

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 requiring disclosure of licensure to patients;
26 authorizing the department to impose a fee to
27 defray the costs of monitoring a licensee's
28 compliance with an order; amending s. 456.073,
29 F.S.; revising certain procedures for
30 investigations concerning a disciplinary
31 proceeding; amending s. 457.105, F.S.; revising

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

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

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

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

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

1 physical therapist assistants licensed in
2 another jurisdiction; amending s. 486.109,
3 F.S.; revising requirements for continuing
4 education; amending s. 486.161, F.S.; providing
5 an exemption from licensure for certain
6 physical therapists affiliated with a team or
7 organization temporarily located in the state;
8 amending s. 486.172, F.S.; clarifying
9 provisions governing the qualifications of
10 immigrants for examination; amending s.
11 490.005, F.S., relating to psychological
12 services; correcting references; amending s.
13 490.014, F.S.; providing a salaried employee of
14 a private provider who contracts with a
15 governmental agency to provide certain services
16 the exemption from licensing requirements which
17 a salaried employee of the governmental agency
18 receives; amending s. 491.005, F.S., relating
19 to 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 services the exemption from licensing
28 requirements which a salaried employee of the
29 governmental agency receives; amending ss.
30 491.009 and 491.0145, F.S.; clarifying
31 provisions governing the discipline of a

1 certified master social worker; creating s.
2 491.0146, F.S.; providing for the validity of
3 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; creating s. 514.0305,
8 F.S.; requiring the pools to be enclosed by a
9 barrier; establishing additional safety
10 requirements; requiring inspections; providing
11 penalties for violations; providing that
12 attorney's fees and costs be awarded to the
13 Department of Health at a hearing at which the
14 department prevails; providing definitions and
15 for application; providing for exceptions;
16 amending s. 514.0115, F.S.; providing that
17 certain condominiums and cooperatives must
18 comply with specified requirements of law;
19 amending s. 766.314, F.S.; correcting a
20 cross-reference; amending s. 817.505, F.S.;
21 clarifying provisions prohibiting actions that
22 constitute patient brokering; amending s.
23 817.567, F.S., relating to making false claims
24 of a degree or title; correcting a reference;
25 amending s. 1009.992, F.S., relating to the
26 Florida Higher Education Loan Authority Act;
27 correcting a reference; amending s. 468.711,
28 F.S.; deleting the requirement that continuing
29 education for athletic trainers include first
30 aid; amending s. 468.723, F.S.; revising
31 exemptions from licensure requirements;

1 | amending s. 1012.46, F.S.; providing that a
2 | first responder for a school district may not
3 | represent himself or herself as an athletic
4 | trainer; providing for reactivation of a
5 | license to practice medicine by certain retired
6 | practitioners; providing conditions on such
7 | reactivation; providing for a fee; providing
8 | powers, including rulemaking powers, of the
9 | Board of Medicine; providing for future review
10 | and expiration; amending s. 466.0135, F.S.;
11 | providing additional requirements for
12 | continuing education for dentists; amending s.
13 | 480.034, F.S.; exempting certain massage
14 | therapists from premises licensure; amending s.
15 | 400.9905, F.S.; providing that certain entities
16 | providing oncology or radiation therapy
17 | services are exempt from the licensure
18 | requirements of part XIII of ch. 400, F.S.;
19 | providing legislative intent with respect to
20 | such exemption; providing for retroactive
21 | application; repealing ss. 456.033, 456.034,
22 | 458.313, 458.3147, 458.316, 458.3165, 458.317,
23 | 468.711(3), and 480.044(1)(h), F.S., relating
24 | to instruction concerning HIV and AIDS,
25 | licensure by endorsement of physicians, medical
26 | school eligibility, public health and public
27 | psychiatry certificates, limited licenses, and
28 | examination fees; amending s. 466.006, F.S.;
29 | allowing certain dental students to take the
30 | examinations required to practice dentistry in
31 | this state under specified conditions;

1 providing a prerequisite to licensure of such
2 students; creating s. 466.0065, F.S.; allowing
3 certain dental students to take regional
4 licensure examinations under specified
5 conditions; restricting the applicability of
6 examination results to licensing in other
7 jurisdictions; requiring approval by the Board
8 of Dentistry and providing prerequisites to
9 such approval; amending s. 456.048, F.S.;
10 requiring the Board of Medicine and the Board
11 of Osteopathic Medicine to require medical
12 malpractice insurance or proof of financial
13 responsibility as a condition of licensure or
14 licensure renewal for licensed anesthesiologist
15 assistants; amending ss. 458.331, 459.015,
16 F.S.; revising grounds for which a physician
17 may be disciplined for failing to provide
18 adequate supervision; creating ss. 458.3475,
19 459.023, F.S.; providing definitions; providing
20 performance standards for anesthesiologist
21 assistants and supervising anesthesiologists;
22 providing for the approval of training programs
23 and for services authorized to be performed by
24 trainees; providing licensing procedures;
25 providing for fees; providing for additional
26 membership, powers, and duties of the Board of
27 Medicine and the Board of Osteopathic Medicine;
28 providing penalties; providing for disciplinary
29 actions; providing for the adoption of rules;
30 prescribing liability; providing for the
31 allocation of fees; amending s. 400.506, F.S.;

1 revising duties of nurse registries with
2 respect to advising patients and their families
3 or representatives with respect to home visits;
4 revising requirements for plans of treatment;
5 amending s. 400.487, F.S.; revising home health
6 agency service agreements and treatment orders;
7 providing a short title; requiring the Agency
8 for Workforce Innovation to establish a pilot
9 program for delivery of certified geriatric
10 specialty nursing education; specifying
11 eligibility requirements for certified nursing
12 assistants to obtain certified geriatric
13 specialty nursing education; specifying
14 requirements for the education of certified
15 nursing assistants to prepare for certification
16 as a certified geriatric specialist; creating a
17 Certified Geriatric Specialty Nursing
18 Initiative Steering Committee; providing for
19 the composition of and manner of appointment to
20 the Certified Geriatric Specialty Nursing
21 Initiative Steering Committee; providing
22 responsibilities of the steering committee;
23 providing for reimbursement for per diem and
24 travel expenses; requiring the Agency for
25 Workforce Innovation to conduct or contract for
26 an evaluation of the pilot program for delivery
27 of certified geriatric specialty nursing
28 education; requiring the evaluation to include
29 recommendations regarding the expansion of the
30 delivery of certified geriatric specialty
31 nursing education in nursing homes; requiring

1 the Agency for Workforce Innovation to report
2 to the Governor and Legislature regarding the
3 status and evaluation of the pilot program;
4 creating s. 464.0125, F.S.; providing
5 definitions; providing requirements for persons
6 to become certified geriatric specialists;
7 specifying fees; providing for articulation of
8 geriatric specialty nursing coursework and
9 practical nursing coursework; providing
10 practice standards and grounds for which
11 certified geriatric specialists may be subject
12 to discipline by the Board of Nursing; creating
13 restrictions on the use of professional nursing
14 titles; prohibiting the use of certain
15 professional titles; providing penalties;
16 authorizing approved nursing programs to
17 provide education for the preparation of
18 certified geriatric specialists without further
19 board approval; authorizing certified geriatric
20 specialists to supervise the activities of
21 others in nursing home facilities according to
22 rules by the Board of Nursing; revising
23 terminology relating to nursing to conform to
24 the certification of geriatric specialists;
25 amending s. 381.00315, F.S.; revising
26 requirements for the reactivation of the
27 licenses of specified health care practitioners
28 in the event of a public health emergency to
29 include certified geriatric specialists;
30 amending s. 400.021, F.S.; including services
31 provided by a certified geriatric specialist

1 within the definition of nursing service;
2 amending s. 400.23, F.S.; specifying that
3 certified geriatric specialists shall be
4 considered licensed nursing staff; authorizing
5 licensed practical nurses to supervise the
6 activities of certified geriatric specialists
7 in nursing home facilities according to rules
8 adopted by the Board of Nursing; amending s.
9 409.908, F.S.; revising the methodology for
10 reimbursement of Medicaid program providers to
11 include services of certified geriatric
12 specialists; amending s. 1009.65, F.S.;
13 revising eligibility for the Medical Education
14 Reimbursement and Loan Repayment Program to
15 include certified geriatric specialists;
16 amending s. 1009.66, F.S.; revising eligibility
17 requirements for the Nursing Student Loan
18 Forgiveness Program to include certified
19 geriatric specialists; providing an
20 appropriation; amending s. 400.9905, F.S.;
21 revising the definitions of "clinic" and
22 "medical director" and defining "mobile clinic"
23 and "portable equipment provider" for purposes
24 of the Health Care Clinic Act; providing that
25 certain entities providing oncology or
26 radiation therapy services are exempt from the
27 licensure requirements of part XIII of ch. 400,
28 F.S.; providing legislative intent with respect
29 to such exemption; providing for retroactive
30 application; amending s. 400.991, F.S.;
31 requiring each mobile clinic to obtain a health

1 care clinic license; requiring a portable
2 equipment provider to obtain a health care
3 clinic license for a single office and
4 exempting such a provider from submitting
5 certain information to the Agency for Health
6 Care Administration; revising the date by which
7 an initial application for a health care clinic
8 license must be filed with the agency; revising
9 the definition of "applicant"; amending s.
10 400.9935, F.S.; assigning responsibilities for
11 ensuring billing; providing that an exemption
12 from licensure is not transferable; providing
13 that the agency may charge a fee of applicants
14 for certificates of exemption; providing that
15 the agency may deny an application or revoke a
16 license under certain circumstances; amending
17 s. 400.995, F.S.; providing that the agency may
18 deny, revoke, or suspend specified licenses and
19 impose fines for certain violations; providing
20 that a temporary license expires after a notice
21 of intent to deny an application is issued by
22 the agency; amending s. 456.025, F.S.; deleting
23 requirements for the Department of Health to
24 administer an electronic continuing education
25 tracking system for health care practitioners;
26 amending s. 456.072, F.S.; providing for
27 discipline of licensees who fail to meet
28 continuing education requirements as a
29 prerequisite for license renewal three or more
30 times; creating s. 381.03015, F.S.; providing
31 legislative intent with respect to a health

1 care practitioner workforce database; providing
2 definitions; creating the Florida Health Care
3 Practitioner Workforce Database within the
4 Department of Health; authorizing the database
5 to be implemented in stages; giving priority in
6 the database for information concerning
7 allopathic and osteopathic physicians;
8 specifying data elements of allopathic and
9 osteopathic physicians for inclusion in the
10 database; requiring that data for the health
11 care practitioner workforce database be
12 gathered from existing data sources; requiring
13 certain entities to provide data elements to
14 the department; authorizing the department to
15 create an advisory committee; requiring the
16 department to adopt rules; providing that the
17 act will not take effect unless funds are
18 specifically appropriated for this purpose;
19 prohibiting the use of a specified trust fund
20 to administer the act; amending s. 456.039,
21 F.S.; revising the requirements for updating
22 the information submitted by designated health
23 care professionals for licensure and license
24 renewal; authorizing the Department of Health
25 to receive automated criminal arrest
26 information concerning health care
27 professionals who are subject to the profiling
28 requirements; requiring certain health
29 professionals to submit fingerprints to the
30 Department of Health and to pay fees for a
31 criminal history records check; amending s.

1 456.0391, F.S.; revising the requirements for
2 information submitted by advanced registered
3 nurse practitioners for certification;
4 authorizing the Department of Health to receive
5 automated criminal arrest information
6 concerning health care professionals who are
7 subject to the profiling requirements;
8 requiring certain health professionals to
9 submit fingerprints to the Department of Health
10 and to pay fees for a criminal history records
11 check; requiring applications for a physician
12 license and license renewal to be submitted
13 electronically by a specified date; amending s.
14 456.042, F.S.; requiring designated health care
15 practitioners to electronically submit updates
16 of required information for compilation into
17 practitioner profiles; amending s. 456.051,
18 F.S.; revising requirements for the Department
19 of Health to publish reports of claims or
20 actions for damages for certain health care
21 practitioners on the practitioner profiles;
22 amending ss. 458.319, 459.008, 460.407, and
23 461.007, F.S.; revising requirements for
24 physician licensure renewal; authorizing the
25 Department of Health to gain access to renewal
26 applicants' records in an automated system
27 maintained by the Department of Law
28 Enforcement; amending s. 461.014, F.S.;
29 providing that each hospital annually provide a
30 list of podiatric residents; providing an
31 appropriation; providing that persons or

1 entities made exempt under the act and which
2 have paid the clinic licensure fee to the
3 agency are entitled to a partial refund from
4 the agency; providing that certain persons or
5 entities are not in violation of part XIII of
6 ch. 400, F.S., due to failure to apply for a
7 clinic license by a specified date; providing
8 that certain payments may not be denied to such
9 persons or entities for failure to apply for or
10 obtain a clinic license before a specified
11 date; providing effective dates.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Present subsection (2) of section 381.005,
16 Florida Statutes, is redesignated as subsection (3), and a new
17 subsection (2) is added to that section, to read:

18 381.005 Primary and preventive health services.--

19 (2) Between October 1, or earlier if the vaccination
20 is available, and February 1 of every year, subject to the
21 availability of an adequate supply of the necessary vaccine,
22 each hospital licensed under chapter 395 shall implement a
23 program to offer immunizations against the influenza virus and
24 pneumococcal bacteria to all patients 65 years of age or
25 older, in accordance with the recommendations of the Advisory
26 Committee on Immunization Practices of the United States
27 Centers for Disease Control and Prevention and subject to the
28 clinical judgment of the responsible practitioner.

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

31

1 395.003 Licensure; issuance, renewal, denial,
2 modification, suspension, and revocation.--

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

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

9 1. Cardiac-related diseases and disorders classified
10 as diagnosis-related groups 103-145, 478-479, 514-518, or
11 525-527;

12 2. Orthopedic-related diseases and disorders
13 classified as diagnosis-related groups 209-256, 471, 491,
14 496-503, or 519-520;

15 3. Cancer-related diseases and disorders classified as
16 diagnosis-related groups 64, 82, 172, 173, 199, 200, 203,
17 257-260, 274, 275, 303, 306, 307, 318, 319, 338, 344, 346,
18 347, 363, 366, 367, 400-414, 473, or 492; or

19 4. Any combination of the above discharges.

20 (b) The hospital restricts its medical and surgical
21 services to primarily or exclusively cardiac, orthopedic,
22 surgical, or oncology specialties.

23 (10) A hospital licensed as of June 1, 2004, shall be
24 exempt from subsection (9) as long as the hospital maintains
25 the same ownership, facility street address, and range of
26 services that were in existence on June 1, 2004. Any transfer
27 of beds, or other agreements that result in the establishment
28 of a hospital or hospital services within the intent of this
29 section, shall be subject to subsection (9). Unless the
30 hospital is otherwise exempt under subsection (9), the agency

31

1 shall deny or revoke the license of a hospital that violates
 2 any of the criteria set forth in that subsection.

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

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

21 395.003 Licensure; issuance, renewal, denial,
 22 modification, suspension, and revocation.--

23 (1)(a) A ~~No~~ person may not shall establish, conduct,
 24 or maintain a hospital, ambulatory surgical center, or mobile
 25 surgical facility in this state without first obtaining a
 26 license under this part.

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

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

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

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

24 395.0193 Licensed facilities; peer review;
25 disciplinary powers; agency or partnership with physicians.--

26 (4) Pursuant to ss. 458.337 and 459.016, any
27 disciplinary actions taken under subsection (3) shall be
28 reported in writing to the Division of Medical Health ~~Health~~ Quality
29 Assurance of the Department of Health ~~agency~~ within 30 working
30 days after its initial occurrence, regardless of the pendency
31 of appeals to the governing board of the hospital. The

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

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

17 395.0197 Internal risk management.--

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

23 (a) The death of a patient;

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

25 (c) The performance of a surgical procedure on the
26 wrong patient;

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

29 (e) The performance of a wrong surgical procedure;
30
31

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

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

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

10

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

23 However, the agency or the appropriate regulatory board shall
24 make available, upon written request by a health care
25 professional against whom probable cause has been found, any
26 ~~such~~ records that ~~which~~ form the basis of the determination of
27 probable cause. The agency may investigate, as it deems
28 appropriate, any ~~such~~ incident and prescribe measures that
29 must or may be taken in response to the incident. The agency
30 shall forward a copy of the report of ~~review~~ each incident to
31 the Division of Medical Quality Assurance in the Department of

1 Health to ~~and~~ determine whether it potentially involved
 2 conduct by the health care professional who is subject to
 3 disciplinary action, in which case ~~the provisions of s.~~
 4 456.073 shall apply.

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

9 395.3025 Patient and personnel records; copies;
 10 examination.--

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

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

18 (e) The Department of Health ~~agency~~ upon subpoena
 19 issued pursuant to s. 456.071, but the records obtained
 20 thereby must be used solely for the purpose of the department
 21 ~~agency~~ and the appropriate professional board in its
 22 investigation, prosecution, and appeal of disciplinary
 23 proceedings. 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 under a subpoena or
 26 the release of a patient have been provided to the department
 27 or otherwise identify those documents that have not been
 28 provided. If the department ~~agency~~ requests copies of the
 29 records, the facility may charge the department the reasonable
 30 costs of reproducing the records ~~shall charge no more than its~~
 31 ~~actual copying costs, including reasonable staff time.~~ The

1 records must be sealed and must not be available to the public
2 pursuant to s. 119.07(1) or any other statute providing access
3 to records, nor may they be available to the public as part of
4 the record of investigation for and prosecution in
5 disciplinary proceedings made available to the public by the
6 department ~~agency~~ or the appropriate regulatory board.
7 However, the department ~~agency~~ must make available, upon
8 written request by a practitioner against whom probable cause
9 has been found, any such records that form the basis of the
10 determination of probable cause.

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

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

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

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

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

23 (7)

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

30 Section 7. Paragraph (b) of subsection (2) of section
31 395.7015, Florida Statutes, is amended to read:

1 | 395.7015 Annual assessment on health care entities.--

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

4 | (b) For the purpose of this section, "health care
5 | entities" include the following:

6 | 1. Ambulatory surgical centers and mobile surgical
7 | facilities licensed under s. 395.003. This subsection shall
8 | only apply to mobile surgical facilities operating under
9 | contracts entered into on or after July 1, 1998.

10 | 2. Clinical laboratories licensed under s. 483.091,
11 | excluding any hospital laboratory defined under s. 483.041(6),
12 | any clinical laboratory operated by the state or a political
13 | subdivision of the state, any clinical laboratory which
14 | qualifies as an exempt organization under s. 501(c)(3) of the
15 | Internal Revenue Code of 1986, as amended, and which receives
16 | 70 percent or more of its gross revenues from services to
17 | charity patients or Medicaid patients, and any blood, plasma,
18 | or tissue bank procuring, storing, or distributing blood,
19 | plasma, or tissue either for future manufacture or research or
20 | distributed on a nonprofit basis, and further excluding any
21 | clinical laboratory which is wholly owned and operated by 6 or
22 | fewer physicians who are licensed under ~~pursuant to~~ chapter
23 | 458 or chapter 459 and who practice in the same group
24 | practice, and at which no clinical laboratory work is
25 | performed for patients referred by any health care provider
26 | who is not a member of the same group.

27 | 3. Diagnostic-imaging centers that are freestanding
28 | outpatient facilities that provide specialized services for
29 | the identification or determination of a disease through
30 | examination and also provide sophisticated radiological
31 | services, and in which services are rendered by a physician

1 licensed by the Board of Medicine under s. 458.311,~~s.~~
 2 ~~458.313,~~ or s. 458.315 ~~s. 458.317,~~ or by an osteopathic
 3 physician licensed by the Board of Osteopathic Medicine under
 4 s. 459.006, s. 459.007, or s. 459.0075. For purposes of this
 5 paragraph, "sophisticated radiological services" means the
 6 following: magnetic resonance imaging; nuclear medicine;
 7 angiography; arteriography; computed tomography; positron
 8 emission tomography; digital vascular imaging; bronchography;
 9 lymphangiography; splenography; ultrasound, excluding
 10 ultrasound providers that are part of a private physician's
 11 office practice or when ultrasound is provided by two or more
 12 physicians licensed under chapter 458 or chapter 459 who are
 13 members of the same professional association and who practice
 14 in the same medical specialties; and such other sophisticated
 15 radiological services, excluding mammography, as adopted in
 16 rule by the board.

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

19 400.141 Administration and management of nursing home
 20 facilities.--Every licensed facility shall comply with all
 21 applicable standards and rules of the agency and shall:

22 (10) Keep full records of resident admissions and
 23 discharges; medical and general health status, including
 24 medical records, personal and social history, and identity and
 25 address of next of kin or other persons who may have
 26 responsibility for the affairs of the residents; and
 27 individual resident care plans including, but not limited to,
 28 prescribed services, service frequency and duration, and
 29 service goals. The records shall be open to inspection by the
 30 agency. A certified true and complete copy of the records
 31 shall be provided to the Department of Health upon subpoena

1 issued under s. 456.057 or s. 456.071. The provisions of
2 chapter 456 apply to the records obtained under this section.

3
4 Facilities that have been awarded a Gold Seal under the
5 program established in s. 400.235 may develop a plan to
6 provide certified nursing assistant training as prescribed by
7 federal regulations and state rules and may apply to the
8 agency for approval of their program.

