFINITIONS; RESPONSIBILITIES.--

30 (a) As used in this section, the term:

31

1 1. "Certified geriatric specialist" means a person who
2 meets the qualifications specified in this section and who is
3 certified by the board to practice as a certified geriatric
4 specialist.

5 2. "Geriatric patient" means any patient who is 60
6 years of age or older.

7 3. "Practice of certified geriatric specialty nursing"
8 means the performance of selected acts in facilities licensed
9 under part II or part III of chapter 400, including the
10 administration of treatments and medications, in the care of
11 ill, injured, or infirm geriatric patients and the promotion
12 of wellness, maintenance of health, and prevention of illness
13 of geriatric patients under the direction of a registered
14 nurse, a licensed physician, a licensed osteopathic physician,
15 a licensed podiatric physician, or a licensed dentist. The
16 scope of practice of a certified geriatric specialist includes
17 the practice of practical nursing as defined in s. 464.003 for
18 geriatric patients only, except for any act in which
19 instruction and clinical knowledge of pediatric nursing or
20 obstetric/maternal-child nursing is required. A certified
21 geriatric specialist, while providing nursing services in
22 facilities licensed under part II or part III of chapter 400,
23 may supervise the activities of certified nursing assistants
24 and other unlicensed personnel providing services in such
25 facilities in accordance with rules adopted by the board.

26 (b) The certified geriatric specialist shall be
27 responsible and accountable for making decisions that are
28 based upon the individual's educational preparation and
29 experience in performing certified geriatric specialty
30 nursing.

31 (2) CERTIFICATION.--

1 (a) Any certified nursing assistant desiring to be
2 certified as a certified geriatric specialist must apply to
3 the department and submit proof that he or she holds a current
4 certificate as a certified nursing assistant under part II of
5 this chapter and has satisfactorily completed the following
6 requirements:

7 1. Is in good mental and physical health, is a
8 recipient of a high school diploma or its equivalent; has
9 completed the requirements for graduation from an approved
10 program for nursing or its equivalent, as determined by the
11 board, for the preparation of licensed practical nurses,
12 except for instruction and clinical knowledge of pediatric
13 nursing or obstetric/maternal-child nursing; and has completed
14 additional education in the care of ill, injured, or infirm
15 geriatric patients, the maintenance of health, the prevention
16 of injury, and the provision of palliative care for geriatric
17 patients. By September 1, 2004, the Board of Nursing shall
18 adopt rules establishing the core competencies for the
19 additional education in geriatric care. Any program that is
20 approved on July 1, 2004, by the board for the preparation of
21 registered nurses or licensed practical nurses may provide
22 education for the preparation of certified geriatric
23 specialists without further board approval.

24 2. Has the ability to communicate in the English
25 language, which may be determined by an examination given by
26 the department.

27 3. Has provided sufficient information, which must be
28 submitted by the department for a statewide criminal records
29 correspondence check through the Department of Law
30 Enforcement.

31

1 (b) Each applicant who meets the requirements of this
2 subsection is, unless denied pursuant to s. 464.018, entitled
3 to certification as a certified geriatric specialist. The
4 board must certify, and the department must issue a
5 certificate to practice as a certified geriatric specialist
6 to, any certified nursing assistant who meets the
7 qualifications set forth in this section. The board shall
8 establish an application fee not to exceed \$100 and a biennial
9 renewal fee not to exceed \$50. The board may adopt rules to
10 administer this section.

11 (c) A person receiving certification under this
12 section shall:

13 1. Work only within the confines of a facility
14 licensed under part II or part III of chapter 400.

15 2. Care for geriatric patients only.

16 3. Comply with the minimum standards of practice for
17 nurses and be subject to disciplinary action for violations of
18 s. 464.018.

19 (3) ARTICULATION.--Any certified geriatric specialist
20 who completes the additional instruction and coursework in an
21 approved nursing program pursuant to s. 464.019 for the
22 preparation of practical nursing in the areas of pediatric
23 nursing and obstetric/maternal-child nursing is, unless denied
24 pursuant to s. 464.018, entitled to licensure as a licensed
25 practical nurse if the applicant otherwise meets the
26 requirements of s. 464.008.

27 (4) TITLES AND ABBREVIATIONS; RESTRICTIONS;
28 PENALTIES.--

29 (a) Only persons who hold certificates to practice as
30 certified geriatric specialists in this state or who are
31 performing services within the practice of certified geriatric

1 specialty nursing pursuant to the exception set forth in s.
2 464.022(8) may use the title "Certified Geriatric Specialist"
3 and the abbreviation "C.G.S."

