

Bill No. SB 2556

Barcode 812186

CHAMBER ACTION

Senate

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Chapter 462, Florida Statutes, which is entitled "Naturopathy," is redesignated as "Naturopathic Medicine."

Section 2. Section 462.01, Florida Statutes, is amended to read:

462.01 Definitions.--As used in this chapter, the term:

(1) "Approved naturopathic medical program" means:

(a) A naturopathic medical education program in the United States accredited by the Council on Naturopathic Medical Education or an equivalent federally recognized accrediting body for the naturopathic medical profession recognized by the board. This program shall offer graduate-level, full-time didactic and supervised clinical

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1 training leading to the degree of Doctor of Naturopathic
 2 Medicine. Additionally, the program shall be an institution,
 3 or part of an institution, of higher education that is either
 4 accredited or is a candidate for accreditation by an
 5 institutional accrediting agency recognized by the United
 6 States Secretary of Education; or

7 (b) A degree-granting college or university that is
 8 reputable and in good standing in the judgment of the board
 9 and that offers a full-time structured curriculum in basic
 10 sciences and supervised patient care comprising a doctoral
 11 naturopathic medical education. As a prerequisite to
 12 graduation, a student shall be enrolled for not less than 132
 13 weeks and shall complete the course of study within a period
 14 of not less than 35 months.

15 (2) "Board" means the Board of Licensed Naturopathic
 16 Physicians.

17 (3)(2) "Department" means the Department of Health.

18 (4) "Doctor of naturopathic medicine," "naturopathic
 19 doctor," or "naturopathic physician" means a person licensed
 20 to practice naturopathic medicine under this chapter.

21 (5)(1) "Natureopathy" and "Naturopathy" are shall be
 22 construed as synonymous terms. Naturopathy means a system of
 23 health care practice which employs natural health modalities,
 24 substances, and education to promote health. The terms
 25 "natureopathy," "naturopathy," "naturopathic practitioner,"
 26 "naturopath," and "naturopathic medicine" are not synonymous
 27 with "doctor of naturopathic medicine" or "naturopathic
 28 physician" and the practice of naturopathy and the use of
 29 these terms are not restricted or regulated by or under this
 30 chapter and mean. A doctor of naturopathic medicine employs
 31 the use and practice of psychological, mechanical, and

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1 material health sciences to aid in purifying, cleansing, and
 2 normalizing human tissues for the preservation or restoration
 3 of health, according to the fundamental principles of anatomy,
 4 physiology, and applied psychology, as may be required.
 5 Naturopathic medicine practice employs, among other agencies,
 6 phytotherapy, dietetics, psychotherapy, suggestotherapy,
 7 hydrotherapy, zone therapy, biochemistry, external
 8 applications, electrotherapy, mechanotherapy, mechanical and
 9 electrical appliances, hygiene, first aid, sanitation,
 10 administration of vitamins, food, and food supplements, and
 11 heliotherapy. ~~provided,~~ However, ~~that~~ nothing in this chapter
 12 shall be held or construed to authorize any doctor of
 13 naturopathic medicine, naturopathic doctor, or naturopathic
 14 physician licensed under this chapter hereunder to practice
 15 materia medica, or surgery, or chiropractic medicine, the
 16 examination, diagnosis, and treatment of teeth and gums,
 17 acupuncture, oriental medicine, child birth attendance, or
 18 midwifery, nor shall the provisions of this chapter law in any
 19 manner apply to or affect the practice of osteopathic
 20 medicine, chiropractic medicine, Christian Science,
 21 naturopathy, or any other treatment authorized and provided
 22 for by law for the cure or prevention of disease and ailments.

23 (6) "Naturopathic Medicine" means a system of primary
 24 health care practiced by a licensed naturopathic physician for
 25 the prevention, diagnosis, and treatment of human health
 26 conditions, injuries, and diseases which uses:

27 (a) Medical diagnostics and treatments as provided by
 28 this chapter; and

29 (b) Naturopathy as defined by s. 462.01(6) which does
 30 not require licensure under this chapter.

31 Section 3. Section 462.0215, Florida Statutes, is

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1 created to read:

2 462.0215 Board of Licensed Naturopathic Physicians.--

3 (1) There is created within the department the Board
4 of Licensed Naturopathic Physicians, composed of seven members
5 appointed by the Governor and confirmed by the Senate.

6 (2)(a) Five members of the board must be:

7 1. Licensed doctors of naturopathic medicine or
8 naturopathic physicians in good standing in this state who are
9 residents of the state and who have been engaged in the
10 practice of naturopathic medicine for at least 5 years; or

11 2. Persons who have been teaching naturopathic
12 medicine and who hold a doctorate of naturopathic medicine
13 from an institution accredited by an accrediting agency
14 recognized by the United States Secretary of Education.

15 (b) The remaining two members of the board must be
16 residents of the state who are not and never have been
17 licensed health care practitioners.

18 (c) At least one member of the board must be 60 years
19 of age or older.

20 (3) For the purpose of staggering terms, the Governor
21 shall initially appoint to the board three members for terms
22 of 4 years each, two members for terms of 3 years each, and
23 two members for terms of 2 years each. As the terms of board
24 members expire, the Governor shall appoint successors for
25 terms of 4 years and such members shall serve until their
26 successors are appointed.

27 (4) The board, in conjunction with the department,
28 shall establish a disciplinary training program for members of
29 the board. The program shall provide for initial and periodic
30 training in the grounds for disciplinary action, the actions
31 that may be taken by the board and the department, changes in

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1 relevant statutes and rules, and any relevant judicial and
2 administrative decisions. A member of the board may not
3 participate on a probable cause panel or in a disciplinary
4 decision of the board unless she or he has completed the
5 disciplinary training program.