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

11 400.145 Records of care and treatment of resident;
12 copies to be furnished.--

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

22 Section 10. Subsections (7) and (8) of section
23 400.147, Florida Statutes, are amended to read:

24 400.147 Internal risk management and quality assurance
25 program.--

26 (7) The facility shall initiate an investigation and
27 shall notify the agency within 1 business day after the risk
28 manager or his or her designee has received a report under
29 ~~pursuant to~~ paragraph (1)(d). The notification must be made in
30 writing and be provided electronically, by facsimile device or
31 overnight mail delivery. The notification must include

1 information regarding the identity of the affected resident,
2 the type of adverse incident, the initiation of an
3 investigation by the facility, and whether the events causing
4 or resulting in the adverse incident represent a potential
5 risk to any other resident. The notification is confidential
6 as provided by law and is not discoverable or admissible in
7 any civil or administrative action, except in disciplinary
8 proceedings by the agency, the Department of Health, or the
9 appropriate regulatory board. The agency may investigate, as
10 it deems appropriate, any such incident and prescribe measures
11 that must or may be taken in response to the incident. The
12 Department of Health ~~agency~~ shall review each incident and
13 determine whether it potentially involved conduct by the
14 health care professional who is subject to disciplinary
15 action, in which case ~~the provisions of~~ s. 456.073 shall
16 apply.

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

25 (b) A copy of the report submitted ~~The information~~
26 ~~reported~~ to the agency under ~~pursuant to~~ paragraph (a) which
27 relates to health care practitioners as defined in s.
28 456.001(4) shall be forwarded by the agency to the Division of
29 Medical Quality Assurance of the Department of Health for
30 review ~~persons licensed under chapter 458, chapter 459,~~
31 ~~chapter 461, or chapter 466 shall be reviewed by the agency.~~

1 The division ~~agency~~ shall determine whether any of the
2 incidents potentially involved conduct by a health care
3 professional who is subject to disciplinary action, in which
4 case ~~the provisions of~~ s. 456.073 shall apply.

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

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

11 Section 11. Subsections (1) and (4) of section
12 400.211, Florida Statutes, are amended to read:

13 400.211 Persons employed as nursing assistants;
14 certification requirement.--

15 (1) To serve as a nursing assistant in any nursing
16 home, a person must be certified as a nursing assistant under
17 part II of chapter 464, unless the person is a registered
18 nurse, ~~a or~~ practical nurse, or a certified geriatric
19 specialist certified or licensed in accordance with part I of
20 chapter 464 or an applicant for such licensure who is
21 permitted to practice nursing in accordance with rules adopted
22 by the Board of Nursing pursuant to part I of chapter 464.

23 (4) When employed by a nursing home facility for a
24 12-month period or longer, a nursing assistant, ~~to maintain~~
25 ~~certification,~~ shall submit to a performance review every 12
26 months and must receive regular inservice education based on
27 the outcome of these ~~such~~ reviews. The inservice training
28 must:

29 (a) Be sufficient to ensure the continuing competence
30 of nursing assistants, must be at least 12 ~~18~~ hours per year,
31

1 and may include hours accrued under s. 464.203(7) ~~s.~~
 2 ~~464.203(8)~~;

3 (b) Include, at a minimum:

- 4 1. Techniques for assisting with eating and proper
 5 feeding;
- 6 2. Principles of adequate nutrition and hydration;
- 7 3. Techniques for assisting and responding to the
 8 cognitively impaired resident or the resident with difficult
 9 behaviors;
- 10 4. Techniques for caring for the resident at the
 11 end-of-life; and
- 12 5. Recognizing changes that place a resident at risk
 13 for pressure ulcers and falls; and

14 (c) Address areas of weakness as determined in nursing
 15 assistant performance reviews and may address the special
 16 needs of residents as determined by the nursing home facility
 17 staff.

18
 19 Costs associated with this training may not be reimbursed from
 20 additional Medicaid funding through interim rate adjustments.

21 Section 12. Subsection (5) of section 400.215, Florida
 22 Statutes, is amended to read:

23 400.215 Personnel screening requirement.--

24 (5) Any provision of law to the contrary
 25 notwithstanding, persons who have been screened and qualified
 26 as required by this section or s. 464.203 and who have not
 27 been unemployed for more than 180 days thereafter, and who
 28 under penalty of perjury attest to not having been convicted
 29 of a disqualifying offense since the completion of such
 30 screening, shall not be required to be rescreened. For
 31 purposes of this subsection, screened and qualified under s.

1 464.203 means that the person subject to such screening at the
2 time of certification by the Board of Nursing does not have
3 any disqualifying offense under chapter 435 or has received an
4 exemption from any disqualification under chapter 435 from the
5 Board of Nursing. An employer may obtain, under ~~pursuant to~~ s.
6 435.10, written verification of qualifying screening results
7 from the previous employer or other entity which caused the
8 ~~such~~ screening to be performed.

9 Section 13. Subsection (7) of section 400.423, Florida
10 Statutes, is amended to read:

11 400.423 Internal risk management and quality assurance
12 program; adverse incidents and reporting requirements.--

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

31

1 Section 14. Section 400.455, Florida Statutes, is
2 created to read:

3 400.455 Certified copy of subpoenaed records.--Upon a
4 subpoena issued by the Department of Health pursuant to s.
5 456.057 or s. 456.071, a certified true and complete copy of
6 the requested records shall be provided. The department may be
7 charged a reasonable fee for copies of all documents provided
8 to the department under this section. The provisions of
9 chapter 456 apply to the records obtained under this section.

10 Section 15. Paragraph (m) of subsection (1) of section
11 440.13, Florida Statutes, is amended to read:

12 440.13 Medical services and supplies; penalty for
13 violations; limitations.--

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

15 (m) "Medicine" means a drug prescribed by an
16 authorized health care provider and includes only generic
17 drugs or single-source patented drugs for which there is no
18 generic equivalent, unless the authorized health care provider
19 writes or states that the brand-name drug as defined in s.
20 465.025 is medically necessary, or is a drug appearing on the
21 schedule of drugs created pursuant to s. 465.025(5)
22 ~~465.025(6)~~, or is available at a cost lower than its generic
23 equivalent.

24 Section 16. Section 456.005, Florida Statutes, is
25 amended to read:

26 456.005 Long-range policy planning; plans, reports,
27 and recommendations.--To facilitate efficient and
28 cost-effective regulation, the department and the board, where
29 appropriate, shall develop and implement a long-range policy
30 planning and monitoring process to include recommendations
31 specific to each profession. ~~The Such~~ process shall include

1 estimates of revenues, expenditures, cash balances, and
2 performance statistics for each profession. The period covered
3 shall not be less than 5 years. The department, with input
4 from the boards and licensees, shall develop the long-range
5 plan and must obtain the approval of the secretary. The
6 department shall monitor compliance with the approved
7 long-range plan and, with input from the boards, shall
8 annually update the plans for approval by the secretary. The
9 department shall provide concise management reports to the
10 boards quarterly. As part of the review process, the
11 department shall evaluate:

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

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

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

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

21 (5) Whether there is consistency between the various
22 practice acts.

23 (6) Whether unlicensed activity is adequately
24 enforced.

25
26 ~~The Such~~ plans should include conclusions and recommendations
27 on these and other issues as appropriate. The Such plans
28 shall be provided to the Governor and the Legislature by
29 November 1 of each year.

30 Section 17. Subsection (5) of section 456.011, Florida
31 Statutes, is amended to read:

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

3 456.011 Boards; organization; meetings; compensation
4 and travel expenses.--

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

9 (a) One board or the secretary shall request that the
10 boards establish a special committee to resolve the conflict.
11 The special committee shall consist of two members designated
12 by each board, who may be members of the designating board or
13 other experts designated by the board, and three additional
14 persons appointed by the secretary who are not members of
15 either profession and who do not have an interest in either
16 profession. The committee shall, by majority vote, make any
17 recommendations that the committee finds necessary, including,
18 but not limited to, recommended rules to resolve the
19 differences.

20 (b) Matters that cannot be resolved through the
21 special committee may be resolved by the department through
22 informal mediation by the department or agent of the
23 department. If the committee agrees to a mediated resolution,
24 the mediator shall notify the department of the terms of the
25 resolution. The committee shall be provided the opportunity to
26 record with the department an acknowledgement of satisfaction
27 of the terms of mediation within 60 days after the mediator's
28 notification to the department. A mediated settlement reached
29 by the special committee shall be binding on the applicable
30 boards.

31

1 (c) If the boards elect not to resolve a conflict
2 through the means established in paragraph (a) or paragraph
3 (b), the secretary may resolve the differences by recommending
4 rules for adoption by the appropriate board or, in the case of
5 a declaratory statement, by providing a proposed order which
6 may resolve the matter if adopted by the appropriate board.

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

9 Section 18. Subsection (3) of section 456.012 is
10 amended to read:

11 456.012 Board rules; final agency action;
12 challenges.--

13 (3) No board created within the department shall have
14 standing to challenge a rule, ~~or~~ proposed rule, or declaratory
15 statement of another board. However, if there is a dispute
16 between boards concerning a rule, ~~or~~ proposed rule, or
17 declaratory statement, the boards may avail themselves of ~~the~~
18 ~~provisions of s. 456.011(5).~~

19 Section 19. Section 456.013, Florida Statutes, is
20 amended to read:

21 456.013 Department; general licensing provisions.--

22 (1)(a) Any person desiring to be licensed in a
23 profession within the jurisdiction of the department shall
24 apply to the department in writing to take the licensure
25 examination. The application shall be made on a form prepared
26 and furnished by the department. The application form must be
27 available on the World Wide Web and the department may accept
28 electronically submitted applications beginning July 1, 2001.
29 The application shall require the social security number of
30 the applicant, except as provided in paragraph (b). The form
31 shall be supplemented as needed to reflect any material change

1 in any circumstance or condition stated in the application
2 which takes place between the initial filing of the
3 application and the final grant or denial of the license and
4 which might affect the decision of the department. If an
5 application is submitted electronically, the department may
6 require supplemental materials, including an original
7 signature of the applicant and verification of credentials, to
8 be submitted in a nonelectronic format. An incomplete
9 application shall expire 1 year after initial filing. In order
10 to further the economic development goals of the state, and
11 notwithstanding any law to the contrary, the department may
12 enter into an agreement with the county tax collector for the
13 purpose of appointing the county tax collector as the
14 department's agent to accept applications for licenses and
15 applications for renewals of licenses. The agreement must
16 specify the time within which the tax collector must forward
17 any applications and accompanying application fees to the
18 department.

19 (b) If an applicant has not been issued a social
20 security number by the Federal Government at the time of
21 application because the applicant is not a citizen or resident
22 of this country, the department may process the application
23 using a unique personal identification number. If ~~the such an~~
24 applicant is otherwise eligible for licensure, the board, or
25 the department when there is no board, may issue a temporary
26 license, as established by rule of the board, or the
27 department if there is no board, to the applicant, which shall
28 expire 90 ~~30~~ days after issuance unless a social security
29 number is obtained and submitted in writing to the department.
30 Upon receipt of the applicant's social security number, the
31

1 department shall issue a new license, which shall expire at
2 the end of the current biennium.

3 (2) The board, or the department if there is no board,
4 may adopt a rule allowing an applicant for licensure to
5 complete the coursework requirements for licensure by
6 successfully completing the required courses as a student or
7 by teaching the required graduate course as an instructor or
8 professor in an accredited institution.

9 ~~(3)(2)~~ Before the issuance of any license, the
10 department shall charge an initial license fee as determined
11 by the applicable board or, if no ~~such~~ board exists, by rule
12 of the department. Upon receipt of the appropriate license
13 fee, the department shall issue a license to any person
14 certified by the appropriate board, or its designee, as having
15 met the licensure requirements imposed by law or rule. The
16 license shall consist of a wallet-size identification card and
17 a wall card measuring 6 1/2 inches by 5 inches. In addition
18 to the two-part license, the department, at the time of
19 initial licensure if specified by the board or, if there is no
20 board, by department rule, and if the board has a positive
21 cash balance, shall issue a wall certificate suitable for
22 conspicuous display, ~~which shall be no smaller than 8 1/2~~
23 ~~inches by 14 inches~~. The licensee shall surrender to the
24 department the wallet-size identification card, the wall card,
25 and the wall certificate, if one has been issued by the
26 department, if the licensee's license was issued in error and
27 is revoked.

28 ~~(4)(3)~~(a) The board, or the department when there is
29 no board, may refuse to issue an initial license to any
30 applicant who is under investigation or prosecution in any
31 jurisdiction for an action that would constitute a violation

1 of this chapter or the professional practice acts administered
2 by the department and the boards, until such time as the
3 investigation or prosecution is complete, and the time period
4 in which the licensure application must be granted or denied
5 shall be tolled until 15 days after the receipt of the final
6 results of the investigation or prosecution.

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

12 (c) In considering applications for licensure, the
13 board, or the department when there is no board, may require a
14 personal appearance of the applicant. If the applicant is
15 required to appear, the time period in which a licensure
16 application must be granted or denied shall be tolled until
17 such time as the applicant appears. However, if the applicant
18 fails to appear before the board at either of the next two
19 regularly scheduled board meetings, or fails to appear before
20 the department within 30 days if there is no board, the
21 application for licensure shall be denied.

22 ~~(5)(4)~~ When any administrative law judge conducts a
23 hearing under ~~pursuant to the provisions of~~ chapter 120 with
24 respect to the issuance of a license by the department, the
25 administrative law judge shall submit his or her recommended
26 order to the appropriate board, which shall thereupon issue a
27 final order. The applicant for licensure may appeal the final
28 order of the board in accordance with ~~the provisions of~~
29 chapter 120.

30 ~~(6)(5)~~ A privilege against civil liability is hereby
31 granted to any witness for any information furnished by the

1 witness in any proceeding under ~~pursuant to~~ this section,
2 unless the witness acted in bad faith or with malice in
3 providing such information.

4 ~~(7)(6)~~ As a condition of renewal of a license, the
5 Board of Medicine, the Board of Osteopathic Medicine, the
6 Board of Chiropractic Medicine, and the Board of Podiatric
7 Medicine shall each require licensees which they respectively
8 regulate to periodically demonstrate their professional
9 competency by completing at least 40 hours of continuing
10 education every 2 years. The boards may require by rule that
11 up to 1 hour of the required 40 or more hours be in the area
12 of risk management or cost containment. This provision shall
13 not be construed to limit the number of hours that a licensee
14 may obtain in risk management or cost containment to be
15 credited toward satisfying the 40 or more required hours. This
16 provision shall not be construed to require the boards to
17 impose any requirement on licensees except for the completion
18 of at least 40 hours of continuing education every 2 years.
19 Each of such boards shall determine whether any specific
20 continuing education requirements not otherwise mandated by
21 law shall be mandated and shall approve criteria for, and the
22 content of, any continuing education mandated by such board.
23 Notwithstanding any other provision of law, the board, or the
24 department when there is no board, may approve by rule
25 alternative methods of obtaining continuing education credits
26 in risk management. The alternative methods may include
27 attending a board meeting at which another licensee is
28 disciplined, serving as a volunteer expert witness for the
29 department in a disciplinary case, or serving as a member of a
30 probable cause panel following the expiration of a board
31 member's term. Other boards within the Division of Medical

1 Quality Assurance, or the department if there is no board, may
2 adopt rules granting continuing education hours in risk
3 management for attending a board meeting at which another
4 licensee is disciplined, for serving as a volunteer expert
5 witness for the department in a disciplinary case, or for
6 serving as a member of a probable cause panel following the
7 expiration of a board member's term.

8 (8)~~(7)~~ The boards, or the department when there is no
9 board, shall require the completion of a 2-hour course
10 relating to prevention of medical errors as part of the
11 licensure and renewal process. The 2-hour course shall count
12 towards the total number of continuing education hours
13 required for the profession. The course shall be approved by
14 the board or department, as appropriate, and shall include a
15 study of root-cause analysis, error reduction and prevention,
16 and patient safety. In addition, the course approved by the
17 Board of Medicine and the Board of Osteopathic Medicine shall
18 include information relating to the five most misdiagnosed
19 conditions during the previous biennium, as determined by the
20 board. If the course is being offered by a facility licensed
21 pursuant to chapter 395 for its employees, the board may
22 approve up to 1 hour of the 2-hour course to be specifically
23 related to error reduction and prevention methods used in that
24 facility.

25 (9)~~(8)~~ The respective boards within the jurisdiction
26 of the department, or the department when there is no board,
27 may adopt rules to provide for the use of approved
28 videocassette courses, not to exceed 5 hours per subject, to
29 fulfill the continuing education requirements of the
30 professions they regulate. Such rules shall provide for prior
31 approval of the board, or the department when there is no

1 board, of the criteria for and content of such courses and
2 shall provide for a videocassette course validation form to be
3 signed by the vendor and the licensee and submitted to the
4 department, along with the license renewal application, for
5 continuing education credit.

6 (10)~~(9)~~ Any board that currently requires continuing
7 education for renewal of a license, or the department if there
8 is no board, shall adopt rules to establish the criteria for
9 continuing education courses. The rules may provide that up
10 to a maximum of 25 percent of the required continuing
11 education hours can be fulfilled by the performance of pro
12 bono services to the indigent or to underserved populations or
13 in areas of critical need within the state where the licensee
14 practices. The board, or the department if there is no board,
15 must require that any pro bono services be approved in advance
16 in order to receive credit for continuing education under this
17 subsection. The standard for determining indigency shall be
18 that recognized by the Federal Poverty Income Guidelines
19 produced by the United States Department of Health and Human
20 Services. The rules may provide for approval by the board, or
21 the department if there is no board, that a part of the
22 continuing education hours can be fulfilled by performing
23 research in critical need areas or for training leading to
24 advanced professional certification. The board, or the
25 department if there is no board, may make rules to define
26 underserved and critical need areas. The department shall
27 adopt rules for administering continuing education
28 requirements adopted by the boards or the department if there
29 is no board.

30 (11)~~(10)~~ Notwithstanding any law to the contrary, an
31 elected official who is licensed under a practice act

1 administered by the Division of Medical Quality Assurance may
2 hold employment for compensation with any public agency
3 concurrent with such public service. ~~The~~ Such dual service
4 must be disclosed according to any disclosure required by
5 applicable law.

6 ~~(12)~~(11) In any instance in which a licensee or
7 applicant to the department is required to be in compliance
8 with a particular provision by, on, or before a certain date,
9 and if that date occurs on a Saturday, Sunday, or a legal
10 holiday, then the licensee or applicant is deemed to be in
11 compliance with the specific date requirement if the required
12 action occurs on the first succeeding day which is not a
13 Saturday, Sunday, or legal holiday.

14 ~~(13)~~(12) Pursuant to the federal Personal
15 Responsibility and Work Opportunity Reconciliation Act of
16 1996, each party is required to provide his or her social
17 security number in accordance with this section. Disclosure
18 of social security numbers obtained through this requirement
19 shall be limited to the purpose of administration of the Title
20 IV-D program for child support enforcement.

21 Section 20. Paragraph (a) of subsection (4) of section
22 381.00593, Florida Statutes, is amended to read:

23 381.00593 Public school volunteer health care
24 practitioner program.--

25 (4)(a) Notwithstanding any provision of chapter 458,
26 chapter 459, chapter 460, chapter 461, chapter 463, part I of
27 chapter 464, chapter 465, chapter 466, chapter 467, part I of
28 chapter 468, or chapter 486 to the contrary, any health care
29 practitioner who participates in the program established in
30 this section and thereby agrees to provide his or her
31 services, without compensation, in a public school for at

1 least 80 hours a year for each school year during the biennial
2 licensure period, or, if the health care practitioner is
3 retired, for at least 400 hours a year for each school year
4 during the licensure period, upon providing sufficient proof
5 from the applicable school district that the health care
6 practitioner has completed the ~~such~~ hours at the time of
7 license renewal under procedures specified by the Department
8 of Health, shall be eligible for the following:

9 1. Waiver of the biennial license renewal fee for an
10 active license; and

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

14
15 The school district may establish a schedule for health care
16 practitioners who participate in the program.

17 Section 21. Subsection (2) of section 456.017, Florida
18 Statutes, is amended, and subsection (7) is added to that
19 section, to read:

20 456.017 Examinations.--

21 (2) For each examination developed by the department
22 or a contracted vendor, the board, or the department when
23 there is no board, shall adopt rules providing for
24 reexamination of any applicants who failed an examination
25 developed by the department or a contracted vendor. If both a
26 written and a practical examination are given, an applicant
27 shall be required to retake only the portion of the
28 examination on which the applicant failed to achieve a passing
29 grade, if the applicant successfully passes that portion
30 within a reasonable time, as determined by rule of the board,
31 or the department when there is no board, of passing the other

1 portion. Except for national examinations approved and
2 administered under ~~pursuant to~~ this section, the department
3 shall provide procedures for applicants who fail an
4 examination developed by the department or a contracted vendor
5 to review their examination questions, answers, papers,
6 grades, and grading key for the questions the candidate
7 answered incorrectly or, if not feasible, the parts of the
8 examination failed. Applicants shall bear the actual cost for
9 the department to provide examination review under ~~pursuant to~~
10 this subsection. An applicant may waive in writing the
11 confidentiality of the applicant's examination grades.
12 Notwithstanding any other provisions, only candidates who fail
13 an examination with a score that is ~~by~~ less than 10 percent
14 below the minimum score required to pass the examination shall
15 be entitled to challenge the validity of the examination at
16 hearing.