4 (b) A person may not practice or advertise as, or
5 assume the title of, certified geriatric specialist or use the
6 abbreviation "C.G.S." or take any other action that would lead
7 the public to believe that person is certified as such or is
8 performing services within the practice of certified geriatric
9 specialty nursing pursuant to the exception set forth in s.
10 464.022(8), unless that person is certified to practice as
11 such.

12 (c) A violation of this subsection is a misdemeanor of
13 the first degree, punishable as provided in s. 775.082 or s.
14 775.083.

15 (5) VIOLATIONS AND PENALTIES.--Practicing certified
16 geriatric specialty nursing, as defined in this section,
17 without holding an active certificate to do so constitutes a
18 felony of the third degree, punishable as provided in s.
19 775.082, s. 775.083, or s. 775.084.

20 Section 128. Paragraph (b) of subsection (1) of
21 section 381.00315, Florida Statutes, is amended to read:

22 381.00315 Public health advisories; public health
23 emergencies.--The State Health Officer is responsible for
24 declaring public health emergencies and issuing public health
25 advisories.

26 (1) As used in this section, the term:

27 (b) "Public health emergency" means any occurrence, or
28 threat thereof, whether natural or man made, which results or
29 may result in substantial injury or harm to the public health
30 from infectious disease, chemical agents, nuclear agents,
31 biological toxins, or situations involving mass casualties or

1 natural disasters. Prior to declaring a public health
2 emergency, the State Health Officer shall, to the extent
3 possible, consult with the Governor and shall notify the Chief
4 of Domestic Security Initiatives as created in s. 943.03. The
5 declaration of a public health emergency shall continue until
6 the State Health Officer finds that the threat or danger has
7 been dealt with to the extent that the emergency conditions no
8 longer exist and he or she terminates the declaration.
9 However, a declaration of a public health emergency may not
10 continue for longer than 60 days unless the Governor concurs
11 in the renewal of the declaration. The State Health Officer,
12 upon declaration of a public health emergency, may take
13 actions that are necessary to protect the public health. Such
14 actions include, but are not limited to:

15 1. Directing manufacturers of prescription drugs or
16 over-the-counter drugs who are permitted under chapter 499 and
17 wholesalers of prescription drugs located in this state who
18 are permitted under chapter 499 to give priority to the
19 shipping of specified drugs to pharmacies and health care
20 providers within geographic areas that have been identified by
21 the State Health Officer. The State Health Officer must
22 identify the drugs to be shipped. Manufacturers and
23 wholesalers located in the state must respond to the State
24 Health Officer's priority shipping directive before shipping
25 the specified drugs.

26 2. Notwithstanding chapters 465 and 499 and rules
27 adopted thereunder, directing pharmacists employed by the
28 department to compound bulk prescription drugs and provide
29 these bulk prescription drugs to physicians and nurses of
30 county health departments or any qualified person authorized
31

1 by the State Health Officer for administration to persons as
2 part of a prophylactic or treatment regimen.

3 3. Notwithstanding s. 456.036, temporarily
4 reactivating the inactive license of the following health care
5 practitioners, when such practitioners are needed to respond
6 to the public health emergency: physicians licensed under
7 chapter 458 or chapter 459; physician assistants licensed
8 under chapter 458 or chapter 459; certified geriatric
9 specialists certified under part I of chapter 464; licensed
10 practical nurses, registered nurses, and advanced registered
11 nurse practitioners licensed under part I of chapter 464;
12 respiratory therapists licensed under part V of chapter 468;
13 and emergency medical technicians and paramedics certified
14 under part III of chapter 401. Only those health care
15 practitioners specified in this paragraph who possess an
16 unencumbered inactive license and who request that such
17 license be reactivated are eligible for reactivation. An
18 inactive license that is reactivated under this paragraph
19 shall return to inactive status when the public health
20 emergency ends or prior to the end of the public health
21 emergency if the State Health Officer determines that the
22 health care practitioner is no longer needed to provide
23 services during the public health emergency. Such licenses may
24 only be reactivated for a period not to exceed 90 days without
25 meeting the requirements of s. 456.036 or chapter 401, as
26 applicable.