6 (5) During the time members of the board serve on a
7 probable cause panel, they shall attempt to complete their
8 work on every case presented to them. If consideration of a
9 case is begun but is not completed during the term of the
10 board members on the panel, they may reconvene as a probable
11 cause panel for the purpose of completing their deliberations
12 on that case.

13 (6) All provisions of chapter 456 relating to
14 activities of the board are applicable.

15 Section 4. Section 462.023, Florida Statutes, is
16 amended to read:

17 462.023 Powers and duties of the board and the
18 department.--The board and the department may adopt such rules
19 as are necessary to carry out the purposes of this chapter,
20 may initiate disciplinary action as provided by this chapter,
21 and shall establish fees as provided by this chapter based on
22 their its estimates of the revenue required to administer this
23 chapter provided the fees do but shall not exceed the fee
24 amounts provided in this chapter. The department shall not
25 adopt any rules which would cause any person who was not
26 licensed in accordance with this chapter on July 1, 1959, and
27 had not been a resident of the state for 2 years prior to such
28 date, to become licensed.

29 Section 5. Section 462.08, Florida Statutes, is
30 amended to read:

31 462.08 Renewal of license to practice naturopathic

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1 medicine naturopathy.--Each licensee licenseholder shall
 2 biennially renew her or his license to practice naturopathic
 3 medicine naturopathy. The applicant must furnish to the board
 4 department such evidence as it requires of the applicant's
 5 compliance with s. 462.18, relating to educational
 6 requirements. The biennial renewal fee, the amount of which
 7 shall be determined by the board department but which may not
 8 exceed \$1,000, must be paid at the time the application for
 9 renewal of the license is filed.

10 Section 6. Section 462.11, Florida Statutes, is
 11 amended to read:

12 462.11 Doctors of naturopathic medicine, naturopathic
 13 doctors, or naturopathic physicians Naturopaths to observe
 14 regulations.--Doctors of naturopathic medicine, naturopathic
 15 doctors, or naturopathic physicians naturopathy shall observe
 16 and be subject to all state, county, and municipal regulations
 17 in regard to the control of contagious and infectious
 18 diseases, the reporting of births and deaths, and to any and
 19 all other matters pertaining to the public health in the same
 20 manner as is required of other practitioners of the healing
 21 arts art.

22 Section 7. Section 462.13, Florida Statutes, is
 23 amended to read:

24 462.13 Additional powers and duties of the department
 25 and the board. The department and the board may administer
 26 oaths, summon witnesses, and take testimony in all matters
 27 relating to their its duties pursuant to this chapter. Every
 28 unrevoked license shall be presumptive evidence in all courts
 29 and places that the person therein named is legally licensed
 30 to practice naturopathic medicine naturopathy. The department
 31 and the board shall aid the prosecuting attorneys of the state

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1 in the enforcement of this chapter.

2 Section 8. Section 462.14, Florida Statutes, is
3 amended to read:

4 462.14 Grounds for disciplinary action; action by the
5 department or the board.--

6 (1) The following acts constitute grounds for denial
7 of a license or disciplinary action, as specified in s.
8 456.072(2):

9 (a) Attempting to obtain, obtaining, or renewing a
10 license to practice naturopathic medicine by bribery, by
11 fraudulent misrepresentation, or through an error of the
12 department or the board.

13 (b) Having a license to practice naturopathic medicine
14 revoked, suspended, or otherwise acted against, including the
15 denial of licensure, by the licensing authority of another
16 state, territory, or country.

17 (c) Being convicted or found guilty, regardless of
18 adjudication, of a crime in any jurisdiction which directly
19 relates to the practice of naturopathic medicine or to the
20 ability to practice naturopathic medicine. Any plea of nolo
21 contendere shall be considered a conviction for purposes of
22 this chapter.

23 (d) False, deceptive, or misleading advertising.

24 (e) Advertising, practicing, or attempting to practice
25 under a name other than one's own.

26 (f) Failing to report to the department any person who
27 the licensee knows is in violation of this chapter or of the
28 rules of the department or the board.

29 (g) Aiding, assisting, procuring, or advising any
30 unlicensed person to practice naturopathic medicine contrary
31 to this chapter or to a rule of the department or the board.

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1 (h) Failing to perform any statutory or legal
2 obligation placed upon a licensed doctor of naturopathic
3 medicine, naturopathic doctor, or naturopathic physician.

4 (i) Making or filing a report which the licensee knows
5 to be false, intentionally or negligently failing to file a
6 report or record required by state or federal law, willfully
7 impeding or obstructing such filing or inducing another person
8 to do so. Such reports or records shall include only those
9 which are signed in the capacity as a licensed doctor of
10 naturopathic medicine, naturopathic doctor, or naturopathic
11 physician.

12 (j) Paying or receiving any commission, bonus,
13 kickback, or rebate, or engaging in any split-fee arrangement
14 in any form whatsoever with a physician, organization, agency,
15 or person, either directly or indirectly, for patients
16 referred to providers of health care goods and services,
17 including, but not limited to, hospitals, nursing homes,
18 clinical laboratories, ambulatory surgical centers, or
19 pharmacies. The provisions of this paragraph shall not be
20 construed to prevent a doctor of naturopathic medicine,
21 naturopathic doctor, or naturopathic physician from receiving
22 a fee for professional consultation services.

23 (k) Exercising influence within a patient-physician
24 relationship for purposes of engaging a patient in sexual
25 activity. A patient shall be presumed to be incapable of
26 giving free, full, and informed consent to sexual activity
27 with her or his physician.

28 (l) Making deceptive, untrue, or fraudulent
29 representations in the practice of naturopathic medicine or
30 employing a trick or scheme in the practice of naturopathic
31 medicine when such scheme or trick fails to conform to the

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1 generally prevailing standards of treatment in the medical
2 community.