17 (7) The department may post examination scores
18 electronically on the Internet in lieu of mailing the scores
19 to each applicant. Such electronic posting of the examination
20 scores meets the requirements of chapter 120 if the department
21 also posts with the examination scores a notification of
22 rights as set forth in chapter 120. The date of receipt for
23 purposes of chapter 120 is the date the examination scores are
24 posted electronically. The department shall also notify the
25 examinee when scores are posted electronically of the
26 availability of a post-examination review, if applicable.

27 Section 22. Section 456.0195, Florida Statutes, is
28 created to read:

29 456.0195 Continuing education; instruction on domestic
30 violence; instruction on HIV and AIDS; instruction on
31 prevention of medical errors.--

1 (1) The purpose of this section is to encourage health
2 care practitioners, as defined in s. 456.001, to complete
3 continuing education courses in specified subject areas as a
4 condition of license renewal, as applicable to the area of
5 practice. The boards, or the department when there is no
6 board, may require the completion of courses, including, but
7 not limited to, the following subject areas, as defined by
8 board or department rule:

9 (a) Domestic violence as defined in s. 741.28. The
10 course shall include information on the number of patients in
11 that professional's practice who are likely to be victims of
12 domestic violence and the number who are likely to be
13 perpetrators of domestic violence; screening procedures for
14 determining whether a patient has any history of being a
15 victim or perpetrator of domestic violence; and instruction on
16 how to provide such patients with information on, or how to
17 refer such patients to, resources in the local community, such
18 as domestic violence centers and other advocacy groups that
19 provide legal aid, shelter, victim counseling, batterer
20 counseling, or child protection services.

21 (b) Human immunodeficiency virus and acquired immune
22 deficiency syndrome. The course shall consist of education on
23 the modes of transmission, infection-control procedures,
24 clinical management, and prevention of human immunodeficiency
25 virus and acquired immune deficiency syndrome. The course
26 shall include information on current state law concerning
27 acquired immune deficiency syndrome and its impact on testing;
28 confidentiality of test results; treatment of patients; any
29 protocols and procedures applicable to human immunodeficiency
30 virus counseling, testing, and reporting; the offering of HIV
31

1 testing to pregnant women; and partner-notification issues
2 under ss. 381.004 and 384.25.

3 (3) Courses completed in the subject areas specified
4 in subsection (1) shall count towards the total number of
5 continuing education hours required for license renewal for
6 the profession.

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

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

14 Section 23. Subsections (4), (7), and (9) of section
15 456.025, Florida Statutes, are amended to read:

16 456.025 Fees; receipts; disposition.--

17 (4) Each board, or the department if there is no
18 board, may charge a fee not to exceed \$25, as determined by
19 rule, for the issuance of a wall certificate pursuant to s.
20 456.013(3) ~~s. 456.013(2)~~ requested by a licensee who was
21 licensed prior to July 1, 1998, or for the issuance of a
22 duplicate wall certificate requested by any licensee.

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

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

13 (9) The department shall provide a ~~condensed~~
14 ~~management report of revenues and expenditures, performance~~
15 ~~measures, and recommendations, if needed, to each board at~~
16 ~~least once each quarter budgets, finances, performance~~
17 ~~statistics, and recommendations to each board at least once a~~
18 ~~quarter. The department shall identify and include in such~~
19 ~~presentations any changes, or projected changes, made to the~~
20 ~~board's budget since the last presentation.~~

21 Section 24. Section 456.0251, Florida Statutes, is
22 created to read:

23 456.0251 Continuing education.--

24 (1) Unless otherwise provided in a profession's
25 practice act, each board, or the department if there is no
26 board, shall establish by rule procedures for approval of
27 continuing education providers and continuing education
28 courses for renewal of licenses. Except for those continuing
29 education courses whose subjects are prescribed by law, each
30 board, or the department if there is no board, may limit by
31 rule the subject matter for approved continuing education

1 courses to courses addressing the scope of practice of each
2 respective health care profession.

3 (2) Licensees who have not completed all of the
4 continuing education credits required for licensure during a
5 biennium may obtain an extension of 3 months from the date
6 after the end of the license renewal biennium within which to
7 complete the requisite hours for license renewal. Each board,
8 or the department if there is no board, shall establish by
9 rule procedures for requesting a 3-month extension and whether
10 proof of completion of some approved hours of continuing
11 education are required to be submitted with the request for
12 extension as a prerequisite for granting the request.

13 (3) Failure to complete the requisite number of hours
14 of continuing education hours within a license renewal
15 biennium or within a 3 month period from the date after the
16 end of the license renewal biennium, if requested, shall be
17 grounds for issuance of a citation and a fine, plus a
18 requirement that at least the deficit hours are completed
19 within a time established by rule of each board, or the
20 department if there is no board. Each board, or the department
21 if there is no board, shall establish by rule a fine for each
22 continuing education hour which was not completed within the
23 license renewal biennium or the 3-month period following the
24 last day of the biennium if so requested, not to exceed \$500
25 per each hour not completed. The issuance of the citation and
26 fine shall not be considered discipline. A citation and a fine
27 issued under this subsection may only be issued to a licensee
28 a maximum of two times for two separate failures to complete
29 the requisite number of hours for license renewal.

30 (4) The department shall report to each board no later
31 than 3 months following the last day of the license renewal

1 biennium the percentage of licensees regulated by that board
 2 who have not timely complied with the continuing education
 3 requirements during the previous license renewal biennium for
 4 which auditing of licensees regulated by that board are
 5 completed. Each board shall direct the department the
 6 percentage of licensees regulated by that board that are to be
 7 audited during the next license renewal biennium. In addition
 8 to the percentage of licensees audited as directed by the
 9 boards, the department shall audit those licensees found to be
 10 deficient during any of the two license renewal bienniums.

11 Section 25. Section 456.031, Florida Statutes, is
 12 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

31

1 Section 26. Subsection (13) of section 456.036,
2 Florida Statutes, is amended to read:

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

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

9 Section 27. Section 456.037, Florida Statutes, is
10 amended to read:

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

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

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

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

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

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

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

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

22 Section 28. Paragraph (a) of subsection (4) of section
 23 456.039, Florida Statutes, is amended to read:

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

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

30 Section 29. Present subsections (16) through (19) of
 31 section 456.057, Florida Statutes, are redesignated as

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (hh) In any advertisement for health care services,
10 and also during the first in-person encounter, failing to
11 disclose the type of license under which the practitioner is
12 operating. This paragraph does not apply to a practitioner
13 while the practitioner is providing services in a facility
14 licensed under chapter 394, chapter 395, or chapter 400.

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

31

1 Section 32. Subsection (1) of section 456.073, Florida
2 Statutes, is amended to read:

3 456.073 Disciplinary proceedings.--Disciplinary
4 proceedings for each board shall be within the jurisdiction of
5 the department.

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

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

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

12 Section 33. Subsection (2) of section 457.105, Florida
13 Statutes, is amended, to read:

14 457.105 Licensure qualifications and fees.--

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

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

23 (b) Effective July 31, 2001, has completed 60 college
24 credits from an accredited postsecondary institution as a
25 prerequisite to enrollment in and completion of an authorized
26 ~~3-year course of study in acupuncture and oriental medicine,~~
27 ~~and has completed a 3-year course of study in acupuncture and~~
28 ~~oriental medicine, and effective July 31, 2001, a 4-year~~
29 course of study in acupuncture and oriental medicine, which
30 meets standards established by the board by rule, which
31 standards include, but are not limited to, successful

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

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

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

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

7 2. Application fee: \$300.

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

12 4. Initial biennial licensure fee: \$400, if licensed
13 in the first half of the biennium, and \$200, if licensed in
14 the second half of the biennium.

15 Section 34. Section 457.107, Florida Statutes, is
16 amended to read:

17 457.107 Renewal of licenses; continuing education.--

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

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

23 (3) The board shall by rule prescribe continuing
24 education requirements, not to exceed 30 hours biennially, as
25 a condition for renewal of a license. ~~All education programs
26 that contribute to the advancement, extension, or enhancement
27 of professional skills and knowledge related to the practice
28 of acupuncture, whether conducted by a nonprofit or
29 profitmaking entity, are eligible for approval.~~ The continuing
30 professional education requirements must be in acupuncture or
31 oriental medicine subjects, including, but not limited to,

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

15 Section 35. Paragraph (c) of subsection (1) of section
 16 457.109, Florida Statutes, is amended to read:

17 457.109 Disciplinary actions; grounds; action by the
 18 board.--

19 (1) The following acts constitute grounds for denial
 20 of a license or disciplinary action, as specified in s.
 21 456.072(2):

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

29 Section 36. Section 458.303, Florida Statutes, is
 30 amended to read:

31

1 458.303 Provisions not applicable to other
2 practitioners; exceptions, etc.--

3 (1) The provisions of ss. 458.301, 458.303, 458.305,
4 458.307, 458.309, 458.311, ~~458.313~~, 458.315, ~~458.317~~, 458.319,
5 458.321, 458.327, 458.329, 458.331, 458.337, 458.339, 458.341,
6 458.343, 458.345, and 458.347 shall have no application to:

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

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

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

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

20 (e) Any person furnishing medical assistance in case
21 of an emergency.

22 (f) The domestic administration of recognized family
23 remedies.

24 (g) The practice of the religious tenets of any church
25 in this state.

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

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

15 Section 37. Section 458.311, Florida Statutes, is
16 amended to read:

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

19 458.311 Licensure; requirements; fees.--

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

24 (2) Each applicant must demonstrate compliance with
25 the following:

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

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

29 (c) Is of good moral character.

30

31

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 38. 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 39. 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 40. 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 41. 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 42. 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 43. 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 44. 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 45. 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 46. 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 47. 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 48. 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 49. 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 50. 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 51. 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 52. 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 53. 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 54. 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 55. 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 56. 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 57. 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 58. 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 59. 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 60. 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 61. 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 62. 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 63. 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 64. 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 65. 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 66. 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 67. 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 68. 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 69. 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 70. 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 71. 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 72. 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 73. 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 74. 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 75. 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 76. Effective January 1, 2005, sections
9 468.356 and 468.357, Florida Statutes, are repealed.

10 Section 77. 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 78. 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 79. 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 80. 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 81. 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 82. 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 83. 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 84. 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 85. 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 86. 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 87. 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 88. 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 89. 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 90. 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 91. Paragraph (g) is added to subsection (2)
16 of section 490.014, Florida Statutes, 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 (g) Is a former salaried employee of the Department of
21 Corrections that at the time of government employment, the
22 agency contracted with a private provider for the continuation
23 of similar services and the employee was hired by the private
24 provider to perform the same essential duties for which he or
25 she was trained and hired by the government agency, under
26 clinical supervision of a duly licensed psychologist, and so
27 long as the employee is not held out to the public as a
28 psychologist under s. 490.012(1)(a). For contracts entered
29 into under this subsection, the private provider shall be
30 liable and shall indemnify, defend, and hold the contracting
31 agency, its employees; agents, officers, and assignees

1 harmless from any and all claims, suits, judgments, or damages
2 including court costs and attorneys' fees arising out of
3 intentional acts, negligence, or omissions by the provider, or
4 its employees or agents, in the course of the operations of
5 this contract, including any claims or actions brought under
6 Title 42 U.S.C. ss. 1983, the Civil Rights Act.

7 Section 92. Subsections (1), (3), and (4) of section
8 491.005, Florida Statutes, are amended to read:

9 491.005 Licensure by examination.--

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

18 (a) Has made application therefor and paid the
19 appropriate fee.

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

27 a. Was accredited by the Council on Social Work
28 Education;

29 b. Was accredited by the Canadian Association of
30 Schools of Social Work; or

31

1 c. Has been determined to have been a program
2 equivalent to programs approved by the Council on Social Work
3 Education by the Foreign Equivalency Determination Service of
4 the Council on Social Work Education. An applicant who
5 graduated from a program at a university or college outside of
6 the United States or Canada must present documentation of the
7 equivalency determination from the council in order to
8 qualify.

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

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

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

26 3. 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 (c) Has had not less than 2 years of clinical social
2 work experience, which took place subsequent to completion of
3 a graduate degree in social work at an institution meeting the
4 accreditation requirements of this section, under the
5 supervision of a licensed clinical social worker or the
6 equivalent who is a qualified supervisor as determined by the
7 board. An individual who intends to practice in Florida to
8 satisfy clinical experience requirements must register
9 pursuant to s. 491.0045 prior to commencing practice. If the
10 applicant's graduate program was not a program which
11 emphasized direct clinical patient or client health care
12 services as described in subparagraph (b)2., the supervised
13 experience requirement must take place after the applicant has
14 completed a minimum of 15 semester hours or 22 quarter hours
15 of the coursework required. A doctoral internship may be
16 applied toward the clinical social work experience
17 requirement. The clinical experience requirement may be met by
18 work performed on or off the premises of the supervising
19 clinical social worker, or the equivalent, if all work is
20 performed under the direct supervision of ~~provided the~~
21 ~~off premises work is not the independent private practice~~
22 ~~rendering of clinical social work that does not have a~~
23 licensed mental health professional, as determined by the
24 board, ~~on the premises at the same time the intern is~~
25 ~~providing services.~~

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

30 (e) Has demonstrated, in a manner designated by rule
31 of the board, knowledge of the laws and rules governing the

1 practice of clinical social work, marriage and family therapy,
2 and mental health counseling.

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

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

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

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

20 a. Thirty-six semester hours or 48 quarter hours of
21 graduate coursework, which must include a minimum of 3
22 semester hours or 4 quarter hours of graduate-level course
23 credits in each of the following nine areas: dynamics of
24 marriage and family systems; marriage therapy and counseling
25 theory and techniques; family therapy and counseling theory
26 and techniques; individual human development theories
27 throughout the life cycle; personality theory or general
28 counseling theory and techniques; psychopathology; human
29 sexuality theory and counseling techniques; psychosocial
30 theory; and substance abuse theory and counseling techniques.
31 Courses in research, evaluation, appraisal, assessment, or

1 testing theories and procedures; thesis or dissertation work;
2 or practicums, internships, or fieldwork may not be applied
3 toward this requirement.

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

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

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

1 is publicly recognized as a member in good standing with the
2 Association of Universities and Colleges of Canada or a
3 training institution accredited by the Commission on
4 Accreditation for Marriage and Family Therapy Education
5 recognized by the United States Department of Education.
6 Certification shall be required from an official of such
7 college, university, or training institution.

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

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

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

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

1 for the post-master's level clinical experience shall not
2 commence until the applicant has completed a minimum of 10 of
3 the courses required under sub-subparagraphs (b)1.a.-c., as
4 determined by the board, and at least 6 semester hours or 9
5 quarter hours of the course credits must have been completed
6 in the area of marriage and family systems, theories, or
7 techniques. Within the 3 years of required experience, the
8 applicant shall provide direct individual, group, or family
9 therapy and counseling, to include the following categories of
10 cases: unmarried dyads, married couples, separating and
11 divorcing couples, and family groups including children. A
12 doctoral internship may be applied toward the clinical
13 experience requirement. The clinical experience requirement
14 may be met by work performed on or off the premises of the
15 supervising marriage and family therapist, or the equivalent,
16 if all work is performed under the direct supervision of
17 ~~provided the off premises work is not the independent private~~
18 ~~practice rendering of marriage and family therapy services~~
19 ~~that does not have~~ a licensed mental health professional, as
20 determined by the board, ~~on the premises at the same time the~~
21 ~~intern is providing services.~~

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

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

30 (f) For the purposes of dual licensure, the department
31 shall license as a marriage and family therapist any person

1 who meets the requirements of s. 491.0057. Fees for dual
2 licensure shall not exceed those stated in this subsection.

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

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

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

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

30 a. Thirty-three semester hours or 44 quarter hours of
31 graduate coursework, which must include a minimum of 3

1 semester hours or 4 quarter hours of graduate-level coursework
2 in each of the following 11 content areas: counseling theories
3 and practice; human growth and development; diagnosis and
4 treatment of psychopathology; human sexuality; group theories
5 and practice; individual evaluation and assessment; career and
6 lifestyle assessment; research and program evaluation; social
7 and cultural foundations; counseling in community settings;
8 and substance abuse. Courses in research, thesis or
9 dissertation work, practicums, internships, or fieldwork may
10 not be applied toward this requirement.

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

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

28 2. If the course title which appears on the
29 applicant's transcript does not clearly identify the content
30 of the coursework, the applicant shall be required to provide
31

1 additional documentation, including, but not limited to, a
2 syllabus or catalog description published for the course.
3
4 Education and training in mental health counseling must have
5 been received in an institution of higher education which at
6 the time the applicant graduated was: fully accredited by a
7 regional accrediting body recognized by the Council for Higher
8 Education Accreditation, the United States Department of
9 Education, or a successor organization ~~Commission on~~
10 ~~Recognition of Postsecondary Accreditation~~; publicly
11 recognized as a member in good standing with the Association
12 of Universities and Colleges of Canada; or an institution of
13 higher education located outside the United States and Canada,
14 which at the time the applicant was enrolled and at the time
15 the applicant graduated maintained a standard of training
16 substantially equivalent to the standards of training of those
17 institutions in the United States which are accredited by a
18 regional accrediting body recognized by the Council for Higher
19 Education Accreditation, the United States Department of
20 Education, or a successor organization ~~Commission on~~
21 ~~Recognition of Postsecondary Accreditation~~. Such foreign
22 education and training must have been received in an
23 institution or program of higher education officially
24 recognized by the government of the country in which it is
25 located as an institution or program to train students to
26 practice as mental health counselors. The burden of
27 establishing that the requirements of this provision have been
28 met shall be upon the applicant, and the board shall require
29 documentation, such as, but not limited to, an evaluation by a
30 foreign equivalency determination service, as evidence that
31

1 the applicant's graduate degree program and education were
2 equivalent to an accredited program in this country.

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

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

1 (e) Has demonstrated, in a manner designated by rule
2 of the board, knowledge of the laws and rules governing the
3 practice of clinical social work, marriage and family therapy,
4 and mental health counseling.

5 (f) Has satisfied all requirements for coursework in
6 this section by successfully completing the required course as
7 a student or by teaching the required graduate course as an
8 instructor or professor in an accredited institution.

9 Section 93. Paragraph (b) of subsection (1) of section
10 491.006, Florida Statutes, is amended to read:

11 491.006 Licensure or certification by endorsement.--

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

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

20 2. Meets the education requirements of this chapter
21 for the profession for which licensure is applied.

22 3. Has passed a substantially equivalent licensing
23 examination in another state or has passed the licensure
24 examination in this state in the profession for which the
25 applicant seeks licensure.

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

1
2 An applicant for licensure by endorsement as a mental health
3 counselor who has completed the two years of post-master's
4 clinical experience prior to completing the required course in
5 psychopathology or abnormal psychology and who has been
6 licensed in another state for 5 of the last 6 years without
7 being subject to disciplinary action, may be licensed by the
8 board upon successful completion of the required course in
9 psychopathology or abnormal psychology.

10 Section 94. Subsection (2) of section 491.009, Florida
11 Statutes, is amended to read:

12 491.009 Discipline.--

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

20 Section 95. Paragraph (e) is added to subsection (4)
21 of section 491.014, Florida Statutes, to read:

22 491.014 Exemptions.--

23 (4) No person shall be required to be licensed,
24 provisionally licensed, registered, or certified under this
25 chapter who:

26 (e) Is a former salaried employee of the Department of
27 Corrections that at the time of government employment, the
28 agency contracted with a private provider for the continuation
29 of similar services and the employee was hired by the private
30 provider to perform the same essential duties for which he or
31 she was trained and hired by the government agency, under

1 clinical supervision of a duly licensed psychologist, and so
2 long as the employee is not held out to the public as a
3 psychologist under s. 490.012(1)(a). For contracts entered
4 into under this subsection, the private provider shall be
5 liable and shall indemnify, defend, and hold the contracting
6 agency, its employees; agents, officers, and assignees
7 harmless from any and all claims, suits, judgments, or damages
8 including court costs and attorneys' fees arising out of
9 intentional acts, negligence, or omissions by the provider, or
10 its employees or agents, in the course of the operations of
11 this contract, including any claims or actions brought under
12 Title 42 U.S.C. ss. 1983, the Civil Rights Act.

13 Section 96. Section 491.0145, Florida Statutes, is
14 amended to read:

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

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

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

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

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

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

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

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

8 Section 97. Section 491.0146, Florida Statutes, is
9 created to read:

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

14 Section 98. Subsection (3) of section 491.0147,
15 Florida Statutes, is amended to read:

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

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

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

31

1 Section 99. Section 514.0305, Florida Statutes, is
2 created to read:

3 514.0305 Public pools; safety barriers.--

4 (1) Public pools must be equipped with the following
5 safety features:

6 (a) A permanent barrier that completely encloses the
7 pool.

8 (b) Pedestrian gates that open outward, are
9 self-closing, and equipped with a release mechanism that is
10 located on the pool side of the gate and placed so that a
11 young child cannot reach it.

12 (c) Gates, other than pedestrian gates, which must be
13 equipped with lockable hardware or padlocks and which must
14 remain locked when not being used.

15 (2)(a) The barriers and other equipment required by
16 this section shall be inspected by the county health
17 department during each routine inspection.