27 4. Ordering an individual to be examined, tested,
28 vaccinated, treated, or quarantined for communicable diseases
29 that have significant morbidity or mortality and present a
30 severe danger to public health. Individuals who are unable or
31 unwilling to be examined, tested, vaccinated, or treated for

1 reasons of health, religion, or conscience may be subjected to
2 quarantine.

3 a. Examination, testing, vaccination, or treatment may
4 be performed by any qualified person authorized by the State
5 Health Officer.

6 b. If the individual poses a danger to the public
7 health, the State Health Officer may subject the individual to
8 quarantine. If there is no practical method to quarantine the
9 individual, the State Health Officer may use any means
10 necessary to vaccinate or treat the individual.

11
12 Any order of the State Health Officer given to effectuate this
13 paragraph shall be immediately enforceable by a law
14 enforcement officer under s. 381.0012.

15 Section 129. Subsection (14) of section 400.021,
16 Florida Statutes, is amended to read:

17 400.021 Definitions.--When used in this part, unless
18 the context otherwise requires, the term:

19 (14) "Nursing service" means such services or acts as
20 may be rendered, directly or indirectly, to and in behalf of a
21 person by individuals as defined in ss. s- 464.003 and
22 464.0125.

23 Section 130. Paragraphs (a) and (c) of subsection (3)
24 of section 400.23, Florida Statutes, are amended to read:

25 400.23 Rules; evaluation and deficiencies; licensure
26 status.--

27 (3)(a) The agency shall adopt rules providing for the
28 minimum staffing requirements for nursing homes. These
29 requirements shall include, for each nursing home facility, a
30 minimum certified nursing assistant staffing of 2.3 hours of
31 direct care per resident per day beginning January 1, 2002,

1 increasing to 2.6 hours of direct care per resident per day
2 beginning January 1, 2003, and increasing to 2.9 hours of
3 direct care per resident per day beginning May 1, 2004.
4 Beginning January 1, 2002, no facility shall staff below one
5 certified nursing assistant per 20 residents, and a minimum
6 licensed nursing staffing of 1.0 hour of direct resident care
7 per resident per day but never below one licensed nurse per 40
8 residents. For purposes of computing nursing staffing minimums
9 and ratios, certified geriatric specialists shall be
10 considered licensed nursing staff. ~~Nursing assistants employed~~
11 ~~never below one licensed nurse per 40 residents.~~ Nursing
12 assistants employed under s. 400.211(2) may be included in
13 computing the staffing ratio for certified nursing assistants
14 only if they provide nursing assistance services to residents
15 on a full-time basis. Each nursing home must document
16 compliance with staffing standards as required under this
17 paragraph and post daily the names of staff on duty for the
18 benefit of facility residents and the public. The agency shall
19 recognize the use of licensed nurses for compliance with
20 minimum staffing requirements for certified nursing
21 assistants, provided that the facility otherwise meets the
22 minimum staffing requirements for licensed nurses and that the
23 licensed nurses so recognized are performing the duties of a
24 certified nursing assistant. Unless otherwise approved by the
25 agency, licensed nurses counted towards the minimum staffing
26 requirements for certified nursing assistants must exclusively
27 perform the duties of a certified nursing assistant for the
28 entire shift and shall not also be counted towards the minimum
29 staffing requirements for licensed nurses. If the agency
30 approved a facility's request to use a licensed nurse to
31 perform both licensed nursing and certified nursing assistant

1 duties, the facility must allocate the amount of staff time
2 specifically spent on certified nursing assistant duties for
3 the purpose of documenting compliance with minimum staffing
4 requirements for certified and licensed nursing staff. In no
5 event may the hours of a licensed nurse with dual job
6 responsibilities be counted twice.

7 (c) Licensed practical nurses licensed under chapter
8 464 who are providing nursing services in nursing home
9 facilities under this part may supervise the activities of
10 other licensed practical nurses, certified geriatric
11 specialists, certified nursing assistants, and other
12 unlicensed personnel providing services in such facilities in
13 accordance with rules adopted by the Board of Nursing.