3 (m) Soliciting patients, either personally or through
4 an agent, through the use of fraud, intimidation, undue
5 influence, or a form of overreaching or vexatious conduct. A
6 "solicitation" is any communication which directly or
7 implicitly requests an immediate oral response from the
8 recipient.

9 (n) Failing to keep written medical records justifying
10 the course of treatment of the patient, including, but not
11 limited to, patient histories, examination results, test
12 results, X rays, and records of the prescribing, dispensing,
13 and administering of drugs.

14 (o) Exercising influence on the patient or client in
15 such a manner as to exploit the patient or client for the
16 financial gain of the licensee or of a third party, which
17 shall include, but not be limited to, the promoting or selling
18 of services, goods, appliances, or drugs and the promoting or
19 advertising on any prescription form of a community pharmacy
20 unless the form also states "This prescription may be filled
21 at any pharmacy of your choice."

22 (p) Performing professional services which have not
23 been duly authorized by the patient or client, or her or his
24 legal representative, except as provided in s. 743.064, s.
25 766.103, or s. 768.13.

26 (q) Prescribing, dispensing, administering, mixing, or
27 otherwise preparing a legend drug, including any controlled
28 substance, other than in the course of the doctor of
29 naturopathic medicine's, naturopathic doctor's, or
30 naturopathic physician's professional practice. For the
31 purposes of this paragraph, it shall be legally presumed that

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1 | prescribing, dispensing, administering, mixing, or otherwise
 2 | preparing legend drugs, including all controlled substances,
 3 | inappropriately or in excessive or inappropriate quantities is
 4 | not in the best interest of the patient and is not in the
 5 | course of the doctor of naturopathic medicine's, naturopathic
 6 | doctor's, or naturopathic physician's professional practice,
 7 | without regard to her or his intent.

8 | (r) Prescribing, dispensing, or administering any
 9 | medicinal drug appearing on any schedule set forth in chapter
 10 | 893 by the doctor of naturopathic medicine, naturopathic
 11 | doctor, or naturopathic physician to herself or himself,
 12 | except one prescribed, dispensed, or administered to the
 13 | doctor of naturopathic medicine, naturopathic doctor, or
 14 | naturopathic physician by another practitioner authorized to
 15 | prescribe, dispense, or administer medicinal drugs.

16 | (s) Being unable to practice naturopathic medicine
 17 | with reasonable skill and safety to patients by reason of
 18 | illness or use of alcohol, drugs, narcotics, chemicals, or any
 19 | other type of material or as a result of any mental or
 20 | physical condition. In enforcing this paragraph, the
 21 | department shall have, upon probable cause, authority to
 22 | compel a doctor of naturopathic medicine, naturopathic doctor,
 23 | or naturopathic physician to submit to a mental or physical
 24 | examination by physicians designated by the department. The
 25 | failure of a doctor of naturopathic medicine, naturopathic
 26 | doctor, or naturopathic physician to submit to such an
 27 | examination when so directed shall constitute an admission of
 28 | the allegations against her or him upon which a default and
 29 | final order may be entered without the taking of testimony or
 30 | presentation of evidence, unless the failure was due to
 31 | circumstances beyond the doctor of naturopathic medicine's,

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1 naturopathic doctor's, or naturopathic physician's control. A
 2 doctor of naturopathic medicine, naturopathic doctor, or
 3 naturopathic physician affected under this paragraph shall at
 4 reasonable intervals be afforded an opportunity to demonstrate
 5 that she or he can resume the competent practice of
 6 naturopathic medicine with reasonable skill and safety to
 7 patients. In any proceeding under this paragraph, neither the
 8 record of proceedings nor the orders entered by the department
 9 may be used against a doctor of naturopathic medicine,
 10 naturopathic doctor, or naturopathic physician in any other
 11 proceeding.

12 (t) Gross or repeated malpractice or the failure to
 13 practice naturopathic medicine with that level of care, skill,
 14 and treatment which is recognized by a reasonably prudent
 15 similar physician as being acceptable under similar conditions
 16 and circumstances. The board ~~department~~ shall give great
 17 weight to the provisions of s. 766.102 when enforcing this
 18 paragraph.

19 (u) Performing any procedure or prescribing any
 20 therapy which, by the prevailing standards of medical practice
 21 in the community, constitutes experimentation on a human
 22 subject, without first obtaining full, informed, and written
 23 consent.

24 (v) Practicing or offering to practice beyond the
 25 scope permitted by law or accepting and performing
 26 professional responsibilities which the licensee knows or has
 27 reason to know that she or he is not competent to perform.

28 (w) Delegating professional responsibilities to a
 29 person when the licensee delegating such responsibilities
 30 knows or has reason to know that such person is not qualified
 31 by training, experience, or licensure to perform them.

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1 (x) Violating a lawful order of the department or the
2 board previously entered in a disciplinary hearing or failing
3 to comply with a lawfully issued subpoena of the department.

4 (y) Conspiring with another licensee or with any other
5 person to commit an act, or committing an act, which would
6 tend to coerce, intimidate, or preclude another licensee from
7 lawfully advertising her or his services.

8 (z) Procuring, or aiding or abetting in the procuring
9 of, an unlawful termination of pregnancy.

10 (aa) Presigning blank prescription forms.

11 (bb) Prescribing by the doctor of naturopathic
12 medicine, naturopathic doctor, or naturopathic physician for
13 ~~office use~~ any controlled substance medicinal drug appearing
14 on Schedule I, Schedule II, or Schedule III in chapter 893.

15 (cc) Prescribing, ordering, dispensing, administering,
16 supplying, selling, or giving any drug which is an amphetamine
17 or sympathomimetic amine drug, or a compound designated
18 pursuant to chapter 893 as a Schedule II controlled substance
19 to or for any person except for:

20 1. The treatment of narcolepsy; hyperkinesis;
21 behavioral syndrome in children characterized by the
22 developmentally inappropriate symptoms of moderate to severe
23 distractability, short attention span, hyperactivity,
24 emotional lability, and impulsivity; or drug-induced brain
25 dysfunction.