18 (b) The inspector shall immediately close any pool
19 that does not comply with the requirements of this section.
20 Upon such closing, the owner or operator of the pool must
21 correct the deficiencies or be subject to an administrative
22 fine not to exceed \$1,500. The department, upon prevailing in
23 enforcement of this section, shall be awarded attorney's fees
24 at the rate of \$150 per attorney hour and shall in addition be
25 awarded the costs of litigation. The attorney's fees and costs
26 shall be awarded against the public pool operator by the
27 presiding officer of any proceeding before the Division of
28 Administrative Hearings or before a hearing officer appointed
29 by the department.

30 (3) The definitions in s. 515.25 apply to this section
31 and are incorporated herein by reference, except that the

1 definition of the term "public swimming pool" shall be as
2 provided in s. 514.011(2).

3 (4) This section applies to all public pools that are
4 operated or constructed on or after July 1, 2005. Pools in
5 operation on that date must be brought into compliance by July
6 1, 2005.

7 (5) This section does not apply to a membership club
8 that has a pool in an enclosed room, to existing pools at any
9 unit, group of units, dwelling, building, or group of
10 buildings within a single complex of buildings which is rented
11 to guests more than three times in a calendar year for periods
12 of fewer than 30 days or 1 calendar month, whichever is less,
13 or advertised or held out to the public as a place regularly
14 rented to guests.

15 (6) The department shall revise its rules authorized
16 by s. 514.021 in order to administer this section.

17 Section 100. Subsection (2) of section 514.0115,
18 Florida Statutes, is amended to read:

19 514.0115 Exemptions from supervision or regulation;
20 variances.--

21 (2)(a) Pools serving no more than 32 condominium or
22 cooperative units which are not operated as a public lodging
23 establishment shall be exempt from supervision under this
24 chapter, except for water quality and the requirements of s.
25 514.0305.

26 (b) Pools serving condominium or cooperative
27 associations of more than 32 units and whose recorded
28 documents prohibit the rental or sublease of the units for
29 periods of less than 60 days are exempt from supervision under
30 this chapter, except that the condominium or cooperative owner
31 or association must file applications with the department and

1 obtain construction plans approval and receive an initial
2 operating permit. The department shall inspect the swimming
3 pools at such places annually, at the fee set forth in s.
4 514.033(3), or upon request by a unit owner, to determine
5 compliance with department rules relating to water quality,
6 ~~and~~ lifesaving equipment, and the requirements of s. 514.0305.
7 The department may not require compliance with rules relating
8 to swimming pool lifeguard standards.

9 Section 101. Paragraph (b) of subsection (4) of
10 section 766.314, Florida Statutes, is amended to read:

11 766.314 Assessments; plan of operation.--

12 (4) The following persons and entities shall pay into
13 the association an initial assessment in accordance with the
14 plan of operation:

15 (b)1. On or before October 15, 1988, all physicians
16 licensed pursuant to chapter 458 or chapter 459 as of October
17 1, 1988, other than participating physicians, shall be
18 assessed an initial assessment of \$250, which must be paid no
19 later than December 1, 1988.

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

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

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

29 a. A resident physician, assistant resident physician,
30 or intern in an approved postgraduate training program, as
31

1 defined by the Board of Medicine or the Board of Osteopathic
2 Medicine by rule;

3 b. A retired physician who has withdrawn from the
4 practice of medicine but who maintains an active license as
5 evidenced by an affidavit filed with the Department of Health.
6 Prior to reentering the practice of medicine in this state, a
7 retired physician as herein defined must notify the Board of
8 Medicine or the Board of Osteopathic Medicine and pay the
9 appropriate assessments pursuant to this section;

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

13 d. A physician who is employed full time by the United
14 States Department of Veterans Affairs and whose practice is
15 confined to United States Department of Veterans Affairs
16 hospitals; or

17 e. A physician who is a member of the Armed Forces of
18 the United States and who meets the requirements of s.
19 456.024.

20 f. A physician who is employed full time by the State
21 of Florida and whose practice is confined to state-owned
22 correctional institutions, a county health department, or
23 state-owned mental health or developmental services
24 facilities, or who is employed full time by the Department of
25 Health.

26 Section 102. Paragraph (a) of subsection (2) of
27 section 817.505, Florida Statutes, is amended to read:

28 817.505 Patient brokering prohibited; exceptions;
29 penalties.--

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

31

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

16 Section 103. Subsection (1) of section 817.567,
 17 Florida Statutes, is amended to read:

18 817.567 Making false claims of academic degree or
 19 title.--

20 (1) No person in the state may claim, either orally or
 21 in writing, to possess an academic degree, as defined in s.
 22 1005.02, or the title associated with said degree, unless the
 23 person has, in fact, been awarded said degree from an
 24 institution that is:

25 (a) Accredited by a regional or professional
 26 accrediting agency recognized by the United States Department
 27 of Education, ~~or the~~ Council for Higher Education Commission
 28 ~~on Recognition of Postsecondary Accreditation, or a successor~~
 29 organization;

30
 31

1 (b) Provided, operated, and supported by a state
2 government or any of its political subdivisions or by the
3 Federal Government;

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

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

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

20 Section 104. Subsection (13) of section 1009.992,
21 Florida Statutes, is amended to read:

22 1009.992 Definitions.--As used in this act:

23 (13) "Institution" means any college or university
24 which, by virtue of law or charter, is accredited by and holds
25 membership in the Council for Higher Education ~~Commission on~~
26 ~~Recognition of Postsecondary Accreditation or a successor~~
27 organization; which grants baccalaureate or associate degrees;
28 which is not a pervasively sectarian institution; and which
29 does not discriminate in the admission of students on the
30 basis of race, color, religion, sex, or creed.

31

1 Section 105. Subsection (2) of section 468.711,
2 Florida Statutes, is amended to read:
3 468.711 Renewal of license; continuing education.--
4 (2) The board may, by rule, prescribe continuing
5 education requirements, not to exceed 24 hours biennially.
6 The criteria for continuing education shall be approved by the
7 board and shall include 4 hours in ~~standard first aid and~~
8 cardiovascular pulmonary resuscitation from the American Red
9 Cross or equivalent training as determined by the board.

10 Section 106. Section 468.723, Florida Statutes, is
11 amended to read:
12 468.723 Exemptions.--Nothing in this part shall be
13 construed as preventing or restricting:
14 (1) The professional practice of a licensee of the
15 department who is acting within the scope of such practice.
16 (2) A student athletic trainer acting under the direct
17 supervision of a licensed athletic trainer.
18 ~~(3) A person employed as a teacher apprentice trainer~~
19 ~~I, a teacher apprentice trainer II, or a teacher athletic~~
20 ~~trainer under s. 1012.46.~~
21 (3)(4) A person from administering standard first aid
22 treatment to an athlete.
23 (4)(5) A person licensed under chapter 548, provided
24 such person is acting within the scope of such license.
25 (5)(6) A person providing personal training
26 instruction for exercise, aerobics, or weightlifting, if the
27 person does not represent himself or herself as able to
28 provide "athletic trainer" services and if any recognition or
29 treatment of injuries is limited to the provision of first
30 aid.
31

1 Section 107. Section 1012.46, Florida Statutes, is
2 amended to read:

3 1012.46 Athletic trainers.--

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

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

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

30 (b) ~~Teacher~~ Athletic trainer.--To qualify as an a
31 ~~teacher~~ athletic trainer, a person must be licensed as

1 required by part XIII of chapter 468 and may be used by the
2 school district as ~~possess~~ a professional, temporary,
3 part-time, adjunct, or substitute teacher provided such person
4 holds a certificate pursuant to s. 1012.35, s. 1012.56 or s.
5 1012.57, and be licensed as required by part XIII of chapter
6 468.

7 Section 108. Reactivation of license for clinical
8 research purposes.--

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

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

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

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

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

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

30 Section 109. Subsection (1) of section 466.0135,
31 Florida Statutes, is amended to read:

1 466.0135 Continuing education; dentists.--

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

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

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

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

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

26 3. Subjects pertinent to oral health and safety.

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

31

1 provider substance abuse, effective communications with
2 patients, time management, and burnout prevention.

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

7 Section 110. Subsection (5) is added to section
8 480.034, Florida Statutes, to read:

9 480.034 Exemptions.--

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

17 Section 111. Paragraph (h) is added to subsection (3)
18 of section 400.9905, Florida Statutes, to read:

19 400.9905 Definitions.--

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

25 (h) Entities that provide only oncology or radiation
26 therapy services by physicians licensed under chapter 458 or
27 459.

28 Section 112. The amendment made by this act to section
29 400.9905(3), Florida Statutes, is intended to clarify the
30 legislative intent of this provision as it existed at the time
31 the provision initially took effect as section 456.0375(1)(b),

1 Florida Statutes, and section 400.9905(3)(h), Florida
2 Statutes, as created by this act, shall operate retroactively
3 to October 1, 2001.

4 Section 113. Paragraph (c) of subsection (10) and
5 paragraph (a) of subsection (17) of section 400.506, Florida
6 Statutes, are amended to read:

7 400.506 Licensure of nurse registries; requirements;
8 penalties.--

9 (10)

10 (c) A nurse registry shall, at the time of contracting
11 for services through the nurse registry, advise the patient,
12 the patient's family, or a person acting on behalf of the
13 patient of the availability of registered nurses to make
14 visits to the patient's home at an additional cost. A
15 ~~registered nurse shall make monthly visits to the patient's~~
16 ~~home to assess the patient's condition and quality of care~~
17 ~~being provided by the certified nursing assistant or home~~
18 ~~health aide. Any condition that ~~which~~ in the professional~~
19 judgment of the nurse requires further medical attention shall
20 be reported to the attending physician and the nurse registry.
21 The assessment shall become a part of the patient's file with
22 the nurse registry ~~and may be reviewed by the agency during~~
23 ~~their survey procedure.~~

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

27 (a) When, in accordance with the privileges and
28 restrictions imposed upon a nurse under part I of chapter 464,
29 the delivery of care to a patient is under the direction or
30 supervision of a physician or when a physician is responsible
31 for the medical care of the patient, a medical plan of

1 treatment must be established for each patient receiving care
2 or treatment provided by a licensed nurse in the home. The
3 original medical plan of treatment must be timely signed by
4 the physician, physician's assistant, or advanced registered
5 nurse practitioner, acting within his or her respective scope
6 of practice, and reviewed ~~by him or her~~ in consultation with
7 the licensed nurse at least every 2 months. Any additional
8 order or change in orders must be obtained from the physician,
9 physician's assistant, or advanced registered nurse
10 practitioner and reduced to writing and timely signed by the
11 physician, physician's assistant, or advanced registered nurse
12 practitioner. The delivery of care under a medical plan of
13 treatment must be substantiated by the appropriate nursing
14 notes or documentation made by the nurse in compliance with
15 nursing practices established under part I of chapter 464.

16 Section 114. Sections 456.033, 456.034, 458.313,
17 458.3147, 458.316, 458.3165, 458.317, subsection (3) of
18 section 468.711, and paragraph (h) of subsection (1) of
19 section 480.044, Florida Statutes, are repealed.

20 Section 115. Subsection (2) of section 466.006,
21 Florida Statutes, is amended to read:

22 466.006 Examination of dentists.--

23 (2) An applicant shall be entitled to take the
24 examinations required in this section to practice dentistry in
25 this state if the applicant:

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

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

31

1 2. Is a dental student in the final year of a program
2 at such an accredited school who has completed all the
3 coursework necessary to prepare the student to perform the
4 clinical and diagnostic procedures required to pass the
5 examinations. With respect to a dental student in the final
6 year of a program at a dental school, a passing score on the
7 examinations is valid for 180 days after the date the
8 examinations were completed. A dental school student who takes
9 the licensure examinations during the student's final year of
10 an approved dental school must have graduated before being
11 certified for licensure pursuant to s. 466.011.

12 (c) Has successfully completed the National Board of
13 Dental Examiners dental examination within 10 years of the
14 date of application.

15 Section 116. Section 466.0065, Florida Statutes, is
16 created to read:

17 466.0065 Regional licensure examinations.--

18 (1) It is the intent of the Legislature that schools
19 of dentistry be allowed to offer regional licensure
20 examinations to dental students who are in the final year of a
21 program at an approved dental school for the sole purpose of
22 facilitating the student's licensing in other jurisdictions.
23 This section does not allow a person to be licensed as a
24 dentist in this state without taking the examinations as set
25 forth in s. 466.006, nor does this section mean that regional
26 examinations administered under this section may be
27 substituted for complying with testing requirements under s.
28 466.006.

29 (2) Each school of dentistry in this state which is
30 accredited by the Commission on Accreditation of the American
31 Dental Association or its successor agency may, upon written

1 approval by the Board of Dentistry, offer regional licensure
2 examinations only to dental students in the final year of a
3 program at an approved dental school, if the board has
4 approved the hosting school's written plan to comply with the
5 following conditions:

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

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

12 (c) The student must possess medical malpractice
13 insurance in amounts not less than the amounts required to
14 take the Florida licensure examinations.

15 (d) At least one of the examination monitors must be a
16 dentist licensed in this state who has completed all necessary
17 standardization exercises required by the regional examination
18 body. Recruitment of examination monitors is the
19 responsibility of the regional examination body.

20 (e) Adequate arrangements, as defined by the regional
21 examination body and as otherwise required by law, must be
22 made, when necessary, for patients who require followup care
23 as a result of procedures performed during the clinical
24 portion of the regional examination. The regional examination
25 body must inform patients in writing of their right to
26 followup care in advance of any procedures performed by a
27 student.

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

30 (g) Each student, upon being deemed eligible by the
31 dental school to apply to the regional examination body to

1 take the regional examination, must receive written disclosure
2 in at least 12-point boldface type that states: "This
3 examination does not meet the licensure requirements of
4 chapter 466, Florida Statutes, for licensure in the State of
5 Florida. Persons wishing to practice dentistry in Florida must
6 pass the Florida licensure examinations."

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

11 (i) The student must have completed all coursework
12 deemed necessary by the dental school to prepare the student
13 to perform all clinical and diagnostic procedures required to
14 pass the regional examination.

15 (j) The student's academic record must not include any
16 evidence suggesting that the student poses an unreasonable
17 risk to any live patients who are required for the clinical
18 portion of the regional examination. In order to protect the
19 health and safety of the public, the dental school may request
20 additional information and documents pertaining to the
21 candidate's mental and physical health in order to fully
22 assess the candidate's fitness to engage in exercises
23 involving a live patient.

24 (3) A student who takes the examination pursuant to
25 this section, a dental school that submits a plan pursuant to
26 this section, or a regional examination body that a dental
27 school proposes to host under this section does not have
28 standing to assert that a state agency has taken action for
29 which a hearing may be sought under ss. 120.569 and 120.57.

30 Section 117. Section 456.048, Florida Statutes, is
31 amended to read:

1 456.048 Financial responsibility requirements for
2 certain health care practitioners.--

3 (1) As a prerequisite for licensure or license
4 renewal, the Board of Acupuncture, the Board of Chiropractic
5 Medicine, the Board of Podiatric Medicine, and the Board of
6 Dentistry shall, by rule, require that all health care
7 practitioners licensed under the respective board, and the
8 Board of Medicine and the Board of Osteopathic Medicine shall,
9 by rule, require that all anesthesiologist assistants licensed
10 pursuant to s. 458.3475 or s. 459.023, and the Board of
11 Nursing shall, by rule, require that advanced registered nurse
12 practitioners certified under s. 464.012, and the department
13 shall, by rule, require that midwives maintain medical
14 malpractice insurance or provide proof of financial
15 responsibility in an amount and in a manner determined by the
16 board or department to be sufficient to cover claims arising
17 out of the rendering of or failure to render professional care
18 and services in this state.

19 (2) The board or department may grant exemptions upon
20 application by practitioners meeting any of the following
21 criteria:

22 (a) Any person licensed under chapter 457, s.
23 458.3475, s. 459.023, chapter 460, chapter 461, s. 464.012,
24 chapter 466, or chapter 467 who practices exclusively as an
25 officer, employee, or agent of the Federal Government or of
26 the state or its agencies or its subdivisions. For the
27 purposes of this subsection, an agent of the state, its
28 agencies, or its subdivisions is a person who is eligible for
29 coverage under any self-insurance or insurance program
30 authorized by the provisions of s. 768.28(15) or who is a
31 volunteer under s. 110.501(1).

1 (b) Any person whose license or certification has
2 become inactive under chapter 457, s. 458.3475, s. 459.023,
3 chapter 460, chapter 461, part I of chapter 464, chapter 466,
4 or chapter 467 and who is not practicing in this state. Any
5 person applying for reactivation of a license must show either
6 that such licensee maintained tail insurance coverage which
7 provided liability coverage for incidents that occurred on or
8 after October 1, 1993, or the initial date of licensure in
9 this state, whichever is later, and incidents that occurred
10 before the date on which the license became inactive; or such
11 licensee must submit an affidavit stating that such licensee
12 has no unsatisfied medical malpractice judgments or
13 settlements at the time of application for reactivation.

14 (c) Any person holding a limited license pursuant to
15 s. 456.015, and practicing under the scope of such limited
16 license.

17 (d) Any person licensed or certified under chapter
18 457, s. 458.3475, s. 459.023, chapter 460, chapter 461, s.
19 464.012, chapter 466, or chapter 467 who practices only in
20 conjunction with his or her teaching duties at an accredited
21 school or in its main teaching hospitals. Such person may
22 engage in the practice of medicine to the extent that such
23 practice is incidental to and a necessary part of duties in
24 connection with the teaching position in the school.

25 (e) Any person holding an active license or
26 certification under chapter 457, s. 458.3475, s. 459.023,
27 chapter 460, chapter 461, s. 464.012, chapter 466, or chapter
28 467 who is not practicing in this state. If such person
29 initiates or resumes practice in this state, he or she must
30 notify the department of such activity.

31

1 (f) Any person who can demonstrate to the board or
2 department that he or she has no malpractice exposure in the
3 state.

4 (3) Notwithstanding the provisions of this section,
5 the financial responsibility requirements of ss. 458.320 and
6 459.0085 shall continue to apply to practitioners licensed
7 under those chapters, except for anesthesiologist assistants
8 licensed pursuant to s. 458.3475 or s. 459.023 who must meet
9 the requirements of this section.

10 Section 118. Paragraph (dd) of subsection (1) of
11 section 458.331, Florida Statutes, is amended to read:

12 458.331 Grounds for disciplinary action; action by the
13 board and department.--

14 (1) The following acts constitute grounds for denial
15 of a license or disciplinary action, as specified in s.
16 456.072(2):

17 (dd) Failing to supervise adequately the activities of
18 those physician assistants, paramedics, emergency medical
19 technicians, ~~or~~ advanced registered nurse practitioners, or
20 anesthesiologist assistants acting under the supervision of
21 the physician.

22 Section 119. Section 458.3475, Florida Statutes, is
23 created to read:

24 458.3475 Anesthesiologist assistants.--

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

26 (a) "Anesthesiologist" means an allopathic physician
27 who holds an active, unrestricted license; who has
28 successfully completed an anesthesiology training program
29 approved by the Accreditation Council on Graduate Medical
30 Education or its equivalent; and who is certified by the
31 American Board of Anesthesiology, is eligible to take that

1 board's examination, or is certified by the Board of
2 Certification in Anesthesiology affiliated with the American
3 Association of Physician Specialists.

4 (b) "Anesthesiologist assistant" means a graduate of
5 an approved program who is licensed to perform medical
6 services delegated and directly supervised by a supervising
7 anesthesiologist.

8 (c) "Anesthesiology" means the practice of medicine
9 that specializes in the relief of pain during and after
10 surgical procedures and childbirth, during certain chronic
11 disease processes, and during resuscitation and critical care
12 of patients in the operating room and intensive care
13 environments.

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

17 (e) "Boards" means the Board of Medicine and the Board
18 of Osteopathic Medicine.

19 (f) "Continuing medical education" means courses
20 recognized and approved by the boards, the American Academy of
21 Physician Assistants, the American Medical Association, the
22 American Osteopathic Association, the American Academy of
23 Anesthesiologist Assistants, the American Society of
24 Anesthesiologists, or the Accreditation Council on Continuing
25 Medical Education.

26 (g) "Direct supervision" means the on-site, personal
27 supervision by an anesthesiologist who is present in the
28 office when the procedure is being performed in that office,
29 or is present in the surgical or obstetrical suite when the
30 procedure is being performed in that surgical or obstetrical
31 suite and who is in all instances immediately available to

1 provide assistance and direction to the anesthesiologist
2 assistant while anesthesia services are being performed.

3 (h) "Proficiency examination" means an entry-level
4 examination approved by the boards, including examinations
5 administered by the National Commission on Certification of
6 Anesthesiologist Assistants.

7 (i) "Trainee" means a person who is currently enrolled
8 in an approved program.

9 (2) PERFORMANCE OF SUPERVISING ANESTHESIOLOGIST.--

10 (a) An anesthesiologist who directly supervises an
11 anesthesiologist assistant must be qualified in the medical
12 areas in which the anesthesiologist assistant performs and is
13 liable for the performance of the anesthesiologist assistant.
14 An anesthesiologist may only supervise two anesthesiologist
15 assistants at the same time. The board may, by rule, allow an
16 anesthesiologist to supervise up to four anesthesiologist
17 assistants, after July 1, 2008.

18 (b) An anesthesiologist or group of anesthesiologists
19 must, upon establishing a supervisory relationship with an
20 anesthesiologist assistant, file with the board a written
21 protocol that includes, at a minimum:

22 1. The name, address, and license number of the
23 anesthesiologist assistant.