14 Section 131. Paragraph (b) of subsection (2) of
15 section 409.908, Florida Statutes, is amended to read:

16 409.908 Reimbursement of Medicaid providers.--Subject
17 to specific appropriations, the agency shall reimburse
18 Medicaid providers, in accordance with state and federal law,
19 according to methodologies set forth in the rules of the
20 agency and in policy manuals and handbooks incorporated by
21 reference therein. These methodologies may include fee
22 schedules, reimbursement methods based on cost reporting,
23 negotiated fees, competitive bidding pursuant to s. 287.057,
24 and other mechanisms the agency considers efficient and
25 effective for purchasing services or goods on behalf of
26 recipients. If a provider is reimbursed based on cost
27 reporting and submits a cost report late and that cost report
28 would have been used to set a lower reimbursement rate for a
29 rate semester, then the provider's rate for that semester
30 shall be retroactively calculated using the new cost report,
31 and full payment at the recalculated rate shall be affected

1 retroactively. Medicare-granted extensions for filing cost
2 reports, if applicable, shall also apply to Medicaid cost
3 reports. Payment for Medicaid compensable services made on
4 behalf of Medicaid eligible persons is subject to the
5 availability of moneys and any limitations or directions
6 provided for in the General Appropriations Act or chapter 216.
7 Further, nothing in this section shall be construed to prevent
8 or limit the agency from adjusting fees, reimbursement rates,
9 lengths of stay, number of visits, or number of services, or
10 making any other adjustments necessary to comply with the
11 availability of moneys and any limitations or directions
12 provided for in the General Appropriations Act, provided the
13 adjustment is consistent with legislative intent.

14 (2)

15 (b) Subject to any limitations or directions provided
16 for in the General Appropriations Act, the agency shall
17 establish and implement a Florida Title XIX Long-Term Care
18 Reimbursement Plan (Medicaid) for nursing home care in order
19 to provide care and services in conformance with the
20 applicable state and federal laws, rules, regulations, and
21 quality and safety standards and to ensure that individuals
22 eligible for medical assistance have reasonable geographic
23 access to such care.

24 1. Changes of ownership or of licensed operator do not
25 qualify for increases in reimbursement rates associated with
26 the change of ownership or of licensed operator. The agency
27 shall amend the Title XIX Long Term Care Reimbursement Plan to
28 provide that the initial nursing home reimbursement rates, for
29 the operating, patient care, and MAR components, associated
30 with related and unrelated party changes of ownership or
31

1 licensed operator filed on or after September 1, 2001, are
2 equivalent to the previous owner's reimbursement rate.

3 2. The agency shall amend the long-term care
4 reimbursement plan and cost reporting system to create direct
5 care and indirect care subcomponents of the patient care
6 component of the per diem rate. These two subcomponents
7 together shall equal the patient care component of the per
8 diem rate. Separate cost-based ceilings shall be calculated
9 for each patient care subcomponent. The direct care
10 subcomponent of the per diem rate shall be limited by the
11 cost-based class ceiling, and the indirect care subcomponent
12 shall be limited by the lower of the cost-based class ceiling,
13 by the target rate class ceiling, or by the individual
14 provider target. The agency shall adjust the patient care
15 component effective January 1, 2002. The cost to adjust the
16 direct care subcomponent shall be net of the total funds
17 previously allocated for the case mix add-on. The agency shall
18 make the required changes to the nursing home cost reporting
19 forms to implement this requirement effective January 1, 2002.

20 3. The direct care subcomponent shall include salaries
21 and benefits of direct care staff providing nursing services
22 including registered nurses, licensed practical nurses,
23 certified geriatric specialists certified under part I of
24 chapter 464, and certified nursing assistants who deliver care
25 directly to residents in the nursing home facility. This
26 excludes nursing administration, MDS, and care plan
27 coordinators, staff development, and staffing coordinator.

28 4. All other patient care costs shall be included in
29 the indirect care cost subcomponent of the patient care per
30 diem rate. There shall be no costs directly or indirectly
31

1 allocated to the direct care subcomponent from a home office
2 or management company.

3 5. On July 1 of each year, the agency shall report to
4 the Legislature direct and indirect care costs, including
5 average direct and indirect care costs per resident per
6 facility and direct care and indirect care salaries and
7 benefits per category of staff member per facility.

8 6. In order to offset the cost of general and
9 professional liability insurance, the agency shall amend the
10 plan to allow for interim rate adjustments to reflect
11 increases in the cost of general or professional liability
12 insurance for nursing homes. This provision shall be
13 implemented to the extent existing appropriations are
14 available.