26 2. The differential diagnostic psychiatric evaluation
27 of depression or the treatment of depression shown to be
28 refractory to other therapeutic modalities.

29 3. The clinical investigation of the effects of such
30 drugs or compounds when an investigative protocol therefor is
31 submitted to, reviewed, and approved by the board ~~department~~

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1 before such investigation is begun.

2 (dd) Prescribing, ordering, dispensing, administering,
3 supplying, selling, or giving growth hormones, testosterone or
4 its analogs, human chorionic gonadotropin (HCG), or other
5 hormones for the purpose of muscle building or to enhance
6 athletic performance. For the purposes of this subsection, the
7 term "muscle building" does not include the treatment of
8 injured muscle. A prescription written for the drug products
9 listed above may be dispensed by the pharmacist with the
10 presumption that the prescription is for legitimate medical
11 use.

12 (ee) Violating any provision of this chapter or
13 chapter 456, or any rules adopted pursuant thereto.

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

20 (3) The board ~~department~~ shall not reinstate the
21 license of a doctor of naturopathic medicine, naturopathic
22 doctor, or naturopathic physician until such time as the board
23 ~~department~~ is satisfied that such person has complied with all
24 the terms and conditions set forth in the final order and that
25 such person is capable of safely engaging in the practice of
26 naturopathic medicine.

27 (4) The board ~~department~~ shall by rule establish
28 guidelines for the disposition of disciplinary cases involving
29 specific types of violations. Such guidelines may include
30 minimum and maximum fines, periods of supervision or
31 probation, or conditions of probation or reissuance of a

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1 license.

2 Section 9. Section 462.16, Florida Statutes, is
3 amended to read:

4 462.16 Reissue of license.--Any person who practices
5 naturopathic medicine ~~shall practice naturopathy~~ after her or
6 his license has been revoked ~~and registration annulled~~ shall
7 be deemed to have practiced naturopathic medicine ~~naturopathy~~
8 without a license; ~~provided,~~ however, at any time after 6
9 months after the date of license revocation ~~said conviction~~,
10 the department may grant a license to the person affected,
11 restoring to her or him all the rights and privileges of and
12 pertaining to the practice of naturopathic medicine
13 ~~naturopathy~~ as defined and regulated by this chapter. The fee
14 therefor shall be set by the board not to exceed \$250.

15 Section 10. Section 462.17, Florida Statutes, is
16 amended to read:

17 462.17 Penalty for offenses relating to naturopathic
18 medicine ~~naturopathy~~.--Any person who shall:

19 (1) Sell, fraudulently obtain, or furnish any
20 naturopathic medicine diploma, license, record, or
21 registration or aid or abet in the same;

22 (2) Practice naturopathic medicine ~~naturopathy~~ under
23 the cover of any diploma, license, record, or registration
24 illegally or fraudulently obtained or secured or issued
25 unlawfully or upon fraudulent representations;

26 (3) Advertise to practice naturopathic medicine
27 ~~naturopathy~~ under a name other than her or his own or under an
28 assumed name;

29 (4) Falsely impersonate another practitioner of a like
30 or different name;

31 (5) Use the title or claim to be a "licensed

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1 naturopathic physician," "naturopathic physician," "doctor of
2 naturopathic medicine," "licensed doctor of naturopathic
3 medicine," or "naturopathic medicine doctor," in connection
4 with providing health care services or use a title after the
5 person's name which signifies completing the requirements of a
6 doctorate degree in violation of s. 817.567. Using the terms
7 "natureopathy," "naturopathy," "naturopathic practitioner,"
8 "naturopath," or "naturopathic medicine is not prohibited
9 ~~Practice or advertise to practice naturopathy or use in~~
10 ~~connection with her or his name any designation tending to~~
11 ~~imply or to designate the person as a practitioner of~~
12 ~~naturopathy without then being lawfully licensed and~~
13 ~~authorized to practice naturopathy in this state; or~~
14 (6) Practice naturopathic medicine ~~naturopathy~~ during
15 the time her or his license is suspended or revoked
16
17 commits ~~shall be guilty of~~ a felony of the third degree,
18 punishable as provided in s. 775.082, s. 775.083, or s.
19 775.084.

20 Section 11. Section 462.18, Florida Statutes, is
21 amended to read:

22 462.18 Educational requirements.--

23 (1) At the time each licensee shall renew her or his
24 license as otherwise provided in this chapter, each licensee,
25 ~~beginning with the license renewal due May 1, 1944,~~ in
26 addition to the payment of the regular renewal fee, shall
27 furnish to the board ~~department~~ satisfactory evidence that, in
28 the year preceding each such application for renewal, the
29 licensee has attended the 2-day educational program as
30 promulgated and conducted by the Florida Naturopathic
31 Physicians Association, Inc., or, as a substitute therefor,

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1 the equivalent of that program as approved by the board
2 ~~department~~. The department shall send a written notice to this
3 effect to every person holding a valid license to practice
4 naturopathic medicine ~~naturopathy~~ within this state at least
5 30 days prior to May 1 in each biennial year, directed to the
6 last known address of such licensee, and shall enclose with
7 the notice proper blank forms for application for ~~annual~~
8 license renewal. All of the details and requirements of the
9 ~~aforsaid~~ educational program shall be adopted and prescribed
10 by the board ~~department~~. In the event of national emergencies,
11 or for sufficient reason, the board may ~~department shall have~~
12 ~~the power to~~ excuse ~~the~~ naturopathic physicians as a group or
13 as individuals from taking this postgraduate course.

14 (2) The determination of whether a substitute ~~annual~~
15 educational program is necessary shall be solely within the
16 discretion of the board ~~department~~.