24 2. The name, address, license number, and federal Drug
25 Enforcement Administration number of each physician who will
26 be supervising the anesthesiologist assistant.

27 3. The address of the anesthesiologist assistant's
28 primary practice location and the address of any other
29 locations where the anesthesiologist assistant may practice.

30 4. The date the protocol was developed and the dates
31 of all revisions.

1 5. The signatures of the anesthesiologist assistant
2 and all supervising physicians.

3 6. The duties and functions of the anesthesiologist
4 assistant.

5 7. The conditions or procedures that require the
6 personal provision of care by an anesthesiologist.

7 8. The procedures to be followed in the event of an
8 anesthetic emergency.

9
10 The protocol must be on file with the board before the
11 anesthesiologist assistant may practice with the
12 anesthesiologist or group. An anesthesiologist assistant may
13 not practice unless a written protocol has been filed for that
14 anesthesiologist assistant in accordance with this paragraph,
15 and the anesthesiologist assistant may only practice under the
16 direct supervision of an anesthesiologist who has signed the
17 protocol. The protocol must be updated biennially.

18 (3) PERFORMANCE OF ANESTHESIOLOGIST ASSISTANTS.--

19 (a) An anesthesiologist assistant may assist an
20 anesthesiologist in developing and implementing an anesthesia
21 care plan for a patient. In providing assistance to an
22 anesthesiologist, an anesthesiologist assistant may perform
23 duties established by rule by the board in any of the
24 following functions that are included in the anesthesiologist
25 assistant's protocol while under the direct supervision of an
26 anesthesiologist:

27 1. Obtain a comprehensive patient history and present
28 the history to the supervising anesthesiologist.

29 2. Pretest and calibrate anesthesia delivery systems
30 and monitor, obtain, and interpret information from the
31 systems and monitors.

1 3. Assist the supervising anesthesiologist with the
2 implementation of medically accepted monitoring techniques.

3 4. Establish basic and advanced airway interventions,
4 including intubation of the trachea and performing ventilatory
5 support.

6 5. Administer intermittent vasoactive drugs and start
7 and adjust vasoactive infusions.

8 6. Administer anesthetic drugs, adjuvant drugs, and
9 accessory drugs.

10 7. Assist the supervising anesthesiologist with the
11 performance of epidural anesthetic procedures and spinal
12 anesthetic procedures.

13 8. Administer blood, blood products, and supportive
14 fluids.

15 9. Support life functions during anesthesia health
16 care, including induction and intubation procedures, the use
17 of appropriate mechanical supportive devices, and the
18 management of fluid, electrolyte, and blood component
19 balances.

20 10. Recognize and take appropriate corrective action
21 for abnormal patient responses to anesthesia, adjunctive
22 medication, or other forms of therapy.

23 11. Participate in management of the patient while in
24 the postanesthesia recovery area, including the administration
25 of any supporting fluids or drugs.

26 12. Place special peripheral and central venous and
27 arterial lines for blood sampling and monitoring as
28 appropriate.

29 (b) Nothing in this section or chapter prevents
30 third-party payors from reimbursing employers of
31

1 anesthesiologist assistants for covered services rendered by
2 such anesthesiologist assistants.

3 (c) An anesthesiologist assistant must clearly convey
4 to the patient that he or she is an anesthesiologist
5 assistant.

6 (d) An anesthesiologist assistant may perform
7 anesthesia tasks and services within the framework of a
8 written practice protocol developed between the supervising
9 anesthesiologist and the anesthesiologist assistant.

10 (e) An anesthesiologist assistant may not prescribe,
11 order, or compound any controlled substance, legend drug, or
12 medical device, nor may an anesthesiologist assistant dispense
13 sample drugs to patients. Nothing in this paragraph prohibits
14 an anesthesiologist assistant from administering legend drugs
15 or controlled substances; intravenous drugs, fluids, or blood
16 products; or inhalation or other anesthetic agents to patients
17 which are ordered by the supervising anesthesiologist and
18 administered while under the direct supervision of the
19 supervising anesthesiologist.

20 (4) PERFORMANCE BY TRAINEES.--The practice of a
21 trainee is exempt from the requirements of this chapter while
22 the trainee is performing assigned tasks as a trainee in
23 conjunction with an approved program. Before providing
24 anesthesia services, including the administration of
25 anesthesia in conjunction with the requirements of an approved
26 program, the trainee must clearly convey to the patient that
27 he or she is a trainee.

28 (5) PROGRAM APPROVAL.--The boards shall approve
29 programs for the education and training of anesthesiologist
30 assistants which meet standards established by board rules.
31 The boards may recommend only those anesthesiologist assistant

1 training programs that hold full accreditation or provisional
2 accreditation from the Commission on Accreditation of Allied
3 Health Education Programs.

4 (6) ANESTHESIOLOGIST ASSISTANT LICENSURE.--

5 (a) Any person desiring to be licensed as an
6 anesthesiologist assistant must apply to the department. The
7 department shall issue a license to any person certified by
8 the board to:

9 1. Be at least 18 years of age.

10 2. Have satisfactorily passed a proficiency
11 examination with a score established by the National
12 Commission on Certification of Anesthesiologist Assistants.

13 3. Be certified in advanced cardiac life support.

14 4. Have completed the application form and remitted an
15 application fee, not to exceed \$1,000, as set by the boards.

16 An application must include:

17 a. A certificate of completion of an approved graduate
18 level program.

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

20 c. A sworn statement of any prior discipline or denial
21 of licensure or certification in any state.

22 d. Two letters of recommendation from
23 anesthesiologists.

24 (b) A license must be renewed biennially. Each renewal
25 must include:

26 1. A renewal fee, not to exceed \$1,000, as set by the
27 boards.

28 2. A sworn statement of no felony convictions in the
29 immediately preceding 2 years.

30 (c) Each licensed anesthesiologist assistant must
31 biennially complete 40 hours of continuing medical education

1 or hold a current certificate issued by the National
2 Commission on Certification of Anesthesiologist Assistants or
3 its successor.

4 (d) An anesthesiologist assistant must notify the
5 department in writing within 30 days after obtaining
6 employment that requires a license under this chapter and
7 after any subsequent change in his or her supervising
8 anesthesiologist. The notification must include the full name,
9 license number, specialty, and address of the supervising
10 anesthesiologist. Submission of a copy of the required
11 protocol by the anesthesiologist assistant satisfies this
12 requirement.

13 (e) The Board of Medicine may impose upon an
14 anesthesiologist assistant any penalty specified in s. 456.072
15 or s. 458.331(2) if the anesthesiologist assistant or the
16 supervising anesthesiologist is found guilty of or is
17 investigated for an act that constitutes a violation of this
18 chapter or chapter 456.

19 (7) ANESTHESIOLOGIST AND ANESTHESIOLOGIST ASSISTANT TO
20 ADVISE THE BOARD.--

21 (a) The chairman of the board may appoint an
22 anesthesiologist and an anesthesiologist assistant to advise
23 the board as to the adoption of rules for the licensure of
24 anesthesiologist assistants. The board may use a committee
25 structure that is most practicable in order to receive any
26 recommendations to the board regarding rules and all matters
27 relating to anesthesiologist assistants, including, but not
28 limited to, recommendations to improve safety in the clinical
29 practices of licensed anesthesiologist assistants.

30 (b) In addition to its other duties and
31 responsibilities as prescribed by law, the board shall:

1 1. Recommend to the department the licensure of
2 anesthesiologist assistants.

3 2. Develop all rules regulating the use of
4 anesthesiologist assistants by qualified anesthesiologists
5 under this chapter and chapter 459, except for rules relating
6 to the formulary developed under s. 458.347(4)(f). The board
7 shall also develop rules to ensure that the continuity of
8 supervision is maintained in each practice setting. The boards
9 shall consider adopting a proposed rule at the regularly
10 scheduled meeting immediately following the submission of the
11 proposed rule. A proposed rule may not be adopted by either
12 board unless both boards have accepted and approved the
13 identical language contained in the proposed rule. The
14 language of all proposed rules must be approved by both boards
15 pursuant to each respective board's guidelines and standards
16 regarding the adoption of proposed rules.

17 3. Address concerns and problems of practicing
18 anesthesiologist assistants to improve safety in the clinical
19 practices of licensed anesthesiologist assistants.

20 (c) When the board finds that an applicant for
21 licensure has failed to meet, to the board's satisfaction,
22 each of the requirements for licensure set forth in this
23 section, the board may enter an order to:

24 1. Refuse to certify the applicant for licensure;

25 2. Approve the applicant for licensure with
26 restrictions on the scope of practice or license; or

27 3. Approve the applicant for conditional licensure.

28 Such conditions may include placement of the licensee on
29 probation for a period of time and subject to such conditions
30 as the board specifies, including, but not limited to,

31

1 requiring the licensee to undergo treatment, to attend
2 continuing education courses, or to take corrective action.

3 (8) PENALTY.--A person who falsely holds himself or
4 herself out as an anesthesiologist assistant commits a felony
5 of the third degree, punishable as provided in s. 775.082, s.
6 775.083, or s. 775.084.

7 (9) DENIAL, SUSPENSION, OR REVOCATION OF
8 LICENSURE.--The boards may deny, suspend, or revoke the
9 license of an anesthesiologist assistant who the board
10 determines has violated any provision of this section or
11 chapter or any rule adopted pursuant thereto.

12 (10) RULES.--The boards shall adopt rules to
13 administer this section.

14 (11) LIABILITY.--A supervising anesthesiologist is
15 liable for any act or omission of an anesthesiologist
16 assistant acting under the anesthesiologist's supervision and
17 control and shall comply with the financial responsibility
18 requirements of this chapter and chapter 456, as applicable.

19 (12) FEES.--The department shall allocate the fees
20 collected under this section to the board.

21 Section 120. Paragraph (hh) of subsection (1) of
22 section 459.015, Florida Statutes, is amended to read:

23 459.015 Grounds for disciplinary action; action by the
24 board and department.--

25 (1) The following acts constitute grounds for denial
26 of a license or disciplinary action, as specified in s.
27 456.072(2):

28 (hh) Failing to supervise adequately the activities of
29 those physician assistants, paramedics, emergency medical
30 technicians, advanced registered nurse practitioners,
31

1 anesthesiologist assistants, or other persons acting under the
2 supervision of the osteopathic physician.

3 Section 121. Section 459.023, Florida Statutes, is
4 created to read:

5 459.023 Anesthesiologist assistants.--

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

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

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

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

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

1 (e) "Boards" means the Board of Medicine and the Board
2 of Osteopathic Medicine.

3 (f) "Continuing medical education" means courses
4 recognized and approved by the boards, the American Academy of
5 Physician Assistants, the American Medical Association, the
6 American Osteopathic Association, the American Academy of
7 Anesthesiologist Assistants, the American Society of
8 Anesthesiologists, or the Accreditation Council on Continuing
9 Medical Education.

10 (g) "Direct supervision" means the on-site, personal
11 supervision by an anesthesiologist who is present in the
12 office when the procedure is being performed in that office,
13 or is present in the surgical or obstetrical suite when the
14 procedure is being performed in that surgical or obstetrical
15 suite and who is in all instances immediately available to
16 provide assistance and direction to the anesthesiologist
17 assistant while anesthesia services are being performed.

18 (h) "Proficiency examination" means an entry-level
19 examination approved by the boards, including examinations
20 administered by the National Commission on Certification of
21 Anesthesiologist Assistants.

22 (i) "Trainee" means a person who is currently enrolled
23 in an approved program.

24 (2) PERFORMANCE OF SUPERVISING ANESTHESIOLOGIST.--

25 (a) An anesthesiologist who directly supervises an
26 anesthesiologist assistant must be qualified in the medical
27 areas in which the anesthesiologist assistant performs and is
28 liable for the performance of the anesthesiologist assistant.
29 An anesthesiologist may only supervise two anesthesiologist
30 assistants at the same time. The board may, by rule, allow an
31

1 anesthesiologist to supervise up to four anesthesiologist
2 assistants, after July 1, 2008.

3 (b) An anesthesiologist or group of anesthesiologists
4 must, upon establishing a supervisory relationship with an
5 anesthesiologist assistant, file with the board a written
6 protocol that includes, at a minimum:

7 1. The name, address, and license number of the
8 anesthesiologist assistant.

9 2. The name, address, license number, and federal Drug
10 Enforcement Administration number of each physician who will
11 be supervising the anesthesiologist assistant.

12 3. The address of the anesthesiologist assistant's
13 primary practice location and the address of any other
14 locations where the anesthesiologist assistant may practice.

15 4. The date the protocol was developed and the dates
16 of all revisions.

17 5. The signatures of the anesthesiologist assistant
18 and all supervising physicians.

19 6. The duties and functions of the anesthesiologist
20 assistant.

21 7. The conditions or procedures that require the
22 personal provision of care by an anesthesiologist.

23 8. The procedures to be followed in the event of an
24 anesthetic emergency.

25
26 The protocol must be on file with the board before the
27 anesthesiologist assistant may practice with the
28 anesthesiologist or group. An anesthesiologist assistant may
29 not practice unless a written protocol has been filed for that
30 anesthesiologist assistant in accordance with this paragraph,
31 and the anesthesiologist assistant may only practice under the

1 direct supervision of an anesthesiologist who has signed the
2 protocol. The protocol must be updated biennially.

3 (3) PERFORMANCE OF ANESTHESIOLOGIST ASSISTANTS.--

4 (a) An anesthesiologist assistant may assist an
5 anesthesiologist in developing and implementing an anesthesia
6 care plan for a patient. In providing assistance to an
7 anesthesiologist, an anesthesiologist assistant may perform
8 duties established by rule by the board in any of the
9 following functions that are included in the anesthesiologist
10 assistant's protocol while under the direct supervision of an
11 anesthesiologist:

12 1. Obtain a comprehensive patient history and present
13 the history to the supervising anesthesiologist.

14 2. Pretest and calibrate anesthesia delivery systems
15 and monitor, obtain, and interpret information from the
16 systems and monitors.

17 3. Assist the supervising anesthesiologist with the
18 implementation of medically accepted monitoring techniques.

19 4. Establish basic and advanced airway interventions,
20 including intubation of the trachea and performing ventilatory
21 support.

22 5. Administer intermittent vasoactive drugs and start
23 and adjust vasoactive infusions.

24 6. Administer anesthetic drugs, adjuvant drugs, and
25 accessory drugs.

26 7. Assist the supervising anesthesiologist with the
27 performance of epidural anesthetic procedures and spinal
28 anesthetic procedures.

29 8. Administer blood, blood products, and supportive
30 fluids.

31

1 9. Support life functions during anesthesia health
2 care, including induction and intubation procedures, the use
3 of appropriate mechanical supportive devices, and the
4 management of fluid, electrolyte, and blood component
5 balances.

6 10. Recognize and take appropriate corrective action
7 for abnormal patient responses to anesthesia, adjunctive
8 medication, or other forms of therapy.

9 11. Participate in management of the patient while in
10 the postanesthesia recovery area, including the administration
11 of any supporting fluids or drugs.

12 12. Place special peripheral and central venous and
13 arterial lines for blood sampling and monitoring as
14 appropriate.

15 (b) Nothing in this section or chapter prevents
16 third-party payors from reimbursing employers of
17 anesthesiologist assistants for covered services rendered by
18 such anesthesiologist assistants.

19 (c) An anesthesiologist assistant must clearly convey
20 to the patient that she or he is an anesthesiologist
21 assistant.

22 (d) An anesthesiologist assistant may perform
23 anesthesia tasks and services within the framework of a
24 written practice protocol developed between the supervising
25 anesthesiologist and the anesthesiologist assistant.

26 (e) An anesthesiologist assistant may not prescribe,
27 order, or compound any controlled substance, legend drug, or
28 medical device, nor may an anesthesiologist assistant dispense
29 sample drugs to patients. Nothing in this paragraph prohibits
30 an anesthesiologist assistant from administering legend drugs
31 or controlled substances; intravenous drugs, fluids, or blood

1 products; or inhalation or other anesthetic agents to patients
2 which are ordered by the supervising anesthesiologist and
3 administered while under the direct supervision of the
4 supervising anesthesiologist.

5 (4) PERFORMANCE BY TRAINEES.--The practice of a
6 trainee is exempt from the requirements of this chapter while
7 the trainee is performing assigned tasks as a trainee in
8 conjunction with an approved program. Before providing
9 anesthesia services, including the administration of
10 anesthesia in conjunction with the requirements of an approved
11 program, the trainee must clearly convey to the patient that
12 he or she is a trainee.

13 (5) PROGRAM APPROVAL.--The boards shall approve
14 programs for the education and training of anesthesiologist
15 assistants which meet standards established by board rules.
16 The board may recommend only those anesthesiologist assistant
17 training programs that hold full accreditation or provisional
18 accreditation from the Commission on Accreditation of Allied
19 Health Education Programs.

20 (6) ANESTHESIOLOGIST ASSISTANT LICENSURE.--

21 (a) Any person desiring to be licensed as an
22 anesthesiologist assistant must apply to the department. The
23 department shall issue a license to any person certified by
24 the board to:

25 1. Be at least 18 years of age.

26 2. Have satisfactorily passed a proficiency
27 examination with a score established by the National
28 Commission on Certification of Anesthesiologist Assistants.

29 3. Be certified in advanced cardiac life support.
30
31

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 her or his 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 Osteopathic Medicine may impose upon
2 an anesthesiologist assistant any penalty specified in s.
3 456.072 or s. 459.015(2) if the anesthesiologist assistant or
4 the 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 458, 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 herself or
22 himself 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 122. Subsections (1) and (2) of section
 9 400.487, Florida Statutes, are amended to read:

10 400.487 Home health service agreements; physician's,
 11 physician's assistant's, and advanced registered nurse
 12 practitioner's treatment orders; patient assessment;
 13 establishment and review of plan of care; provision of
 14 services; orders not to resuscitate.--

15 (1) Services provided by a home health agency must be
 16 covered by an agreement between the home health agency and the
 17 patient or the patient's legal representative specifying the
 18 home health services to be provided, the rates or charges for
 19 services paid with private funds, and the sources ~~method~~ of
 20 payment, which may include Medicare, Medicaid, private
 21 insurance, personal funds, or a combination thereof. A home
 22 health agency providing skilled care must make an assessment
 23 of the patient's needs within 48 hours after the start of
 24 services.

25 (2) When required by the provisions of chapter 464;
 26 part I, part III, or part V of chapter 468; or chapter 486,
 27 the attending physician, physician's assistant, or advanced
 28 registered nurse practitioner, acting within his or her
 29 respective scope of practice, shall ~~for a patient who is to~~
 30 ~~receive skilled care must~~ establish treatment orders for a
 31 patient who is to receive skilled care. The treatment orders

1 must be signed by the physician, physician's assistant, or
2 advanced registered nurse practitioner before a claim for
3 payment for the skilled services is submitted by the home
4 health agency. If the claim is submitted to a managed care
5 organization, the treatment orders must be signed in the time
6 allowed under the provider agreement. The treatment orders
7 shall within 30 days after the start of care and must be
8 reviewed, as frequently as the patient's illness requires, by
9 the physician, physician's assistant, or advanced registered
10 nurse practitioner in consultation with the home health agency
11 personnel that provide services to the patient.

12 Section 123. Sections 123 through 135 of this act may
13 be cited as the "Clara Ramsey Care of the Elderly Act."

14 Section 124. Certified Geriatric Specialist
15 Preparation Pilot Program.--

16 (1) The Agency for Workforce Innovation shall
17 establish a pilot program for delivery of geriatric nursing
18 education to certified nursing assistants who wish to become
19 certified geriatric specialists. The agency shall select two
20 pilot sites in nursing homes that have received the Gold Seal
21 designation under section 400.235, Florida Statutes; have been
22 designated as a teaching nursing home under section 430.80,
23 Florida Statutes; or have not received a class I or class II
24 deficiency within the 30 months preceding application for this
25 program.

26 (2) To be eligible to receive geriatric nursing
27 education, a certified nursing assistant must have been
28 employed by a participating nursing home for at least 1 year
29 and must have received a high school diploma or its
30 equivalent.

31

1 (3) The education shall be provided at the worksite
2 and in coordination with the certified nursing assistant's
3 work schedule.

4 (4) Faculty shall provide the instruction under an
5 approved nursing program pursuant to section 464.019, Florida
6 Statutes.

7 (5) The education must be designed to prepare the
8 certified nursing assistant to meet the requirements for
9 certification as a geriatric specialist. The didactic and
10 clinical education must include all portions of the practical
11 nursing curriculum pursuant to section 464.019, Florida
12 Statutes, except for pediatric and obstetric/maternal-child
13 education, and must include additional education in the care
14 of ill, injured, or infirm geriatric patients and the
15 maintenance of health, the prevention of injury, and the
16 provision of palliative care for geriatric patients.