15
16 It is the intent of the Legislature that the reimbursement
17 plan achieve the goal of providing access to health care for
18 nursing home residents who require large amounts of care while
19 encouraging diversion services as an alternative to nursing
20 home care for residents who can be served within the
21 community. The agency shall base the establishment of any
22 maximum rate of payment, whether overall or component, on the
23 available moneys as provided for in the General Appropriations
24 Act. The agency may base the maximum rate of payment on the
25 results of scientifically valid analysis and conclusions
26 derived from objective statistical data pertinent to the
27 particular maximum rate of payment.

28 Section 132. Subsection (1) and paragraph (a) of
29 subsection (2) of section 1009.65, Florida Statutes, are
30 amended to read:

31

1 1009.65 Medical Education Reimbursement and Loan
2 Repayment Program.--

3 (1) To encourage qualified medical professionals to
4 practice in underserved locations where there are shortages of
5 such personnel, there is established the Medical Education
6 Reimbursement and Loan Repayment Program. The function of the
7 program is to make payments that offset loans and educational
8 expenses incurred by students for studies leading to a medical
9 or nursing degree, medical or nursing licensure, or advanced
10 registered nurse practitioner certification or physician
11 assistant licensure. The following licensed or certified
12 health care professionals are eligible to participate in this
13 program: medical doctors with primary care specialties,
14 doctors of osteopathic medicine with primary care specialties,
15 physician's assistants, certified geriatric specialists
16 certified under part I of chapter 464, licensed practical
17 nurses and registered nurses, and advanced registered nurse
18 practitioners with primary care specialties such as certified
19 nurse midwives. Primary care medical specialties for
20 physicians include obstetrics, gynecology, general and family
21 practice, internal medicine, pediatrics, and other specialties
22 which may be identified by the Department of Health.

23 (2) From the funds available, the Department of Health
24 shall make payments to selected medical professionals as
25 follows:

26 (a) Up to \$4,000 per year for certified geriatric
27 specialists certified under part I of chapter 464, licensed
28 practical nurses, and registered nurses, up to \$10,000 per
29 year for advanced registered nurse practitioners and
30 physician's assistants, and up to \$20,000 per year for
31 physicians. Penalties for noncompliance shall be the same as

1 those in the National Health Services Corps Loan Repayment
2 Program. Educational expenses include costs for tuition,
3 matriculation, registration, books, laboratory and other fees,
4 other educational costs, and reasonable living expenses as
5 determined by the Department of Health.

6 Section 133. Subsection (2) of section 1009.66,
7 Florida Statutes, is amended to read:

8 1009.66 Nursing Student Loan Forgiveness Program.--

9 (2) To be eligible, a candidate must have graduated
10 from an accredited or approved nursing program and have
11 received a Florida license as a licensed practical nurse, a
12 certified geriatric specialist certified under part I of
13 chapter 464, or a registered nurse or a Florida certificate as
14 an advanced registered nurse practitioner.

15 Section 134. The sum of \$157,017 is appropriated from
16 the General Revenue Fund to the Agency for Workforce
17 Innovation to support the work of the Certified Geriatric
18 Specialty Nursing Initiative Steering Committee, to administer
19 the pilot sites, to contract for an evaluation, and to the
20 extent that funds are available, and if necessary, to provide
21 nursing faculty, substitute certified nursing assistants for
22 those who are in clinical education, and technical support to
23 the pilot sites during the 2004-2005 fiscal year.

24 Section 135. Subsections (3) and (4) of section
25 400.9905, Florida Statutes, are amended, and subsections (5)
26 and (6) are added to that section, to read:

27 400.9905 Definitions.--

28 (3) "Clinic" means an entity at which health care
29 services are provided to individuals and which tenders charges
30 for reimbursement for such services, including a mobile clinic
31 and a portable equipment provider. For purposes of this part,

1 the term does not include and the licensure requirements of
2 this part do not apply to:

3 (a) Entities licensed or registered by the state under
4 chapter 395; or entities licensed or registered by the state
5 and providing only health care services within the scope of
6 services authorized under their respective licenses granted
7 under ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter~~
8 ~~395~~, chapter 397, this chapter except part XIII, chapter 463,
9 chapter 465, chapter 466, chapter 478, part I of chapter 483
10 480, chapter 484, or chapter 651, end-stage renal disease
11 providers authorized under 42 C.F.R. part 405, subpart U, or
12 providers certified under 42 C.F.R. part 485, subpart B or
13 subpart H, or any entity that provides neonatal or pediatric
14 hospital-based healthcare services by licensed practitioners
15 solely within a hospital licensed under chapter 395.