17 Section 12. Subsection (3) of section 462.19, Florida
18 Statutes, is amended to read:

19 462.19 Renewal of license; inactive status.--

20 (3) A licensee may request that her or his license be
21 placed in an inactive status by making application to the
22 department and paying a fee in an amount set by the department
23 not to exceed ~~\$100~~\$50.

24 Section 13. Section 462.193, Florida Statutes, is
25 created to read:

26 462.193 Licensure by examination; requirements;
27 fees.--

28 (1) Any person desiring to be licensed as a doctor of
29 naturopathic medicine, naturopathic doctor, or naturopathic
30 physician shall apply to the department on forms furnished by
31 the department. The department shall license each applicant

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1 who the board certifies:

2 (a) Has completed the application form and remitted a
3 nonrefundable application fee set by the board not to exceed
4 \$500.

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

6 (c) Is of good moral character.

7 (d) Has not committed any act or offense in this or
8 any other jurisdiction which would constitute the basis for
9 disciplining a doctor of naturopathic medicine, naturopathic
10 doctor, or naturopathic physician pursuant to s. 462.14.

11 (e) Has been awarded a bachelor's degree from an
12 institution holding accreditation from a regional accrediting
13 agency recognized by the United States Secretary of Education,
14 and which program included, at a minimum and as determined by
15 rule of the board, courses in such fields as anatomy, biology,
16 and chemistry prior to entering naturopathic medical school.

17 (f) Meets one of the following naturopathic medical
18 education and postgraduate training requirements:

19 1. Is a graduate of an approved naturopathic medical
20 program;

21 2. Is a graduate of an approved school of naturopathic
22 medicine which is licensed by the Florida Commission for
23 Independent Education to grant the degree of Doctor of
24 Naturopathic Medicine; or

25 3. Is a graduate of a foreign medical school certified
26 by the Educational Commission for Foreign Medical Graduates
27 (ECFMG) to be examined in the basic and clinical medical
28 sciences, or a graduate of an accredited United States
29 allopathic, chiropractic, or osteopathic medical school, and
30 has completed a 2-year course in naturopathic medicine from an
31 approved naturopathic medical program.

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1 (g) Has submitted to the department a set of
2 fingerprints on a form and in accordance with s. 456.039(4)(c)
3 and with procedures specified by the department, along with
4 payment in an amount equal to the costs incurred by the
5 department for the criminal background check of the applicant.

6 (h) Has obtained a passing score on a competency-based
7 national naturopathic licensing examination administered by
8 the North American Board of Naturopathic Examiners or an
9 equivalent agency recognized by the board. For graduates of
10 approved naturopathic schools as defined in s. 462.01(1)(b),
11 eligibility for licensure may be granted upon presentation of
12 evidence of successful passage of a board-approved state
13 competency examination or a Canadian provincial examination.
14 For graduates of foreign medical schools or allopathic,
15 osteopathic, or chiropractic medical schools who have
16 completed a 2-year course in naturopathic medicine from an
17 approved naturopathic medical program, eligibility for
18 licensure may be granted upon presentation of evidence of
19 successful passage of the applicable medical examinations,
20 parts one and two.

21 (i) Has completed an approved internship or residency
22 of at least 1 year.

23 (j) Is physically and mentally fit to practice as a
24 doctor of naturopathic medicine, naturopathic doctor, or
25 naturopathic physician.

26 (k) Has not had her or his license to practice any
27 profession refused, revoked, or suspended by any other state,
28 district, or territory of the United States or another country
29 for reasons that relate to her or his ability to skillfully
30 and safely practice as a doctor of naturopathic medicine,
31 naturopathic doctor, or naturopathic physician in this state.

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1 (1) Has not been found guilty of a felony.

2 (2) As prescribed by board rule, the board may require
3 an applicant who does not pass the licensing examination after
4 five attempts to complete additional remedial education or
5 training. The board shall prescribe the additional
6 requirements in a manner that permits the applicant to
7 complete the requirements and be reexamined within 2 years
8 after the date the applicant petitions the board to retake the
9 examination a sixth or subsequent time.

10 (3) The department and the board shall ensure that
11 applicants for licensure meet the criteria in subsection (1)
12 through an investigative process. When the investigation is
13 not completed within the time set out in s. 120.60(1) and the
14 department or board has reason to believe that the applicant
15 does not meet the criteria, the secretary or the secretary's
16 designee may issue a 90-day licensure delay, which must be in
17 writing and sufficient to notify the applicant of the reason
18 for the delay. This subsection controls over any conflicting
19 provisions of s. 120.60(1).

20 (4) The board may not certify to the department for
21 licensure any applicant who is under investigation in another
22 jurisdiction for an offense that would constitute a violation
23 of this chapter until the investigation has been completed.
24 Upon completion of the investigation, s. 462.14 applies.
25 Furthermore, the department may not issue an unrestricted
26 license to any individual who has committed an act or offense
27 in any jurisdiction which would constitute the basis for
28 disciplining a doctor of naturopathic medicine, naturopathic
29 doctor, or naturopathic physician under s. 462.14. If the
30 board finds that an individual has committed an act or offense
31 in any jurisdiction which would constitute the basis for

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1 disciplining a doctor of naturopathic medicine, naturopathic
2 doctor, or naturopathic physician under s. 462.14, the board
3 may enter an order imposing one or more of the sanctions set
4 forth in subsection (7).

5 (5) Each applicant who meets the requirements of this
6 chapter shall be licensed as a doctor of naturopathic
7 medicine, naturopathic doctor, or naturopathic physician, with
8 rights as defined by law.

9 (6) Upon certification by the board, the department
10 shall impose conditions, limitations, or restrictions on a
11 license if the applicant is on probation in another
12 jurisdiction for an act that would constitute a violation of
13 this chapter.