17 Section 125. Certified Geriatric Specialty Nursing
18 Initiative Steering Committee.--

19 (1) In order to guide the implementation of the
20 Certified Geriatric Specialist Preparation Pilot Program,
21 there is created a Certified Geriatric Specialty Nursing
22 Initiative Steering Committee. The steering committee shall be
23 composed of the following members:

24 (a) The chair of the Board of Nursing or his or her
25 designee;

26 (b) A representative of the Agency for Workforce
27 Innovation, appointed by the Director of Workforce Innovation;

28 (c) A representative of Workforce Florida, Inc.,
29 appointed by the chair of the Board of Directors of Workforce
30 Florida, Inc.;

31

1 (d) A representative of the Department of Education,
2 appointed by the Commissioner of Education;

3 (e) A representative of the Department of Health,
4 appointed by the Secretary of Health;

5 (f) A representative of the Agency for Health Care
6 Administration, appointed by the Secretary of Health Care
7 Administration;

8 (g) The Director of the Florida Center for Nursing;

9 (h) A representative of the Department of Elderly
10 Affairs, appointed by the Secretary of Elderly Affairs; and

11 (i) A representative of a Gold Seal nursing home that
12 is not one of the pilot program sites, appointed by the
13 Secretary of Health Care Administration.

14 (2) The steering committee shall:

15 (a) Provide consultation and guidance to the Agency
16 for Workforce Innovation on matters of policy during the
17 implementation of the pilot program; and

18 (b) Provide oversight to the evaluation of the pilot
19 program.

20 (3) Members of the steering committee are entitled to
21 reimbursement for per diem and travel expenses under section
22 112.061, Florida Statutes.

23 (4) The steering committee shall complete its
24 activities by June 30, 2007, and the authorization for the
25 steering committee ends on that date.

26 Section 126. Evaluation of the Certified Geriatric
27 Specialist Preparation Pilot Program.--The Agency for
28 Workforce Innovation, in consultation with the Certified
29 Geriatric Specialty Nursing Initiative Steering Committee,
30 shall conduct or contract for an evaluation of the pilot
31 program. The agency shall ensure that an evaluation report is

1 submitted to the Governor, the President of the Senate, and
 2 the Speaker of the House of Representatives by January 1,
 3 2007. The evaluation must address the experience and success
 4 of the certified nursing assistants in the pilot program and
 5 must contain recommendations regarding the expansion of the
 6 delivery of geriatric nursing education in nursing homes.

7 Section 127. Reports.--The Agency for Workforce
 8 Innovation shall submit status reports and recommendations
 9 regarding legislation necessary to further the implementation
 10 of the pilot program to the Governor, the President of the
 11 Senate, and the Speaker of the House of Representatives on
 12 January 1, 2005, January 1, 2006, and January 1, 2007.

13 Section 128. Section 464.0125, Florida Statutes, is
 14 created to read:

15 464.0125 Certified geriatric specialists;
 16 certification requirements.--

17 (1) DEFINITIONS; RESPONSIBILITIES.--

18 (a) As used in this section, the term:

19 1. "Certified geriatric specialist" means a person who
 20 meets the qualifications specified in this section and who is
 21 certified by the board to practice as a certified geriatric
 22 specialist.

23 2. "Geriatric patient" means any patient who is 60
 24 years of age or older.

25 3. "Practice of certified geriatric specialty nursing"
 26 means the performance of selected acts in facilities licensed
 27 under part II or part III of chapter 400, including the
 28 administration of treatments and medications, in the care of
 29 ill, injured, or infirm geriatric patients and the promotion
 30 of wellness, maintenance of health, and prevention of illness
 31 of geriatric patients under the direction of a registered

1 nurse, a licensed physician, a licensed osteopathic physician,
2 a licensed podiatric physician, or a licensed dentist. The
3 scope of practice of a certified geriatric specialist includes
4 the practice of practical nursing as defined in s. 464.003 for
5 geriatric patients only, except for any act in which
6 instruction and clinical knowledge of pediatric nursing or
7 obstetric/maternal-child nursing is required. A certified
8 geriatric specialist, while providing nursing services in
9 facilities licensed under part II or part III of chapter 400,
10 may supervise the activities of certified nursing assistants
11 and other unlicensed personnel providing services in such
12 facilities in accordance with rules adopted by the board.

13 (b) The certified geriatric specialist shall be
14 responsible and accountable for making decisions that are
15 based upon the individual's educational preparation and
16 experience in performing certified geriatric specialty
17 nursing.

18 (2) CERTIFICATION.--

19 (a) Any certified nursing assistant desiring to be
20 certified as a certified geriatric specialist must apply to
21 the department and submit proof that he or she holds a current
22 certificate as a certified nursing assistant under part II of
23 this chapter and has satisfactorily completed the following
24 requirements:

25 1. Is in good mental and physical health, is a
26 recipient of a high school diploma or its equivalent; has
27 completed the requirements for graduation from an approved
28 program for nursing or its equivalent, as determined by the
29 board, for the preparation of licensed practical nurses,
30 except for instruction and clinical knowledge of pediatric
31 nursing or obstetric/maternal-child nursing; and has completed

1 additional education in the care of ill, injured, or infirm
2 geriatric patients, the maintenance of health, the prevention
3 of injury, and the provision of palliative care for geriatric
4 patients. By September 1, 2004, the Board of Nursing shall
5 adopt rules establishing the core competencies for the
6 additional education in geriatric care. Any program that is
7 approved on July 1, 2004, by the board for the preparation of
8 registered nurses or licensed practical nurses may provide
9 education for the preparation of certified geriatric
10 specialists without further board approval.

11 2. Has the ability to communicate in the English
12 language, which may be determined by an examination given by
13 the department.

14 3. Has provided sufficient information, which must be
15 submitted by the department for a statewide criminal records
16 correspondence check through the Department of Law
17 Enforcement.

18 (b) Each applicant who meets the requirements of this
19 subsection is, unless denied pursuant to s. 464.018, entitled
20 to certification as a certified geriatric specialist. The
21 board must certify, and the department must issue a
22 certificate to practice as a certified geriatric specialist
23 to, any certified nursing assistant who meets the
24 qualifications set forth in this section. The board shall
25 establish an application fee not to exceed \$100 and a biennial
26 renewal fee not to exceed \$50. The board may adopt rules to
27 administer this section.

28 (c) A person receiving certification under this
29 section shall:

30 1. Work only within the confines of a facility
31 licensed under part II or part III of chapter 400.

1 2. Care for geriatric patients only.

2 3. Comply with the minimum standards of practice for
3 nurses and be subject to disciplinary action for violations of
4 s. 464.018.

5 (3) ARTICULATION.--Any certified geriatric specialist
6 who completes the additional instruction and coursework in an
7 approved nursing program pursuant to s. 464.019 for the
8 preparation of practical nursing in the areas of pediatric
9 nursing and obstetric/maternal-child nursing is, unless denied
10 pursuant to s. 464.018, entitled to licensure as a licensed
11 practical nurse if the applicant otherwise meets the
12 requirements of s. 464.008.

13 (4) TITLES AND ABBREVIATIONS; RESTRICTIONS;
14 PENALTIES.--

15 (a) Only persons who hold certificates to practice as
16 certified geriatric specialists in this state or who are
17 performing services within the practice of certified geriatric
18 specialty nursing pursuant to the exception set forth in s.
19 464.022(8) may use the title "Certified Geriatric Specialist"
20 and the abbreviation "C.G.S."

21 (b) A person may not practice or advertise as, or
22 assume the title of, certified geriatric specialist or use the
23 abbreviation "C.G.S." or take any other action that would lead
24 the public to believe that person is certified as such or is
25 performing services within the practice of certified geriatric
26 specialty nursing pursuant to the exception set forth in s.
27 464.022(8), unless that person is certified to practice as
28 such.

29 (c) A violation of this subsection is a misdemeanor of
30 the first degree, punishable as provided in s. 775.082 or s.
31 775.083.

1 (5) VIOLATIONS AND PENALTIES.--Practicing certified
2 geriatric specialty nursing, as defined in this section,
3 without holding an active certificate to do so constitutes a
4 felony of the third degree, punishable as provided in s.
5 775.082, s. 775.083, or s. 775.084.

6 Section 129. Paragraph (b) of subsection (1) of
7 section 381.00315, Florida Statutes, is amended to read:

8 381.00315 Public health advisories; public health
9 emergencies.--The State Health Officer is responsible for
10 declaring public health emergencies and issuing public health
11 advisories.

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

13 (b) "Public health emergency" means any occurrence, or
14 threat thereof, whether natural or man made, which results or
15 may result in substantial injury or harm to the public health
16 from infectious disease, chemical agents, nuclear agents,
17 biological toxins, or situations involving mass casualties or
18 natural disasters. Prior to declaring a public health
19 emergency, the State Health Officer shall, to the extent
20 possible, consult with the Governor and shall notify the Chief
21 of Domestic Security Initiatives as created in s. 943.03. The
22 declaration of a public health emergency shall continue until
23 the State Health Officer finds that the threat or danger has
24 been dealt with to the extent that the emergency conditions no
25 longer exist and he or she terminates the declaration.
26 However, a declaration of a public health emergency may not
27 continue for longer than 60 days unless the Governor concurs
28 in the renewal of the declaration. The State Health Officer,
29 upon declaration of a public health emergency, may take
30 actions that are necessary to protect the public health. Such
31 actions include, but are not limited to:

1 1. Directing manufacturers of prescription drugs or
2 over-the-counter drugs who are permitted under chapter 499 and
3 wholesalers of prescription drugs located in this state who
4 are permitted under chapter 499 to give priority to the
5 shipping of specified drugs to pharmacies and health care
6 providers within geographic areas that have been identified by
7 the State Health Officer. The State Health Officer must
8 identify the drugs to be shipped. Manufacturers and
9 wholesalers located in the state must respond to the State
10 Health Officer's priority shipping directive before shipping
11 the specified drugs.

12 2. Notwithstanding chapters 465 and 499 and rules
13 adopted thereunder, directing pharmacists employed by the
14 department to compound bulk prescription drugs and provide
15 these bulk prescription drugs to physicians and nurses of
16 county health departments or any qualified person authorized
17 by the State Health Officer for administration to persons as
18 part of a prophylactic or treatment regimen.

19 3. Notwithstanding s. 456.036, temporarily
20 reactivating the inactive license of the following health care
21 practitioners, when such practitioners are needed to respond
22 to the public health emergency: physicians licensed under
23 chapter 458 or chapter 459; physician assistants licensed
24 under chapter 458 or chapter 459; certified geriatric
25 specialists certified under part I of chapter 464; licensed
26 practical nurses, registered nurses, and advanced registered
27 nurse practitioners licensed under part I of chapter 464;
28 respiratory therapists licensed under part V of chapter 468;
29 and emergency medical technicians and paramedics certified
30 under part III of chapter 401. Only those health care
31 practitioners specified in this paragraph who possess an

1 unencumbered inactive license and who request that such
2 license be reactivated are eligible for reactivation. An
3 inactive license that is reactivated under this paragraph
4 shall return to inactive status when the public health
5 emergency ends or prior to the end of the public health
6 emergency if the State Health Officer determines that the
7 health care practitioner is no longer needed to provide
8 services during the public health emergency. Such licenses may
9 only be reactivated for a period not to exceed 90 days without
10 meeting the requirements of s. 456.036 or chapter 401, as
11 applicable.

12 4. Ordering an individual to be examined, tested,
13 vaccinated, treated, or quarantined for communicable diseases
14 that have significant morbidity or mortality and present a
15 severe danger to public health. Individuals who are unable or
16 unwilling to be examined, tested, vaccinated, or treated for
17 reasons of health, religion, or conscience may be subjected to
18 quarantine.

19 a. Examination, testing, vaccination, or treatment may
20 be performed by any qualified person authorized by the State
21 Health Officer.

22 b. If the individual poses a danger to the public
23 health, the State Health Officer may subject the individual to
24 quarantine. If there is no practical method to quarantine the
25 individual, the State Health Officer may use any means
26 necessary to vaccinate or treat the individual.

27
28 Any order of the State Health Officer given to effectuate this
29 paragraph shall be immediately enforceable by a law
30 enforcement officer under s. 381.0012.

31

1 Section 130. Subsection (14) of section 400.021,
2 Florida Statutes, is amended to read:

3 400.021 Definitions.--When used in this part, unless
4 the context otherwise requires, the term:

5 (14) "Nursing service" means such services or acts as
6 may be rendered, directly or indirectly, to and in behalf of a
7 person by individuals as defined in ss. s- 464.003 and
8 464.0125.

9 Section 131. Paragraphs (a) and (c) of subsection (3)
10 of section 400.23, Florida Statutes, are amended to read:

11 400.23 Rules; evaluation and deficiencies; licensure
12 status.--

13 (3)(a) The agency shall adopt rules providing for the
14 minimum staffing requirements for nursing homes. These
15 requirements shall include, for each nursing home facility, a
16 minimum certified nursing assistant staffing of 2.3 hours of
17 direct care per resident per day beginning January 1, 2002,
18 increasing to 2.6 hours of direct care per resident per day
19 beginning January 1, 2003, and increasing to 2.9 hours of
20 direct care per resident per day beginning May 1, 2004.

21 Beginning January 1, 2002, no facility shall staff below one
22 certified nursing assistant per 20 residents, and a minimum
23 licensed nursing staffing of 1.0 hour of direct resident care
24 per resident per day but never below one licensed nurse per 40
25 residents. For purposes of computing nursing staffing minimums
26 and ratios, certified geriatric specialists shall be
27 considered licensed nursing staff. ~~Nursing assistants employed~~
28 ~~never below one licensed nurse per 40 residents.~~ Nursing
29 assistants employed under s. 400.211(2) may be included in
30 computing the staffing ratio for certified nursing assistants
31 only if they provide nursing assistance services to residents

1 on a full-time basis. Each nursing home must document
2 compliance with staffing standards as required under this
3 paragraph and post daily the names of staff on duty for the
4 benefit of facility residents and the public. The agency shall
5 recognize the use of licensed nurses for compliance with
6 minimum staffing requirements for certified nursing
7 assistants, provided that the facility otherwise meets the
8 minimum staffing requirements for licensed nurses and that the
9 licensed nurses so recognized are performing the duties of a
10 certified nursing assistant. Unless otherwise approved by the
11 agency, licensed nurses counted towards the minimum staffing
12 requirements for certified nursing assistants must exclusively
13 perform the duties of a certified nursing assistant for the
14 entire shift and shall not also be counted towards the minimum
15 staffing requirements for licensed nurses. If the agency
16 approved a facility's request to use a licensed nurse to
17 perform both licensed nursing and certified nursing assistant
18 duties, the facility must allocate the amount of staff time
19 specifically spent on certified nursing assistant duties for
20 the purpose of documenting compliance with minimum staffing
21 requirements for certified and licensed nursing staff. In no
22 event may the hours of a licensed nurse with dual job
23 responsibilities be counted twice.

24 (c) Licensed practical nurses licensed under chapter
25 464 who are providing nursing services in nursing home
26 facilities under this part may supervise the activities of
27 other licensed practical nurses, certified geriatric
28 specialists, certified nursing assistants, and other
29 unlicensed personnel providing services in such facilities in
30 accordance with rules adopted by the Board of Nursing.

31

1 Section 132. Paragraph (b) of subsection (2) of
2 section 409.908, Florida Statutes, is amended to read:

3 409.908 Reimbursement of Medicaid providers.--Subject
4 to specific appropriations, the agency shall reimburse
5 Medicaid providers, in accordance with state and federal law,
6 according to methodologies set forth in the rules of the
7 agency and in policy manuals and handbooks incorporated by
8 reference therein. These methodologies may include fee
9 schedules, reimbursement methods based on cost reporting,
10 negotiated fees, competitive bidding pursuant to s. 287.057,
11 and other mechanisms the agency considers efficient and
12 effective for purchasing services or goods on behalf of
13 recipients. If a provider is reimbursed based on cost
14 reporting and submits a cost report late and that cost report
15 would have been used to set a lower reimbursement rate for a
16 rate semester, then the provider's rate for that semester
17 shall be retroactively calculated using the new cost report,
18 and full payment at the recalculated rate shall be affected
19 retroactively. Medicare-granted extensions for filing cost
20 reports, if applicable, shall also apply to Medicaid cost
21 reports. Payment for Medicaid compensable services made on
22 behalf of Medicaid eligible persons is subject to the
23 availability of moneys and any limitations or directions
24 provided for in the General Appropriations Act or chapter 216.
25 Further, nothing in this section shall be construed to prevent
26 or limit the agency from adjusting fees, reimbursement rates,
27 lengths of stay, number of visits, or number of services, or
28 making any other adjustments necessary to comply with the
29 availability of moneys and any limitations or directions
30 provided for in the General Appropriations Act, provided the
31 adjustment is consistent with legislative intent.

1 (2)

2 (b) Subject to any limitations or directions provided
3 for in the General Appropriations Act, the agency shall
4 establish and implement a Florida Title XIX Long-Term Care
5 Reimbursement Plan (Medicaid) for nursing home care in order
6 to provide care and services in conformance with the
7 applicable state and federal laws, rules, regulations, and
8 quality and safety standards and to ensure that individuals
9 eligible for medical assistance have reasonable geographic
10 access to such care.

11 1. Changes of ownership or of licensed operator do not
12 qualify for increases in reimbursement rates associated with
13 the change of ownership or of licensed operator. The agency
14 shall amend the Title XIX Long Term Care Reimbursement Plan to
15 provide that the initial nursing home reimbursement rates, for
16 the operating, patient care, and MAR components, associated
17 with related and unrelated party changes of ownership or
18 licensed operator filed on or after September 1, 2001, are
19 equivalent to the previous owner's reimbursement rate.

20 2. The agency shall amend the long-term care
21 reimbursement plan and cost reporting system to create direct
22 care and indirect care subcomponents of the patient care
23 component of the per diem rate. These two subcomponents
24 together shall equal the patient care component of the per
25 diem rate. Separate cost-based ceilings shall be calculated
26 for each patient care subcomponent. The direct care
27 subcomponent of the per diem rate shall be limited by the
28 cost-based class ceiling, and the indirect care subcomponent
29 shall be limited by the lower of the cost-based class ceiling,
30 by the target rate class ceiling, or by the individual
31 provider target. The agency shall adjust the patient care

1 component effective January 1, 2002. The cost to adjust the
2 direct care subcomponent shall be net of the total funds
3 previously allocated for the case mix add-on. The agency shall
4 make the required changes to the nursing home cost reporting
5 forms to implement this requirement effective January 1, 2002.

6 3. The direct care subcomponent shall include salaries
7 and benefits of direct care staff providing nursing services
8 including registered nurses, licensed practical nurses,
9 certified geriatric specialists certified under part I of
10 chapter 464, and certified nursing assistants who deliver care
11 directly to residents in the nursing home facility. This
12 excludes nursing administration, MDS, and care plan
13 coordinators, staff development, and staffing coordinator.

14 4. All other patient care costs shall be included in
15 the indirect care cost subcomponent of the patient care per
16 diem rate. There shall be no costs directly or indirectly
17 allocated to the direct care subcomponent from a home office
18 or management company.

19 5. On July 1 of each year, the agency shall report to
20 the Legislature direct and indirect care costs, including
21 average direct and indirect care costs per resident per
22 facility and direct care and indirect care salaries and
23 benefits per category of staff member per facility.

24 6. In order to offset the cost of general and
25 professional liability insurance, the agency shall amend the
26 plan to allow for interim rate adjustments to reflect
27 increases in the cost of general or professional liability
28 insurance for nursing homes. This provision shall be
29 implemented to the extent existing appropriations are
30 available.

31

1 It is the intent of the Legislature that the reimbursement
2 plan achieve the goal of providing access to health care for
3 nursing home residents who require large amounts of care while
4 encouraging diversion services as an alternative to nursing
5 home care for residents who can be served within the
6 community. The agency shall base the establishment of any
7 maximum rate of payment, whether overall or component, on the
8 available moneys as provided for in the General Appropriations
9 Act. The agency may base the maximum rate of payment on the
10 results of scientifically valid analysis and conclusions
11 derived from objective statistical data pertinent to the
12 particular maximum rate of payment.

13 Section 133. Subsection (1) and paragraph (a) of
14 subsection (2) of section 1009.65, Florida Statutes, are
15 amended to read:

16 1009.65 Medical Education Reimbursement and Loan
17 Repayment Program.--

18 (1) To encourage qualified medical professionals to
19 practice in underserved locations where there are shortages of
20 such personnel, there is established the Medical Education
21 Reimbursement and Loan Repayment Program. The function of the
22 program is to make payments that offset loans and educational
23 expenses incurred by students for studies leading to a medical
24 or nursing degree, medical or nursing licensure, or advanced
25 registered nurse practitioner certification or physician
26 assistant licensure. The following licensed or certified
27 health care professionals are eligible to participate in this
28 program: medical doctors with primary care specialties,
29 doctors of osteopathic medicine with primary care specialties,
30 physician's assistants, certified geriatric specialists
31 certified under part I of chapter 464, licensed practical

1 nurses and registered nurses, and advanced registered nurse
2 practitioners with primary care specialties such as certified
3 nurse midwives. Primary care medical specialties for
4 physicians include obstetrics, gynecology, general and family
5 practice, internal medicine, pediatrics, and other specialties
6 which may be identified by the Department of Health.

7 (2) From the funds available, the Department of Health
8 shall make payments to selected medical professionals as
9 follows:

10 (a) Up to \$4,000 per year for certified geriatric
11 specialists certified under part I of chapter 464, licensed
12 practical nurses, and registered nurses, up to \$10,000 per
13 year for advanced registered nurse practitioners and
14 physician's assistants, and up to \$20,000 per year for
15 physicians. Penalties for noncompliance shall be the same as
16 those in the National Health Services Corps Loan Repayment
17 Program. Educational expenses include costs for tuition,
18 matriculation, registration, books, laboratory and other fees,
19 other educational costs, and reasonable living expenses as
20 determined by the Department of Health.