16 (b) Entities that own, directly or indirectly,
17 entities licensed or registered by the state pursuant to
18 chapter 395; or entities that own, directly or indirectly,
19 entities licensed or registered by the state and providing
20 only health care services within the scope of services
21 authorized pursuant to their respective licenses granted under
22 ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395~~,
23 chapter 397, this chapter except part XIII, chapter 463,
24 chapter 465, chapter 466, chapter 478, part I of chapter 483
25 480, chapter 484, or chapter 651, end-stage renal disease
26 providers authorized under 42 C.F.R. part 405, subpart U, or
27 providers certified under 42 C.F.R. part 485, subpart B or
28 subpart H, or any entity that provides neonatal or pediatric
29 hospital-based healthcare services by licensed practitioners
30 solely within a hospital licensed under chapter 395.

1 (c) Entities that are owned, directly or indirectly,
2 by an entity licensed or registered by the state pursuant to
3 chapter 395; or entities that are owned, directly or
4 indirectly, by an entity licensed or registered by the state
5 and providing only health care services within the scope of
6 services authorized pursuant to their respective licenses
7 granted under ss. 383.30-383.335, chapter 390, chapter 394,
8 ~~chapter 395,~~ chapter 397, this chapter except part XIII,
9 chapter 463, chapter 465, chapter 466, chapter 478, part I of
10 chapter 483 480, chapter 484, or chapter 651, end-stage renal
11 disease providers authorized under 42 C.F.R. part 405, subpart
12 U, or providers certified under 42 C.F.R. part 485, subpart B
13 or subpart H, or any entity that provides neonatal or
14 pediatric hospital-based healthcare services by licensed
15 practitioners solely within a hospital licensed under chapter
16 395.

17 (d) Entities that are under common ownership, directly
18 or indirectly, with an entity licensed or registered by the
19 state pursuant to chapter 395; or entities that are under
20 common ownership, directly or indirectly, with an entity
21 licensed or registered by the state and providing only health
22 care services within the scope of services authorized pursuant
23 to its respective license granted under ss. 383.30-383.335,
24 chapter 390, chapter 394, ~~chapter 395,~~ chapter 397, this
25 chapter except part XIII, chapter 463, chapter 465, chapter
26 466, chapter 478, part I of chapter 483 480, chapter 484, or
27 chapter 651, end-stage renal disease providers authorized
28 under 42 C.F.R. part 405, subpart U, or providers certified
29 under 42 C.F.R. part 485, subpart B or subpart H, or any
30 entity that provides neonatal or pediatric hospital-based
31

1 services by licensed practitioners solely within a hospital
 2 licensed under chapter 395.

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

8 (f) A sole proprietorship, group practice,
 9 partnership, or corporation that provides health care services
 10 by physicians covered by s. 627.419, that is directly
 11 supervised by one or more of such physicians, and that is
 12 wholly owned by one or more of those physicians or by a
 13 physician and the spouse, parent, child, or sibling of that
 14 physician.

15 ~~(g)(f)~~ A sole proprietorship, group practice,
 16 partnership, or corporation that provides health care services
 17 by licensed health care practitioners under chapter 457,
 18 chapter 458, chapter 459, chapter 460, chapter 461, chapter
 19 462, chapter 463, chapter 466, chapter 467, chapter 480,
 20 chapter 484, chapter 486, chapter 490, chapter 491, or part I,
 21 part III, part X, part XIII, or part XIV of chapter 468, or s.
 22 464.012, which are wholly owned by one or more ~~a~~ licensed
 23 health care practitioners ~~practitioner~~, or the licensed health
 24 care practitioners set forth in this paragraph ~~practitioner~~
 25 and the spouse, parent, ~~or~~ child, or sibling of a licensed
 26 health care practitioner, so long as one of the owners who is
 27 a licensed health care practitioner is supervising the
 28 services performed therein and is legally responsible for the
 29 entity's compliance with all federal and state laws. However,
 30 a health care practitioner may not supervise services beyond
 31 the scope of the practitioner's license, except that, for the

1 purposes of this part, a clinic owned by a licensee in s.
2 456.053(3)(b) that provides only services authorized pursuant
3 to s. 456.053(3)(b) may be supervised by a licensee specified
4 in s. 456.053(3)(b).

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

8 (i) Entities that provide only oncology or radiation
9 therapy services by physicians licensed under chapter 458 or
10 459.