14 (7) If the board determines that an applicant for
15 licensure has failed to meet, to the board's satisfaction, any
16 of the applicable requirements set forth in this section, it
17 may enter an order that imposes one or more of the following
18 sanctions:

19 (a) Refusal to certify to the department an
20 application for licensure.

21 (b) Certification to the department of an application
22 for licensure with restrictions on the scope of practice of
23 the doctor of naturopathic medicine, naturopathic doctor, or
24 naturopathic physician.

25 (c) Certification to the department of an application
26 for licensure with placement of the doctor of naturopathic
27 medicine, naturopathic doctor, or naturopathic physician on
28 probation for a period of time and subject to such conditions
29 as the board specifies, including, but not limited to,
30 requiring the doctor of naturopathic medicine, naturopathic
31 doctor, or naturopathic physician to submit to treatment,

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1 attend continuing education courses, submit to reexamination,
 2 or work under the supervision of another doctor of
 3 naturopathic medicine, naturopathic doctor, or naturopathic
 4 physician.

5 (8) A physician who holds the doctor of medicine or
 6 doctor of osteopathy degree, who has completed a 1-year
 7 internship approved by the American Medical Association or the
 8 American Osteopathic Association, and who is licensed under
 9 this section as a doctor of naturopathic medicine,
 10 naturopathic doctor, or naturopathic physician has rights and
 11 privileges equal to those of physicians licensed under chapter
 12 458 or chapter 459.

13 Section 14. Section 462.195, Florida Statutes, is
 14 created to read:

15 462.195 Exemptions from naturopathic licensure
 16 requirements.--Licensure requirements for practitioners of
 17 naturopathic medicine under this chapter do not apply to:

18 (1) A person licensed, certified, or registered in
 19 this state who is engaging in the profession or occupation for
 20 which he or she is licensed, certified, or registered.

21 (2)(a) Any person providing health care services who
 22 is not licensed under chapter 462 and who does not use the
 23 title or claim to be a "licensed naturopathic physician,"
 24 "naturopathic physician," "doctor of naturopathic medicine,"
 25 "licensed doctor of naturopathic medicine," or "naturopathic
 26 medicine doctor" in connection with providing health care
 27 services or a title after the person's name which signifies
 28 completing the requirements of a doctorate degree, in
 29 violation of s. 817.567.

30 (b) The use of the terms "natureopathy,"
 31 "naturopathy," "naturopathic practitioner," "naturopath," and

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1 "naturopathic medicine" by a person providing health care
2 services who is not licensed under chapter 462 is not
3 prohibited.

4 (3) Any individual who is:

5 (a) Engaged in good faith in the practice of the
6 religious tenets of any church or religious belief, without
7 the use of prescription drugs; or

8 (b) Acting in good faith for religious reasons as a
9 matter of conscience or on the basis of a personal belief when
10 obtaining or providing information regarding health care and
11 the use of any product.

12 (4) Any individual who is administering a domestic or
13 family remedy.

14 (5) No provision of this chapter shall be construed to
15 prohibit a physician licensed under chapter 458; an
16 osteopathic physician licensed under chapter 459; a
17 chiropractic physician licensed under chapter 460; a podiatric
18 physician licensed under chapter 461; an optometrist licensed
19 under chapter 463; an advanced registered nurse practitioner,
20 registered nurse, or licensed practical nurse licensed under
21 part I of chapter 464; an occupational therapist licensed
22 under part III of chapter 468; a massage therapist licensed
23 under chapter 480; a physical therapist licensed under chapter
24 486; a psychologist licensed under chapter 490; or a clinical
25 social worker, marriage and family therapist, or mental health
26 counselor licensed under chapter 491 from the lawful practice
27 of her or his profession.

28 (6) This section does not limit or restrict the sale,
29 use, or recommending the use of a dietary supplement or
30 homeopathic remedy.

31 Section 15. Section 462.2001, Florida Statutes, is

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1 amended to read:

2 462.2001 Saving clause.--All licenses to practice
3 naturopathic medicine naturopathy issued pursuant to this
4 chapter and valid on July 1, 2005 ~~October 1, 1985~~, shall
5 remain in full force and effect.

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

8 462.30 Naturopathic Medical Formulary Council.--

9 (1) The Naturopathic Medical Formulary Council is
10 established separately and distinctly from the board, to be
11 composed of seven members. Two members shall be doctors of
12 naturopathic medicine, naturopathic doctors, or naturopathic
13 physicians licensed under this chapter, appointed by the Board
14 of Naturopathic Medicine. Three members shall be pharmacists
15 licensed under chapter 465, appointed by the Board of
16 Naturopathic Medicine from a list of nominees provided by the
17 Board of Pharmacy. Two members shall be physicians licensed
18 under chapter 458, appointed by the Board of Naturopathic
19 Medicine from a list of nominees provided by the Board of
20 Medicine. The initial council shall be appointed as follows:
21 One doctor of naturopathic medicine, naturopathic doctor, or
22 naturopathic physician shall be appointed for a 1-year term;
23 one physician licensed under chapter 458 and one pharmacist
24 shall each be appointed for a 2-year term; and two
25 pharmacists, one doctor of naturopathic medicine, naturopathic
26 doctor, or naturopathic physician, and one physician licensed
27 under chapter 458 shall each be appointed for a 3-year term.
28 Thereafter, the term of office shall be for 3 years. A quorum
29 shall consist of five members and shall be required for any
30 vote taken.

31 (2) The council shall establish a formulary for use by

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1 naturopathic physicians, and, immediately upon adoption
2 revision of the formulary, the council shall transmit the
3 approved formulary to the board, which shall adopt the
4 formulary by temporary rule. The formulary shall be reviewed
5 annually by the council or at any time at the request of the
6 board. The formulary may not go beyond the scope of
7 prescription medicines and medical devices covered by approved
8 naturopathic medical education and training and existing
9 naturopathic medical formularies or board-approved continuing
10 education. The naturopathic medical formulary may not include
11 medicines and devices that are inconsistent with the training
12 provided by approved naturopathic medical colleges or
13 universities. This section does not authorize a doctor of
14 naturopathic medical colleges or universities. This section
15 does not authorize a doctor of naturopathic medicine,
16 naturopathic doctor, or naturopathic physician to dispense,
17 administer, or prescribe any prescription drug as defined in
18 s. 893.03 or medical device unless such prescription drug or
19 medical device is specifically included in the naturopathic
20 medical formulary.

