

Bill No. SB 2556

Barcode 592718

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Fasano) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 24, between lines 21 and 22,

and insert:

Section 16. Section 462.30, Florida Statutes, is created to read:

462.30 Naturopathic Medical Formulary Council.--

(1) The Naturopathic Medical Formulary Council is established separately and distinctly from the board, to be composed of seven members. Two members shall be doctors of naturopathic medicine, naturopathic doctors, or naturopathic physicians licensed under this chapter, appointed by the Board of Naturopathic Medicine. Three members shall be pharmacists licensed under chapter 465, appointed by the Board of Naturopathic Medicine from a list of nominees provided by the Board of Pharmacy. Two members shall be physicians licensed under chapter 458, appointed by the Board of Naturopathic Medicine from a list of nominees provided by the Board of

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1 Medicine. The initial council shall be appointed as follows:  
 2 One doctor of naturopathic medicine, naturopathic doctor, or  
 3 naturopathic physician shall be appointed for a 1-year term;  
 4 one physician licensed under chapter 458 and one pharmacist  
 5 shall each be appointed for a 2-year term; and two  
 6 pharmacists, one doctor of naturopathic medicine, naturopathic  
 7 doctor, or naturopathic physician, and one physician licensed  
 8 under chapter 458 shall each be appointed for a 3-year term.  
 9 Thereafter, the term of office shall be for 3 years. A quorum  
 10 shall consist of five members and shall be required for any  
 11 vote taken.

12 (2) The council shall establish a formulary for use by  
 13 naturopathic physicians, and, immediately upon adoption  
 14 revision of the formulary, the council shall transmit the  
 15 approved formulary to the board, which shall adopt the  
 16 formulary by temporary rule. The formulary shall be reviewed  
 17 annually by the council or at any time at the request of the  
 18 board. The formulary may not go beyond the scope of  
 19 prescription medicines and medical devices covered by approved  
 20 naturopathic medical education and training and existing  
 21 naturopathic medical formularies or board-approved continuing  
 22 education. The naturopathic medical formulary may not include  
 23 medicines and devices that are inconsistent with the training  
 24 provided by approved naturopathic medical colleges or  
 25 universities. This section does not authorize a doctor of  
 26 naturopathic medical colleges or universities. This section  
 27 does not authorize a doctor of naturopathic medicine,  
 28 naturopathic doctor, or naturopathic physician to dispense,  
 29 administer, or prescribe any prescription drug as defined in  
 30 s. 893.03 or medical device unless such prescription drug or  
 31 medical device is specifically included in the naturopathic

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1 medical formulary.

2 Section 17. Section 462.40, Florida Statutes, is  
3 created to read:

4 462.40 Disclosure of medications by patients.--A  
5 patient who is provided prescriptions for medication,  
6 nutrients, or other natural medicine substances by his or her  
7 treating doctor of naturopathic medicine, naturopathic doctor,  
8 or naturopathic physician shall advise his or her primary care  
9 physician or other treating health care provider of the  
10 medications or substances that have been prescribed or  
11 recommended by his or her doctor of naturopathic medicine,  
12 naturopathic doctor, or naturopathic physician. Doctors of  
13 naturopathic medicine, naturopathic doctors, or naturopathic  
14 physicians shall advise their patients of this requirement in  
15 writing, maintain a signed copy of the disclosure in the  
16 medical records of that patient, and provide a copy of the  
17 disclosure to their patients upon request. Failure of any  
18 patient to disclose medication prescribed by a doctor of  
19 naturopathic medicine, naturopathic doctor, or naturopathic  
20 physician as required by this section shall establish a  
21 presumption that subsequent injuries sustained by such patient  
22 were caused by the failure to disclose medication prescribed  
23 by a doctor of naturopathic medicine, naturopathic doctor, or  
24 naturopathic physician. This presumption may be rebutted by  
25 clear and convincing evidence that such patient's injuries  
26 were caused by the negligence of the primary care physician.

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

30 And the title is amended as follows:

31 On page 2, line 13, after the semicolon,

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1 insert:  
2       creating s. 462.30, F.S.; establishing a  
3       naturopathic medical formulary council;  
4       providing membership and terms of office;  
5       providing duties; providing limitations;  
6       creating s. 462.40, F.S.; providing that  
7       patients are responsible for notifying health  
8       care providers about substances prescribed or  
9       recommended by a naturopathic physician;  
10       creating a rebuttable presumption that failure  
11       to disclose is the cause of subsequent  
12       injuries;

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