11 (4) "Medical director" means a physician who is
12 employed or under contract with a clinic and who maintains a
13 full and unencumbered physician license in accordance with
14 chapter 458, chapter 459, chapter 460, or chapter 461.
15 However, if the clinic does not provide services pursuant to
16 the respective physician practice acts listed in this
17 subsection, it is limited to providing health care services
18 pursuant to chapter 457, chapter 484, chapter 486, chapter
19 490, or chapter 491 or part I, part III, part X, part XIII, or
20 part XIV of chapter 468, the clinic may appoint a
21 Florida-licensed health care practitioner who does not provide
22 services pursuant to the respective physician practice acts
23 listed in this subsection licensed under that chapter to serve
24 as a clinic director who is responsible for the clinic's
25 activities. A health care practitioner may not serve as the
26 clinic director if the services provided at the clinic are
27 beyond the scope of that practitioner's license, except that a
28 licensee specified in s. 456.053(3)(b) that provides only
29 services authorized pursuant to s. 456.053(3)(b) may serve as
30 clinic director of an entity providing services as specified
31 in s. 456.053(3)(b).

1 (5) "Mobile clinic" means a movable or detached
2 self-contained health care unit within or from which direct
3 health care services are provided to individuals and that
4 otherwise meets the definition of a clinic in subsection (3).

5 (6) "Portable equipment provider" means an entity that
6 contracts with or employs persons to provide portable
7 equipment to multiple locations performing treatment or
8 diagnostic testing of individuals, that bills third-party
9 payors for those services, and that otherwise meets the
10 definition of a clinic in subsection (3).

11 Section 136. The creation of paragraph 400.9905(3)(i),
12 Florida Statutes, by this act is intended to clarify the
13 legislative intent of this provision as it existed at the time
14 the provision initially took effect as section 456.0375(1)(b),
15 Florida Statutes, and paragraph 400.9905(3)(i), Florida
16 Statutes, as created by this act, shall operate retroactively
17 to October 1, 2001. Nothing in this section shall be construed
18 as amending, modifying, limiting, or otherwise affecting in
19 any way the legislative intent, scope, terms, prohibition, or
20 requirements of section 456.053, Florida Statutes.

21 Section 137. Subsections (1), (2), and (3) and
22 paragraphs (a) and (b) of subsection (7) of section 400.991,
23 Florida Statutes, are amended to read:

24 400.991 License requirements; background screenings;
25 prohibitions.--

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

31

1 **(b) Each mobile clinic must obtain a separate health**
2 **care clinic license and ~~clinics~~** must provide to the agency, at
3 least quarterly, **its** ~~their~~ projected street **location** ~~locations~~
4 to enable the agency to locate and inspect such **clinic**
5 ~~clinics~~. **A portable equipment provider must obtain a health**
6 **care clinic license for a single administrative office and is**
7 **not required to submit quarterly projected street locations.**

8 (2) The initial clinic license application shall be
9 filed with the agency by all clinics, as defined in s.
10 400.9905, on or before ~~July~~ **March** 1, 2004. A clinic license
11 must be renewed biennially.

12 (3) Applicants that submit an application on or before
13 ~~July~~ **March** 1, 2004, which meets all requirements for initial
14 licensure as specified in this section shall receive a
15 temporary license until the completion of an initial
16 inspection verifying that the applicant meets all requirements
17 in rules authorized by s. 400.9925. However, a clinic engaged
18 in magnetic resonance imaging services may not receive a
19 temporary license unless it presents evidence satisfactory to
20 the agency that such clinic is making a good faith effort and
21 substantial progress in seeking accreditation required under
22 s. 400.9935.

23 (7) Each applicant for licensure shall comply with the
24 following requirements:

25 (a) As used in this subsection, the term "applicant"
26 means individuals owning or controlling, directly or
27 indirectly, 5 percent or more of an interest in a clinic; the
28 medical or clinic director, or a similarly titled person who
29 is responsible for the day-to-day operation of the licensed
30 clinic; the financial officer or similarly titled individual
31 who is responsible for the financial operation of the clinic;

1 and licensed health care practitioners ~~medical providers~~ at
2 the clinic.

3 (b) Upon receipt of a completed, signed, and dated
4 application, the agency shall require background screening of
5 the applicant, in accordance with the level 2 standards for
6 screening set forth in chapter 435. Proof of compliance with
7 the level 2 background screening requirements of chapter 435
8 which has been submitted within the previous 5 years in
9 compliance with any other health care licensure requirements
10 of this state is acceptable in fulfillment of this paragraph.