21 Section 17. Section 462.40, Florida Statutes, is
22 created to read:

23 462.40 Disclosure of medications by patients.--A
24 patient who is provided prescriptions for medication,
25 nutrients, or other natural medicine substances by his or her
26 treating doctor of naturopathic medicine, naturopathic doctor,
27 or naturopathic physician shall advise his or her primary care
28 physician or other treating health care provider of the
29 medications or substances that have been prescribed or
30 recommended by his or her doctor of naturopathic medicine,
31 naturopathic doctor, or naturopathic physician. Doctors of

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1 naturopathic medicine, naturopathic doctors, or naturopathic
 2 physicians shall advise their patients of this requirement in
 3 writing, maintain a signed copy of the disclosure in the
 4 medical records of that patient, and provide a copy of the
 5 disclosure to their patients upon request. Failure of any
 6 patient to disclose medication prescribed by a doctor of
 7 naturopathic medicine, naturopathic doctor, or naturopathic
 8 physician as required by this section shall establish a
 9 presumption that subsequent injuries sustained by such patient
 10 were caused by the failure to disclose medication prescribed
 11 by a doctor of naturopathic medicine, naturopathic doctor, or
 12 naturopathic physician. This presumption may be rebutted by
 13 clear and convincing evidence that such patient's injuries
 14 were caused by the negligence of the primary care physician.

15 Section 18. Doctors of naturopathic medicine,
 16 naturopathic doctors, or naturopathic physicians who hold a
 17 license on the effective date of this act shall retain the
 18 same rights and privileges as they had before implementation
 19 of the amendments to chapter 462, Florida Statutes, by this
 20 act.

21 Section 19. Paragraph (g) of subsection (3) of section
 22 20.43, Florida Statutes, is amended to read:

23 20.43 Department of Health.--There is created a
 24 Department of Health.

25 (3) The following divisions of the Department of
 26 Health are established:

27 (g) Division of Medical Quality Assurance, which is
 28 responsible for the following boards and professions
 29 established within the division:

30 1. The Board of Acupuncture, created under chapter
 31 457.

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- 1 2. The Board of Medicine, created under chapter 458.
- 2 3. The Board of Osteopathic Medicine, created under
- 3 chapter 459.
- 4 4. The Board of Chiropractic Medicine, created under
- 5 chapter 460.
- 6 5. The Board of Podiatric Medicine, created under
- 7 chapter 461.
- 8 6. The Board of Licensed Naturopathic Physicians
- 9 ~~Naturopathy~~, created ~~as provided~~ under chapter 462.
- 10 7. The Board of Optometry, created under chapter 463.
- 11 8. The Board of Nursing, created under part I of
- 12 chapter 464.
- 13 9. Nursing assistants, as provided under part II of
- 14 chapter 464.
- 15 10. The Board of Pharmacy, created under chapter 465.
- 16 11. The Board of Dentistry, created under chapter 466.
- 17 12. Midwifery, as provided under chapter 467.
- 18 13. The Board of Speech-Language Pathology and
- 19 Audiology, created under part I of chapter 468.
- 20 14. The Board of Nursing Home Administrators, created
- 21 under part II of chapter 468.
- 22 15. The Board of Occupational Therapy, created under
- 23 part III of chapter 468.
- 24 16. Respiratory therapy, as provided under part V of
- 25 chapter 468.
- 26 17. Dietetics and nutrition practice, as provided
- 27 under part X of chapter 468.
- 28 18. The Board of Athletic Training, created under part
- 29 XIII of chapter 468.
- 30 19. The Board of Orthotists and Prosthetists, created
- 31 under part XIV of chapter 468.

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1 20. Electrolysis, as provided under chapter 478.

2 21. The Board of Massage Therapy, created under
3 chapter 480.

4 22. The Board of Clinical Laboratory Personnel,
5 created under part III of chapter 483.

6 23. Medical physicists, as provided under part IV of
7 chapter 483.

8 24. The Board of Opticianry, created under part I of
9 chapter 484.

10 25. The Board of Hearing Aid Specialists, created
11 under part II of chapter 484.

12 26. The Board of Physical Therapy Practice, created
13 under chapter 486.

14 27. The Board of Psychology, created under chapter
15 490.

16 28. School psychologists, as provided under chapter
17 490.

18 29. The Board of Clinical Social Work, Marriage and
19 Family Therapy, and Mental Health Counseling, created under
20 chapter 491.

21 Section 20. Subsection (1) of section 381.0031,
22 Florida Statutes, is amended to read:

23 381.0031 Report of diseases of public health
24 significance to department.--

25 (1) Any practitioner licensed in this state to
26 practice medicine, osteopathic medicine, chiropractic
27 medicine, naturopathic medicine ~~naturopathy~~, or veterinary
28 medicine; any hospital licensed under part I of chapter 395;
29 or any laboratory licensed under chapter 483 that diagnoses or
30 suspects the existence of a disease of public health
31 significance shall immediately report the fact to the

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1 Department of Health.

2

3 This section does not affect s. 384.25.

4 Section 21. Subsection (10) of section 468.301,
5 Florida Statutes, is amended to read:

6 468.301 Definitions.--As used in this part, the term:

7 (10) "Licensed practitioner" means a person who is
8 licensed or otherwise authorized by law to practice medicine,
9 podiatric medicine, chiropody, osteopathic medicine,
10 naturopathic medicine ~~naturopathy~~, or chiropractic medicine in
11 this state.