21 Section 134. Subsection (2) of section 1009.66,
22 Florida Statutes, is amended to read:

23 1009.66 Nursing Student Loan Forgiveness Program.--

24 (2) To be eligible, a candidate must have graduated
25 from an accredited or approved nursing program and have
26 received a Florida license as a licensed practical nurse, a
27 certified geriatric specialist certified under part I of
28 chapter 464, or a registered nurse or a Florida certificate as
29 an advanced registered nurse practitioner.

30 Section 135. The sum of \$157,017 is appropriated from
31 the General Revenue Fund to the Agency for Workforce

1 Innovation to support the work of the Certified Geriatric
2 Specialty Nursing Initiative Steering Committee, to administer
3 the pilot sites, to contract for an evaluation, and to the
4 extent that funds are available, and if necessary, to provide
5 nursing faculty, substitute certified nursing assistants for
6 those who are in clinical education, and technical support to
7 the pilot sites during the 2004-2005 fiscal year.

8 Section 136. Subsections (3) and (4) of section
9 400.9905, Florida Statutes, are amended, and subsections (5)
10 and (6) are added to that section, to read:

11 400.9905 Definitions.--

12 (3) "Clinic" means an entity at which health care
13 services are provided to individuals and which tenders charges
14 for reimbursement for such services, including a mobile clinic
15 and a portable equipment provider. For purposes of this part,
16 the term does not include and the licensure requirements of
17 this part do not apply to:

18 (a) Entities licensed or registered by the state under
19 chapter 395; or entities licensed or registered by the state
20 and providing only health care services within the scope of
21 services authorized under their respective licenses granted
22 under ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter~~
23 ~~395~~, 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.

31

1 (b) Entities that own, directly or indirectly,
2 entities licensed or registered by the state pursuant to
3 chapter 395; or entities that own, directly or indirectly,
4 entities licensed or registered by the state and providing
5 only health care services within the scope of services
6 authorized pursuant to their respective licenses granted under
7 ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395,~~
8 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 (c) Entities that are owned, directly or indirectly,
17 by an entity licensed or registered by the state pursuant to
18 chapter 395; or entities that are owned, directly or
19 indirectly, by an entity licensed or registered by the state
20 and providing only health care services within the scope of
21 services authorized pursuant to their respective licenses
22 granted under ss. 383.30-383.335, chapter 390, chapter 394,
23 ~~chapter 395,~~ chapter 397, this chapter except part XIII,
24 chapter 463, chapter 465, chapter 466, chapter 478, part I of
25 chapter 483 480, chapter 484, or chapter 651, end-stage renal
26 disease providers authorized under 42 C.F.R. part 405, subpart
27 U, or providers certified under 42 C.F.R. part 485, subpart B
28 or subpart H, or any entity that provides neonatal or
29 pediatric hospital-based healthcare services by licensed
30 practitioners solely within a hospital licensed under chapter
31 395.

1 (d) Entities that are under common ownership, directly
2 or indirectly, with an entity licensed or registered by the
3 state pursuant to chapter 395; or entities that are under
4 common ownership, directly or indirectly, with an entity
5 licensed or registered by the state and providing only health
6 care services within the scope of services authorized pursuant
7 to its respective license granted under ss. 383.30-383.335,
8 chapter 390, chapter 394, ~~chapter 395,~~ chapter 397, this
9 chapter ~~except part XIII,~~ chapter 463, chapter 465, chapter
10 466, chapter 478, part I of chapter 483 480, chapter 484, or
11 chapter 651, end-stage renal disease providers authorized
12 under 42 C.F.R. part 405, subpart U, or providers certified
13 under 42 C.F.R. part 485, subpart B or subpart H, or any
14 entity that provides neonatal or pediatric hospital-based
15 services by licensed practitioners solely within a hospital
16 licensed under chapter 395.

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

22 (f) A sole proprietorship, group practice,
23 partnership, or corporation that provides health care services
24 by physicians covered by s. 627.419, that is directly
25 supervised by one or more of such physicians, and that is
26 wholly owned by one or more of those physicians or by a
27 physician and the spouse, parent, child, or sibling of that
28 physician.

29 ~~(g)(f)~~ A sole proprietorship, group practice,
30 partnership, or corporation that provides health care services
31 by licensed health care practitioners under chapter 457,

1 chapter 458, chapter 459, chapter 460, chapter 461, chapter
 2 462, chapter 463, chapter 466, chapter 467, chapter 480,
 3 chapter 484, chapter 486, chapter 490, chapter 491, or part I,
 4 part III, part X, part XIII, or part XIV of chapter 468, or s.
 5 464.012, which are wholly owned by one or more ~~a~~ licensed
 6 health care practitioners ~~practitioner~~, or the licensed health
 7 care practitioners set forth in this paragraph ~~practitioner~~
 8 and the spouse, parent, ~~or~~ child, or sibling of a licensed
 9 health care practitioner, so long as one of the owners who is
 10 a licensed health care practitioner is supervising the
 11 services performed therein and is legally responsible for the
 12 entity's compliance with all federal and state laws. However,
 13 a health care practitioner may not supervise services beyond
 14 the scope of the practitioner's license, except that, for the
 15 purposes of this part, a clinic owned by a licensee in s.
 16 456.053(3)(b) that provides only services authorized pursuant
 17 to s. 456.053(3)(b) may be supervised by a licensee specified
 18 in s. 456.053(3)(b).

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

22 (i) Entities that provide only oncology or radiation
 23 therapy services by physicians licensed under chapter 458 or
 24 459.

25 (4) "Medical director" means a physician who is
 26 employed or under contract with a clinic and who maintains a
 27 full and unencumbered physician license in accordance with
 28 chapter 458, chapter 459, chapter 460, or chapter 461.
 29 However, if the clinic does not provide services pursuant to
 30 the respective physician practice acts listed in this
 31 subsection, it is limited to providing health care services

1 ~~pursuant to chapter 457, chapter 484, chapter 486, chapter~~
 2 ~~490, or chapter 491 or part I, part III, part X, part XIII, or~~
 3 ~~part XIV of chapter 468, the clinic may appoint a~~
 4 Florida-licensed health care practitioner who does not provide
 5 services pursuant to the respective physician practice acts
 6 listed in this subsection licensed under that chapter to serve
 7 as a clinic director who is responsible for the clinic's
 8 activities. A health care practitioner may not serve as the
 9 clinic director if the services provided at the clinic are
 10 beyond the scope of that practitioner's license, except that a
 11 licensee specified in s. 456.053(3)(b) that provides only
 12 services authorized pursuant to s. 456.053(3)(b) may serve as
 13 clinic director of an entity providing services as specified
 14 in s. 456.053(3)(b).

15 (5) "Mobile clinic" means a movable or detached
 16 self-contained health care unit within or from which direct
 17 health care services are provided to individuals and that
 18 otherwise meets the definition of a clinic in subsection (3).

19 (6) "Portable equipment provider" means an entity that
 20 contracts with or employs persons to provide portable
 21 equipment to multiple locations performing treatment or
 22 diagnostic testing of individuals, that bills third-party
 23 payors for those services, and that otherwise meets the
 24 definition of a clinic in subsection (3).

25 Section 137. The creation of paragraph 400.9905(3)(i),
 26 Florida Statutes, by this act is intended to clarify the
 27 legislative intent of this provision as it existed at the time
 28 the provision initially took effect as section 456.0375(1)(b),
 29 Florida Statutes, and paragraph 400.9905(3)(i), Florida
 30 Statutes, as created by this act, shall operate retroactively
 31 to October 1, 2001. Nothing in this section shall be construed

1 as amending, modifying, limiting, or otherwise affecting in
2 any way the legislative intent, scope, terms, prohibition, or
3 requirements of section 456.053, Florida Statutes.

4 Section 138. Subsections (1), (2), and (3) and
5 paragraphs (a) and (b) of subsection (7) of section 400.991,
6 Florida Statutes, are amended to read:

7 400.991 License requirements; background screenings;
8 prohibitions.--

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

14 (b) Each mobile clinic must obtain a separate health
15 care clinic license and ~~clinics~~ must provide to the agency, at
16 least quarterly, ~~its their~~ projected street location ~~locations~~
17 to enable the agency to locate and inspect such clinic
18 ~~clinics~~. A portable equipment provider must obtain a health
19 care clinic license for a single administrative office and is
20 not required to submit quarterly projected street locations.

21 (2) The initial clinic license application shall be
22 filed with the agency by all clinics, as defined in s.
23 400.9905, on or before July ~~March~~ 1, 2004. A clinic license
24 must be renewed biennially.

25 (3) Applicants that submit an application on or before
26 July ~~March~~ 1, 2004, which meets all requirements for initial
27 licensure as specified in this section shall receive a
28 temporary license until the completion of an initial
29 inspection verifying that the applicant meets all requirements
30 in rules authorized by s. 400.9925. However, a clinic engaged
31 in magnetic resonance imaging services may not receive a

1 temporary license unless it presents evidence satisfactory to
2 the agency that such clinic is making a good faith effort and
3 substantial progress in seeking accreditation required under
4 s. 400.9935.

5 (7) Each applicant for licensure shall comply with the
6 following requirements:

7 (a) As used in this subsection, the term "applicant"
8 means individuals owning or controlling, directly or
9 indirectly, 5 percent or more of an interest in a clinic; the
10 medical or clinic director, or a similarly titled person who
11 is responsible for the day-to-day operation of the licensed
12 clinic; the financial officer or similarly titled individual
13 who is responsible for the financial operation of the clinic;
14 and licensed health care practitioners ~~medical providers~~ at
15 the clinic.

16 (b) Upon receipt of a completed, signed, and dated
17 application, the agency shall require background screening of
18 the applicant, in accordance with the level 2 standards for
19 screening set forth in chapter 435. Proof of compliance with
20 the level 2 background screening requirements of chapter 435
21 which has been submitted within the previous 5 years in
22 compliance with any other health care licensure requirements
23 of this state is acceptable in fulfillment of this paragraph.
24 Applicants who own less than 10 percent of a health care
25 clinic are not required to submit fingerprints under this
26 section.

27 Section 139. Subsections (1), (9), and (11) of section
28 400.9935, Florida Statutes, are amended to read:

29 400.9935 Clinic responsibilities.--

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

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

3 (a) Have signs identifying the medical director or
4 clinic director posted in a conspicuous location within the
5 clinic readily visible to all patients.

6 (b) Ensure that all practitioners providing health
7 care services or supplies to patients maintain a current
8 active and unencumbered Florida license.

9 (c) Review any patient referral contracts or
10 agreements executed by the clinic.

11 (d) Ensure that all health care practitioners at the
12 clinic have active appropriate certification or licensure for
13 the level of care being provided.

14 (e) Serve as the clinic records owner as defined in s.
15 456.057.

16 (f) Ensure compliance with the recordkeeping, office
17 surgery, and adverse incident reporting requirements of
18 chapter 456, the respective practice acts, and rules adopted
19 under this part and part II of chapter 408.

20 (g) Conduct systematic reviews of clinic billings to
21 ensure that the billings are not fraudulent or unlawful. Upon
22 discovery of an unlawful charge, the medical director or
23 clinic director shall take immediate corrective action. If the
24 clinic performs only the technical component of magnetic
25 resonance imaging, static radiographs, computed tomography, or
26 positron emission tomography, and provides the professional
27 interpretation of such services, in a fixed facility that is
28 accredited by the Joint Commission on Accreditation of
29 Healthcare Organizations or the Accreditation Association for
30 Ambulatory Health Care, and the American College of Radiology;
31 and if, in the preceding quarter, the percentage of scans

1 performed by that clinic which was billed to all personal
2 injury protection insurance carriers was less than 15 percent,
3 the chief financial officer of the clinic may, in a written
4 acknowledgement provided to the agency, assume the
5 responsibility for the conduct of the systematic reviews of
6 clinic billings to ensure that the billings are not fraudulent
7 or unlawful.

8 (9) Any person or entity providing health care
9 services which is not a clinic, as defined under s. 400.9905,
10 may voluntarily apply for a certificate of exemption from
11 licensure under its exempt status with the agency on a form
12 that sets forth its name or names and addresses, a statement
13 of the reasons why it cannot be defined as a clinic, and other
14 information deemed necessary by the agency. An exemption is
15 not transferable. The agency may charge an applicant for a
16 certificate of exemption \$100 or the actual cost, whichever is
17 less, for processing the certificate.

18 (11)(a) Each clinic engaged in magnetic resonance
19 imaging services must be accredited by the Joint Commission on
20 Accreditation of Healthcare Organizations, the American
21 College of Radiology, or the Accreditation Association for
22 Ambulatory Health Care, within 1 year after licensure.
23 However, a clinic may request a single, 6-month extension if
24 it provides evidence to the agency establishing that, for good
25 cause shown, such clinic can not be accredited within 1 year
26 after licensure, and that such accreditation will be completed
27 within the 6-month extension. After obtaining accreditation as
28 required by this subsection, each such clinic must maintain
29 accreditation as a condition of renewal of its license.

30 (b) The agency may ~~deny~~ ~~disallow~~ the application or
31 revoke the license of any entity formed for the purpose of

1 avoiding compliance with the accreditation provisions of this
2 subsection and whose principals were previously principals of
3 an entity that was unable to meet the accreditation
4 requirements within the specified timeframes. The agency may
5 adopt rules as to the accreditation of magnetic resonance
6 imaging clinics.

7 Section 140. Subsections (1) and (3) of section
8 400.995, Florida Statutes, are amended, and subsection (10) is
9 added to said section, to read:

10 400.995 Agency administrative penalties.--

11 (1) The agency may deny the application for a license
12 renewal, revoke or suspend the license, and impose
13 administrative fin~~es~~ ~~penalties against clinics~~ of up to \$5,000
14 per violation for violations of the requirements of this part
15 or rules of the agency. In determining if a penalty is to be
16 imposed and in fixing the amount of the fine, the agency shall
17 consider the following factors:

18 (a) The gravity of the violation, including the
19 probability that death or serious physical or emotional harm
20 to a patient will result or has resulted, the severity of the
21 action or potential harm, and the extent to which the
22 provisions of the applicable laws or rules were violated.

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

25 (c) Any previous violations.

26 (d) The financial benefit to the clinic of committing
27 or continuing the violation.

28 (3) Any action taken to correct a violation shall be
29 documented in writing by the owner, medical director, or
30 clinic director of the clinic and verified through followup
31 visits by agency personnel. The agency may impose a fine and,

1 in the case of an owner-operated clinic, revoke or deny a
2 clinic's license when a clinic medical director or clinic
3 director ~~knowingly fraudulently~~ misrepresents actions taken to
4 correct a violation.

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

11 Section 141. The agency shall refund 90 percent of the
12 license application fee to applicants that submitted their
13 health care clinic licensure fees and applications but were
14 subsequently exempted from licensure by this act.

15 Section 142. Any person or entity defined as a clinic
16 under section 400.9905, Florida Statutes, shall not be in
17 violation of part XIII of chapter 400, Florida Statutes, due
18 to failure to apply for a clinic license by March 1, 2004, as
19 previously required by section 400.991, Florida Statutes.
20 Payment to any such person or entity by an insurer or other
21 person liable for payment to such person or entity may not be
22 denied on the grounds that the person or entity failed to
23 apply for or obtain a clinic license before March 1, 2004.

24 Section 143. Section 381.03015, Florida Statutes, is
25 created to read:

26 381.03015 Florida Health Care Practitioner Workforce
27 Database.--

28 (1) LEGISLATIVE FINDINGS AND INTENT.--

29 (a) The Legislature finds that the state health
30 policies designed to expand patient access and improve the
31 quality of health care delivery must take into consideration

1 the supply, distribution, diversity, academic preparation, and
2 utilization of the state's health care workforce. The
3 Legislature further finds that the absence of accurate,
4 objective, relevant, and timely data concerning the health
5 care workforce in this state is a barrier to developing and
6 implementing optimal programmatic and fiscal policies relating
7 to the education and training of health care practitioners and
8 the delivery of health care services.

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

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

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

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

26 (3) FLORIDA HEALTH CARE PRACTITIONER WORKFORCE
27 DATABASE.--

28 (a) The Florida Health Care Practitioner Workforce
29 Database is the electronic repository of data elements for
30 each health care profession identified by the department for
31 inclusion in the database. Data elements shall be maintained

1 for as many years as necessary to allow for an analysis of
2 longitudinal trends. To the maximum extent feasible, data
3 elements must be collected and maintained using standardized
4 definitions in order to allow for multistate or national
5 comparisons of this state's data.

6 (b) The workforce database may be implemented in
7 phases; however, the highest priority must be given to
8 including the data elements for allopathic and osteopathic
9 physicians in the database. Inclusion of data elements for
10 other health care practitioners may be accomplished in
11 subsequent phases, as resources allow with priority given to
12 the inclusion of health care practitioners who are subject to
13 the practitioner profiling system under s. 456.041. The
14 department shall develop an implementation plan that
15 recommends the priority order in which other health care
16 practitioners may be added to the database, identifies the
17 data elements to be collected for each group of health care
18 practitioners, and provides an estimate of the cost associated
19 with the addition of each group of health care practitioners
20 to the database. The data elements collected for nurses shall
21 be identified by the department, based upon recommendations
22 made by the Florida Center for Nursing. The implementation
23 plan shall also provide an analysis of technical issues and an
24 estimate of the costs associated with collecting the following
25 data elements for allopathic and osteopathic physicians
26 through the licensing processes of the Board of Medicine and
27 the Board of Osteopathic Medicine under s. 456.039, or through
28 the profiling process for health care practitioners under s.
29 456.041:

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

4 2. The approximate number of hours per week spent in
5 each practice location.

6 3. Each practice setting, by major category of
7 practice setting, including, but not limited to, office-based
8 practice, hospital-based practice, nursing home, health
9 maintenance organization, and county health department.

10 4. Whether the physician is a full-time member of a
11 medical school faculty.

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

15
16 The implementation plan shall be submitted to the Governor and
17 Legislature by December 1, 2005.

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

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

22 1. Name.

23 2. Date of birth.

24 3. Place of birth.

25 4. Gender.

26 5. Race.

27 6. Social security number.

28 7. Name of medical school.

29 8. Year of graduation from medical school.

30 9. Location of medical school.

31

- 1 10. Name of each graduate medical education program
2 completed.
- 3 11. Year of completion of each graduate medical
4 education program.
- 5 12. Location of each graduate medical education
6 program completed.
- 7 13. Type of each graduate medical education program
8 completed, such as internship, residency, or fellowship.
- 9 14. Each medical specialty or subspecialty that the
10 physician practices.
- 11 15. Each medical specialty board certification held.
- 12 16. The primary practice location, including the
13 street address, municipality, county, and zip code for each
14 location.
- 15 (b) Data elements for each graduate of a Florida
16 allopathic or osteopathic medical school:
- 17 1. Name.
- 18 2. Date of birth.
- 19 3. Place of birth.
- 20 4. Gender.
- 21 5. Race.
- 22 6. Social security number.
- 23 7. Name of medical school.
- 24 8. Year of graduation from medical school.
- 25 9. Name and location, by state and country, of the
26 graduate medical education program that the graduate plans to
27 enter.
- 28 10. Type of graduate medical education program, such
29 as internship or residency, which the graduate plans to enter,
30 including the identification of graduate medical education
31 programs during postgraduate year 1 and postgraduate year 2,

1 if applicable, for graduates entering preliminary or
2 transitional positions during postgraduate year 1.

3 (c) Data elements for each allopathic or osteopathic
4 physician completing a graduate medical education program in
5 this state:

6 1. Name.

7 2. Date of birth.

8 3. Place of birth.

9 4. Gender.

10 5. Race.

11 6. Social security number.

12 7. Name of medical school.

13 8. Year of graduation from medical school.

14 9. Location, by state and country, of the medical
15 school.

16 10. Name and location, by state and country, of the
17 graduate medical education program.

18 (5) REQUIRED USE OF EXISTING DATA SOURCES.--It is the
19 intent of the Legislature to minimize the cost of creating and
20 operating the Florida Health Care Practitioner Workforce
21 Database and to avoid unwarranted duplication of existing
22 data. Therefore, to the maximum extent possible, the data
23 included in the workforce database shall be derived from
24 existing data sources except as provided in paragraph (6)(a).
25 New data shall be collected for inclusion in the workforce
26 database only when the department determines that such data
27 are essential for evaluating and analyzing the health care
28 professions and when the data cannot be obtained from existing
29 sources.

30 (6)(a) Data elements sought to satisfy paragraph
31 (4)(a) shall be obtained from the licensing processes of the

1 Board of Medicine and the Board of Osteopathic Medicine under
2 s. 456.039, and from the profiling process for health care
3 practitioners under s. 456.041. In addition to the data
4 collected under ss. 456.039 and 456.041, the Board of Medicine
5 and the Board of Osteopathic Medicine shall collect the
6 following data from each person applying for initial licensure
7 or licensure renewal to practice medicine or osteopathic
8 medicine as a physician after July 1, 2005, and the Department
9 of Health shall enter the data into the database used for
10 licensure or an equivalent database:

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

16 (b) Each medical school in this state shall annually
17 submit the data elements described in paragraph (4)(b) to the
18 department, in a manner prescribed by the department, for each
19 medical student who provides written consent to the medical
20 school authorizing the release of his or her data to the
21 department.