11 Applicants who own less than 10 percent of a health care
12 clinic are not required to submit fingerprints under this
13 section.

14 Section 138. Subsections (9) and (11) of section
15 400.9935, Florida Statutes, are amended to read:

16 400.9935 Clinic responsibilities.--

17 (9) Any person or entity providing health care
18 services which is not a clinic, as defined under s. 400.9905,
19 may voluntarily apply for a certificate of exemption from
20 licensure under its exempt status with the agency on a form
21 that sets forth its name or names and addresses, a statement
22 of the reasons why it cannot be defined as a clinic, and other
23 information deemed necessary by the agency. An exemption is
24 not transferable. The agency may charge an applicant for a
25 certificate of exemption \$100 or the actual cost, whichever is
26 less, for processing the certificate.

27 (11)(a) Each clinic engaged in magnetic resonance
28 imaging services must be accredited by the Joint Commission on
29 Accreditation of Healthcare Organizations, the American
30 College of Radiology, or the Accreditation Association for
31 Ambulatory Health Care, within 1 year after licensure.

1 However, a clinic may request a single, 6-month extension if
2 it provides evidence to the agency establishing that, for good
3 cause shown, such clinic can not be accredited within 1 year
4 after licensure, and that such accreditation will be completed
5 within the 6-month extension. After obtaining accreditation as
6 required by this subsection, each such clinic must maintain
7 accreditation as a condition of renewal of its license.

8 (b) The agency may deny ~~disallow~~ the application or
9 revoke the license of any entity formed for the purpose of
10 avoiding compliance with the accreditation provisions of this
11 subsection and whose principals were previously principals of
12 an entity that was unable to meet the accreditation
13 requirements within the specified timeframes. The agency may
14 adopt rules as to the accreditation of magnetic resonance
15 imaging clinics.

16 Section 139. Subsections (1) and (3) of section
17 400.995, Florida Statutes, are amended, and subsection (10) is
18 added to said section, to read:

19 400.995 Agency administrative penalties.--

20 (1) The agency may deny the application for a license
21 renewal, revoke or suspend the license, and impose
22 administrative fin ~~penalties against clinics~~ of up to \$5,000
23 per violation for violations of the requirements of this part
24 or rules of the agency. In determining if a penalty is to be
25 imposed and in fixing the amount of the fine, the agency shall
26 consider the following factors:

27 (a) The gravity of the violation, including the
28 probability that death or serious physical or emotional harm
29 to a patient will result or has resulted, the severity of the
30 action or potential harm, and the extent to which the
31 provisions of the applicable laws or rules were violated.

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

3 (c) Any previous violations.

4 (d) The financial benefit to the clinic of committing
5 or continuing the violation.

6 (3) Any action taken to correct a violation shall be
7 documented in writing by the owner, medical director, or
8 clinic director of the clinic and verified through followup
9 visits by agency personnel. The agency may impose a fine and,
10 in the case of an owner-operated clinic, revoke or deny a
11 clinic's license when a clinic medical director or clinic
12 director ~~knowingly fraudulently~~ misrepresents actions taken to
13 correct a violation.

14 (10) If the agency issues a notice of intent to deny a
15 license application after a temporary license has been issued
16 pursuant to s. 400.991(3), the temporary license shall expire
17 on the date of the notice and may not be extended during any
18 proceeding for administrative or judicial review pursuant to
19 chapter 120.

20 Section 140. The agency shall refund 90 percent of the
21 license application fee to applicants that submitted their
22 health care clinic licensure fees and applications but were
23 subsequently exempted from licensure by this act.

24 Section 141. Any person or entity defined as a clinic
25 under section 400.9905, Florida Statutes, shall not be in
26 violation of part XIII of chapter 400, Florida Statutes, due
27 to failure to apply for a clinic license by March 1, 2004, as
28 previously required by section 400.991, Florida Statutes.
29 Payment to any such person or entity by an insurer or other
30 person liable for payment to such person or entity may not be

31

1 denied on the grounds that the person or entity failed to
2 apply for or obtain a clinic license before March 1, 2004.

3 Section 142. Except for this section and sections
4 135-141, which shall take effect upon becoming a law, and
5 except that section 136 shall apply retroactively to March 1,
6 2004, this act shall take effect July 1, 2004.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31