22 (c) Each graduate medical education program in this
23 state shall annually submit the data elements described in
24 paragraph (4)(c) to the department, in the manner prescribed
25 by the department, for each intern or resident who provides
26 written consent to the residency program authorizing the
27 release of his or her data to the department.

28 (7) IMPLEMENTATION.--

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

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

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

6 Section 144. Section 143 of this act shall not take
 7 effect unless sufficient funds are allocated in a specific
 8 appropriation or in the General Appropriations Act for the
 9 2004-2005 fiscal year to fund the Florida Health Care
 10 Practitioner Workforce Database. The Medical Quality Assurance
 11 Trust Fund may not be used to fund the administration of this
 12 act.

13 Section 145. Subsections (3) and (4) of section
 14 456.039, Florida Statutes, are amended to read:

15 456.039 Designated health care professionals;
 16 information required for licensure.--

17 (3) Each person who has submitted information under
 18 ~~pursuant to~~ subsection (1) must update that information in
 19 writing by notifying the department ~~of Health~~ within 15 ~~45~~
 20 days after the occurrence of an event or the attainment of a
 21 status that is required to be reported by subsection (1).
 22 Failure to comply with the requirements of this subsection to
 23 update and submit information constitutes a ground for
 24 disciplinary action under each respective licensing chapter
 25 and s. 456.072(1)(k). For failure to comply with the
 26 requirements of this subsection to update and submit
 27 information, the department or board, as appropriate, may:

28 (a) Refuse to issue a license to any person applying
 29 for initial licensure who fails to submit and update the
 30 required information.

31

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

15 (4)(a) An applicant for initial licensure must submit
16 a set of fingerprints to the Department of Health in
17 accordance with s. 458.311, s. 458.3115, s. 458.3124, ~~s.~~
18 ~~458.313~~, s. 459.0055, s. 460.406, or s. 461.006.

19 (b) An applicant for renewed licensure must submit a
20 set of fingerprints for the initial renewal of his or her
21 license after January 1, 2000, to the department ~~agency~~
22 ~~regulating that profession~~ in accordance with procedures
23 established under s. 458.319, s. 459.008, s. 460.407, or s.
24 461.007.

25 (c) The Department of Health shall submit the
26 fingerprints provided by an applicant for initial licensure to
27 the Florida Department of Law Enforcement for a statewide
28 criminal history check, and the Florida Department of Law
29 Enforcement shall forward the fingerprints to the Federal
30 Bureau of Investigation for a national criminal history check
31 of the applicant. The department shall submit the

1 fingerprints provided by an applicant for a renewed license to
2 the Florida Department of Law Enforcement for a statewide
3 criminal history check, and the Florida Department of Law
4 Enforcement shall forward the fingerprints to the Federal
5 Bureau of Investigation for a national criminal history check
6 for the initial renewal of the applicant's license after
7 January 1, 2000; for any subsequent renewal of the applicant's
8 license, the department shall submit the required information
9 for a statewide criminal history check of the applicant.

10 (d) Any applicant for initial licensure or renewal of
11 licensure as a health care practitioner who submits to the
12 Department of Health a set of fingerprints or information
13 required for the criminal history check required under this
14 section shall not be required to provide a subsequent set of
15 fingerprints or other duplicate information required for a
16 criminal history check to the Agency for Health Care
17 Administration, the Department of Juvenile Justice, or the
18 Department of Children and Family Services for employment or
19 licensure with such agency or department if the applicant has
20 undergone a criminal history check as a condition of initial
21 licensure or licensure renewal as a health care practitioner
22 with the Department of Health or any of its regulatory boards,
23 notwithstanding any other provision of law to the contrary. In
24 lieu of such duplicate submission, the Agency for Health Care
25 Administration, the Department of Juvenile Justice, and the
26 Department of Children and Family Services shall obtain
27 criminal history information for employment or licensure of
28 health care practitioners by such agency and departments from
29 the Department of Health's health care practitioner
30 credentialing system.

31

1 (e) Fingerprints obtained by the Department of Health
2 under paragraph (a) shall be retained by the Department of Law
3 Enforcement and must be entered in the statewide automated
4 fingerprint identification system authorized by s.
5 943.05(2)(b). Such fingerprints shall thereafter be available
6 for all purposes and uses authorized for arrest fingerprint
7 cards entered in the statewide automated fingerprint
8 identification system pursuant to s. 943.051.

9 (f) Beginning December 15, 2004, the Department of Law
10 Enforcement shall search all arrest fingerprint cards received
11 under s. 943.051 against the fingerprints retained in the
12 statewide automated fingerprint identification system under
13 paragraph (e). Any arrest records that are thus identified
14 with the retained applicant fingerprints must be reported to
15 the Department of Health. The Department of Health must
16 participate in this search process by paying an annual fee to
17 the Department of Law Enforcement and by informing the
18 Department of Law Enforcement of any change in the licensure
19 status of each applicant whose fingerprints are retained under
20 paragraph (e). The Department of Law Enforcement shall
21 establish by rule the amount of the annual fee to be imposed
22 on the Department of Health for performing these searches, for
23 retaining fingerprints of licensed health care practitioners,
24 and for disseminating search results. Each applicant for
25 licensure or license renewal who is subject to the
26 requirements of this section and whose fingerprints are
27 retained by the Department of Law Enforcement shall pay to the
28 Department of Health, at the time of initial licensure or
29 license renewal, an amount equal to the costs incurred by the
30 Department of Health for access to records in the statewide
31 automated fingerprint identification system in lieu of payment

1 of fees for a statewide criminal background check of the
2 applicant.

3 Section 146. Subsections (3) and (4) of section
4 456.0391, Florida Statutes, are amended to read:

5 456.0391 Advanced registered nurse practitioners;
6 information required for certification.--

7 (3) Each person certified under s. 464.012 who has
8 submitted information pursuant to subsection (1) must update
9 that information in writing by notifying the department ~~of~~
10 ~~Health~~ within 15 ~~45~~ days after the occurrence of an event or
11 the attainment of a status that is required to be reported by
12 subsection (1). Failure to comply with the requirements of
13 this subsection to update and submit information constitutes a
14 ground for disciplinary action under chapter 464 and s.
15 456.072(1)(k). For failure to comply with the requirements of
16 this subsection to update and submit information, the
17 department or board, as appropriate, may:

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

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

1 citation becomes a final order and constitutes discipline.
2 Service of a citation may be made by personal service or
3 certified mail, restricted delivery, to the subject at the
4 certificateholder's last known address.

5 (4)(a) An applicant for initial certification under s.
6 464.012 must submit a set of fingerprints to the Department of
7 Health on a form and under procedures specified by the
8 department, along with payment in an amount equal to the costs
9 incurred by the Department of Health for a national criminal
10 history check of the applicant.

11 (b) An applicant for renewed certification who has ~~not~~
12 previously submitted a set of fingerprints to the Department
13 of Health for purposes of certification must submit a set of
14 fingerprints to the department as a condition of the initial
15 renewal of his or her certificate after the effective date of
16 this section. The applicant must submit the fingerprints on a
17 form and under procedures specified by the department, along
18 with payment in an amount equal to the costs incurred by the
19 Department of Health for a national criminal history check.
20 For subsequent renewals, the applicant for renewed
21 certification must only submit information necessary to
22 conduct a statewide criminal history check, along with payment
23 in an amount equal to the costs incurred by the Department of
24 Health for a statewide criminal history check.

25 (c)1. The Department of Health shall submit the
26 fingerprints provided by an applicant for initial
27 certification to the Florida Department of Law Enforcement for
28 a statewide criminal history check, and the Florida Department
29 of Law Enforcement shall forward the fingerprints to the
30 Federal Bureau of Investigation for a national criminal
31 history check of the applicant.

1 2. The department shall submit the fingerprints
2 provided by an applicant for the initial renewal of
3 certification to the Florida Department of Law Enforcement for
4 a statewide criminal history check, and the Florida Department
5 of Law Enforcement shall forward the fingerprints to the
6 Federal Bureau of Investigation for a national criminal
7 history check for the initial renewal of the applicant's
8 certificate after the effective date of this section.

9 3. For any subsequent renewal of the applicant's
10 certificate, the department shall submit the required
11 information for a statewide criminal history check of the
12 applicant to the Florida Department of Law Enforcement.

13 (d) Any applicant for initial certification or renewal
14 of certification as an advanced registered nurse practitioner
15 who submits to the Department of Health a set of fingerprints
16 and information required for the criminal history check
17 required under this section shall not be required to provide a
18 subsequent set of fingerprints or other duplicate information
19 required for a criminal history check to the Agency for Health
20 Care Administration, the Department of Juvenile Justice, or
21 the Department of Children and Family Services for employment
22 or licensure with such agency or department, if the applicant
23 has undergone a criminal history check as a condition of
24 initial certification or renewal of certification as an
25 advanced registered nurse practitioner with the Department of
26 Health, notwithstanding any other provision of law to the
27 contrary. In lieu of such duplicate submission, the Agency for
28 Health Care Administration, the Department of Juvenile
29 Justice, and the Department of Children and Family Services
30 shall obtain criminal history information for employment or
31 licensure of persons certified under s. 464.012 by such agency

1 or department from the Department of Health's health care
2 practitioner credentialing system.

3 (e) Fingerprints obtained by the Department of Health
4 under paragraph (a) shall be retained by the Department of Law
5 Enforcement and must be entered in the statewide automated
6 fingerprint identification system authorized by s.
7 943.05(2)(b). Such fingerprints shall thereafter be available
8 for all purposes and uses authorized for arrest fingerprint
9 cards entered in the statewide automated fingerprint
10 identification system pursuant to s. 943.051.

11 (f) Beginning December 15, 2004, the Department of Law
12 Enforcement shall search all arrest fingerprint cards received
13 under s. 943.051 against the fingerprints retained in the
14 statewide automated fingerprint identification system under
15 paragraph (e). Any arrest records that are thus identified
16 with the retained applicant fingerprints must be reported to
17 the Department of Health. The Department of Health must
18 participate in this search process by paying an annual fee to
19 the Department of Law Enforcement and by informing the
20 Department of Law Enforcement of any change in the
21 certification status of each applicant whose fingerprints are
22 retained under paragraph (e). The Department of Law
23 Enforcement shall establish by rule the amount of the annual
24 fee to be imposed on the Department of Health for performing
25 these searches, for retaining fingerprints of certified health
26 care practitioners, and for disseminating search results. Each
27 applicant for certification or certification renewal who is
28 subject to the requirements of this section and whose
29 fingerprints are retained by the Department of Law Enforcement
30 shall pay to the Department of Health, at the time of initial
31 certification or certification renewal, an amount equal to the

1 costs incurred by the Department of Health for access to
2 records in the statewide automated fingerprint identification
3 system in lieu of payment of fees for a statewide criminal
4 background check of the applicant.

5 Section 147. (1)(a) Beginning July 1, 2006, the
6 application forms for an initial license and a license renewal
7 for physicians licensed under chapter 458, chapter 459,
8 chapter 460, or chapter 461, Florida Statutes, shall be
9 submitted electronically through the Internet unless the
10 applicant provides an explanation for not doing so.

11 (b) Beginning July 1, 2007, the application forms for
12 an initial license and a license renewal for physicians
13 licensed under chapter 458, chapter 459, chapter 460, or
14 chapter 461, Florida Statutes, shall be submitted
15 electronically through the Internet.

16 (c) The department shall issue the license or renew a
17 license if the applicant provides satisfactory evidence that
18 all conditions and requirements of licensure or license
19 renewal have been met.

20 Section 148. Section 456.042, Florida Statutes, is
21 amended to read:

22 456.042 Practitioner profiles; update.--A practitioner
23 must submit updates of required information within 15 days
24 after the final activity that renders such information a fact.
25 Practitioners may submit the required information
26 electronically through the Internet. Beginning July 1, 2007, a
27 practitioner must electronically submit updates of required
28 information through the Internet within 15 days after the
29 final activity that renders such information a fact. The
30 department ~~of Health~~ shall update each practitioner's
31

1 practitioner profile periodically. An updated profile is
2 subject to the same requirements as an original profile.

3 Section 149. Subsection (1) of section 456.051,
4 Florida Statutes, is amended to read:

5 456.051 Reports of professional liability actions;
6 bankruptcies; Department of Health's responsibility to
7 provide.--

8 (1) The report of a claim or action for damages for
9 personal injury which is required to be provided to the
10 Department of Health under s. 456.049 or s. 627.912 is public
11 information except for the name of the claimant or injured
12 person, which remains confidential as provided in ss.
13 456.049(2)(d) and 627.912(2)(e). The Department of Health
14 shall, upon request, make such report available to any person.
15 The department shall make such report available as a part of
16 the practitioner's profile in accordance with s. 456.041(4)
17 within 30 calendar days after receipt.

18 Section 150. Subsection (1) of section 458.319,
19 Florida Statutes, is amended to read:

20 458.319 Renewal of license.--

21 (1) The department shall renew a license upon receipt
22 of the renewal application, evidence that the applicant has
23 actively practiced medicine or has been on the active teaching
24 faculty of an accredited medical school for at least 2 years
25 of the immediately preceding 4 years, and a fee not to exceed
26 \$500; provided, however, that if the licensee is either a
27 resident physician, assistant resident physician, fellow,
28 house physician, or intern in an approved postgraduate
29 training program, as defined by the board by rule, the fee
30 shall not exceed \$100 per annum. If the licensee has not
31 actively practiced medicine for at least 2 years of the

1 immediately preceding 4 years, the board shall require that
2 the licensee successfully complete a board-approved clinical
3 competency examination prior to renewal of the license.
4 "Actively practiced medicine" means that practice of medicine
5 by physicians, including those employed by any governmental
6 entity in community or public health, as defined by this
7 chapter, including physicians practicing administrative
8 medicine. An applicant for a renewed license must also submit
9 the information required under s. 456.039 to the department on
10 a form and under procedures specified by the department, along
11 with payment in an amount equal to the costs incurred by the
12 Department of Health for the statewide criminal background
13 check of the applicant. After the statewide automated
14 fingerprint identification system is implemented, the
15 applicant whose fingerprints are retained in that system must
16 pay the Department of Health an amount equal to the costs
17 incurred by the Department of Health for access to records in
18 the statewide automated fingerprint identification system in
19 lieu of payment of fees for a statewide criminal background
20 check of the applicant. The applicant must submit a set of
21 fingerprints to the Department of Health on a form and under
22 procedures specified by the department, along with payment in
23 an amount equal to the costs incurred by the department for a
24 national criminal background check of the applicant for the
25 initial renewal of his or her license after January 1, 2000.
26 If the applicant fails to submit either the information
27 required under s. 456.039 or a set of fingerprints to the
28 department as required by this section, the department shall
29 issue a notice of noncompliance, and the applicant will be
30 given 30 additional days to comply. If the applicant fails to
31 comply within 30 days after the notice of noncompliance is

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

28 Section 151. Subsection (1) of section 459.008,
29 Florida Statutes, is amended to read:

30 459.008 Renewal of licenses and certificates.--

31

1 (1) The department shall renew a license or
2 certificate upon receipt of the renewal application and fee.
3 An applicant for a renewed license must also submit the
4 information required under s. 456.039 to the department on a
5 form and under procedures specified by the department, along
6 with payment in an amount equal to the costs incurred by the
7 Department of Health for the statewide criminal background
8 check of the applicant. After the statewide automated
9 fingerprint identification system is implemented, the
10 applicant whose fingerprints are retained in that system must
11 pay the Department of Health an amount equal to the costs
12 incurred by the Department of Health for access to records in
13 the statewide automated fingerprint identification system in
14 lieu of payment of fees for a statewide criminal background
15 check of the applicant. The applicant must submit a set of
16 fingerprints to the Department of Health on a form and under
17 procedures specified by the department, along with payment in
18 an amount equal to the costs incurred by the department for a
19 national criminal background check of the applicant for the
20 initial renewal of his or her license after January 1, 2000.
21 If the applicant fails to submit either the information
22 required under s. 456.039 or a set of fingerprints to the
23 department as required by this section, the department shall
24 issue a notice of noncompliance, and the applicant will be
25 given 30 additional days to comply. If the applicant fails to
26 comply within 30 days after the notice of noncompliance is
27 issued, the department or board, as appropriate, may issue a
28 citation to the applicant and may fine the applicant up to \$50
29 for each day that the applicant is not in compliance with the
30 requirements of s. 456.039. The citation must clearly state
31 that the applicant may choose, in lieu of accepting the

1 citation, to follow the procedure under s. 456.073. If the
2 applicant disputes the matter in the citation, the procedures
3 set forth in s. 456.073 must be followed. However, if the
4 applicant does not dispute the matter in the citation with the
5 department within 30 days after the citation is served, the
6 citation becomes a final order and constitutes discipline.
7 Service of a citation may be made by personal service or
8 certified mail, restricted delivery, to the subject at the
9 applicant's last known address. If an applicant has submitted
10 fingerprints to the department for a national criminal history
11 check upon initial licensure and is renewing his or her
12 license for the first time, then the applicant need only
13 submit the information and fee required for a statewide
14 criminal history check. However, if the applicant's
15 fingerprints are retained by the Department of Law Enforcement
16 in the statewide automated fingerprint identification system
17 and the Department of Health is using that system for access
18 to arrest information of licensed health practitioners, then
19 the applicant must submit the information and fee required by
20 s. 456.039 for access to records in the statewide automated
21 fingerprint identification system in lieu of payment of fees
22 for a criminal background check of the applicant.

23 Section 152. Subsection (1) of section 460.407,
24 Florida Statutes, is amended to read:

25 460.407 Renewal of license.--

26 (1) The department shall renew a license upon receipt
27 of the renewal application and the fee set by the board not to
28 exceed \$500. An applicant for a renewed license must also
29 submit the information required under s. 456.039 to the
30 department on a form and under procedures specified by the
31 department, along with payment in an amount equal to the costs

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

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

18 Section 153. Subsection (1) of section 461.007,
19 Florida Statutes, is amended to read:

20 461.007 Renewal of license.--

21 (1) The department shall renew a license upon receipt
22 of the renewal application and a fee not to exceed \$350 set by
23 the board, and evidence that the applicant has actively
24 practiced podiatric medicine or has been on the active
25 teaching faculty of an accredited school of podiatric medicine
26 for at least 2 years of the immediately preceding 4 years. If
27 the licensee has not actively practiced podiatric medicine for
28 at least 2 years of the immediately preceding 4 years, the
29 board shall require that the licensee successfully complete a
30 board-approved course prior to renewal of the license. For
31 purposes of this subsection, "actively practiced podiatric

1 medicine" means the licensed practice of podiatric medicine as
2 defined in s. 461.003(5) by podiatric physicians, including
3 podiatric physicians employed by any governmental entity, on
4 the active teaching faculty of an accredited school of
5 podiatric medicine, or practicing administrative podiatric
6 medicine. An applicant for a renewed license must also submit
7 the information required under s. 456.039 to the department on
8 a form and under procedures specified by the department, along
9 with payment in an amount equal to the costs incurred by the
10 Department of Health for the statewide criminal background
11 check of the applicant. After the statewide automated
12 fingerprint identification system is implemented, the
13 applicant whose fingerprints are retained in that system must
14 pay the Department of Health an amount equal to the costs
15 incurred by the Department of Health for access to records in
16 the statewide automated fingerprint identification system in
17 lieu of payment of fees for a statewide criminal background
18 check of the applicant. The applicant must submit a set of
19 fingerprints to the Department of Health on a form and under
20 procedures specified by the department, along with payment in
21 an amount equal to the costs incurred by the department for a
22 national criminal background check of the applicant for the
23 initial renewal of his or her license after January 1, 2000.
24 If the applicant fails to submit either the information
25 required under s. 456.039 or a set of fingerprints to the
26 department as required by this section, the department shall
27 issue a notice of noncompliance, and the applicant will be
28 given 30 additional days to comply. If the applicant fails to
29 comply within 30 days after the notice of noncompliance is
30 issued, the department or board, as appropriate, may issue a
31 citation to the applicant and may fine the applicant up to \$50

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

26 Section 154. Subsection (4) of section 461.014,
27 Florida Statutes, is amended to read:

28 461.014 Residency.--The board shall encourage and
29 develop podiatric residency programs in hospitals in this
30 state and shall establish such programs by the promulgation of
31 rules, subject to the following conditions:

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

5 Section 155. Subsection (7) of section 456.025,
6 Florida Statutes, is amended to read:

7 456.025 Fees; receipts; disposition.--

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

29 Section 156. Paragraph (ff) is added to subsection (1)
30 of section 456.072, Florida Statutes, to read:

31

1 456.072 Grounds for discipline; penalties;
2 enforcement.--

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

6 (ff) Failure for a third or more times to complete the
7 requisite number of hours of continuing education hours within
8 a license renewal biennium period or within a 3-month period
9 from the date after the end of the license renewal biennium,
10 if the extension was requested.

11 Section 157. The sum of \$181,900 is appropriated from
12 the Medical Quality Assurance Trust Fund to the Department of
13 Health for the purpose of implementing the provisions of
14 sections 145 through 153 of this act during the 2004-2005
15 fiscal year.

16 Section 158. Except for this section and sections 136
17 through 142, which shall take effect upon becoming a law, and
18 except that section 137 shall apply retroactively to March 1,
19 2004, this act shall take effect July 1, 2004.

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