12 Section 22. Section 476.044, Florida Statutes, is
13 amended to read:

14 476.044 Exemptions.--This chapter does not apply to
15 the following persons when practicing pursuant to their
16 professional responsibilities and duties:

17 (1) Persons authorized under the laws of this state to
18 practice medicine, surgery, osteopathic medicine, chiropractic
19 medicine, naturopathic medicine ~~naturopathy~~, or podiatric
20 medicine;

21 (2) Commissioned medical or surgical officers of the
22 United States Armed Forces hospital service;

23 (3) Licensed nurses under the laws of this state;

24 (4) Persons practicing cosmetology under the laws of
25 this state;

26 (5) Persons employed in federal, state, or local
27 institutions, hospitals, or military bases as barbers whose
28 practice is limited to the inmates, patients, or authorized
29 military personnel of such institutions, hospitals, or bases;

30 (6) Persons who practice only shampooing as defined in
31 s. 477.013 and whose practice is limited to the acts described

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1 therein; or

2 (7) Persons whose occupation or practice is confined
3 solely to cutting, trimming, polishing, or cleansing the
4 fingernails of any person when said cutting, trimming,
5 polishing, or cleansing is done in a barbershop licensed
6 pursuant to this chapter which is carrying on a regular and
7 customary business of barbering, and such individual has been
8 practicing the activities set forth in this subsection prior
9 to October 1, 1985.

10 Section 23. Paragraph (a) of subsection (1) of section
11 477.0135, Florida Statutes, is amended to read:

12 477.0135 Exemptions.--

13 (1) This chapter does not apply to the following
14 persons when practicing pursuant to their professional or
15 occupational responsibilities and duties:

16 (a) Persons authorized under the laws of this state to
17 practice medicine, surgery, osteopathic medicine, chiropractic
18 medicine, massage, naturopathic medicine ~~naturopathy~~, or
19 podiatric medicine.

20 Section 24. Subsections (2) and (3) of section
21 485.003, Florida Statutes, are amended to read:

22 485.003 Definitions.--In construing this chapter, the
23 words, phrases, or terms, unless the context otherwise
24 indicates, shall have the following meanings:

25 (2) "Healing arts" shall mean the practice of
26 medicine, surgery, psychiatry, dentistry, osteopathic
27 medicine, chiropractic medicine, naturopathic medicine
28 ~~naturopathy~~, podiatric medicine, chiropody, psychology,
29 clinical social work, marriage and family therapy, mental
30 health counseling, and optometry.

31 (3) "Practitioner of the healing arts" shall mean a

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1 person licensed under the laws of the state to practice
 2 medicine, surgery, psychiatry, dentistry, osteopathic
 3 medicine, chiropractic medicine, naturopathic medicine
 4 ~~naturopathy~~, podiatric medicine, chiropody, psychology,
 5 clinical social work, marriage and family therapy, mental
 6 health counseling, or optometry within the scope of his or her
 7 professional training and competence and within the purview of
 8 the statutes applicable to his or her respective profession,
 9 and who may refer a patient for treatment by a qualified
 10 person, who shall employ hypnotic techniques under the
 11 supervision, direction, prescription, and responsibility of
 12 such referring practitioner.

13 Section 25. Subsection (1) of section 486.161, Florida
 14 Statutes, is amended to read:

15 486.161 Exemptions.--

16 (1) No provision of this chapter shall be construed to
 17 prohibit any person licensed in this state from using any
 18 physical agent as a part of, or incidental to, the lawful
 19 practice of her or his profession under the statutes
 20 applicable to the profession of chiropractic physician,
 21 podiatric physician, doctor of medicine, massage therapist,
 22 nurse, osteopathic physician or surgeon, occupational
 23 therapist, or doctor of naturopathic medicine, naturopathic
 24 doctor, or naturopathic physician ~~naturopath~~.

25 Section 26. Paragraph (h) of subsection (4) of section
 26 627.351, Florida Statutes, is amended to read:

27 627.351 Insurance risk apportionment plans.--

28 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.--

29 (h) As used in this subsection:

30 1. "Health care provider" means hospitals licensed
 31 under chapter 395; physicians licensed under chapter 458;

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1 osteopathic physicians licensed under chapter 459; podiatric
 2 physicians licensed under chapter 461; dentists licensed under
 3 chapter 466; chiropractic physicians licensed under chapter
 4 460; doctors of naturopathic medicine, naturopathic doctors,
 5 or naturopathic physicians ~~naturopaths~~ licensed under chapter
 6 462; nurses licensed under part I of chapter 464; midwives
 7 licensed under chapter 467; clinical laboratories registered
 8 under chapter 483; physician assistants licensed under chapter
 9 458 or chapter 459; physical therapists and physical therapist
 10 assistants licensed under chapter 486; health maintenance
 11 organizations certificated under part I of chapter 641;
 12 ambulatory surgical centers licensed under chapter 395; other
 13 medical facilities as defined in subparagraph 2.; blood banks,
 14 plasma centers, industrial clinics, and renal dialysis
 15 facilities; or professional associations, partnerships,
 16 corporations, joint ventures, or other associations for
 17 professional activity by health care providers.

18 2. "Other medical facility" means a facility the
 19 primary purpose of which is to provide human medical
 20 diagnostic services or a facility providing nonsurgical human
 21 medical treatment, to which facility the patient is admitted
 22 and from which facility the patient is discharged within the
 23 same working day, and which facility is not part of a
 24 hospital. However, a facility existing for the primary purpose
 25 of performing terminations of pregnancy or an office
 26 maintained by a physician or dentist for the practice of
 27 medicine shall not be construed to be an "other medical
 28 facility."

29 3. "Health care facility" means any hospital licensed
 30 under chapter 395, health maintenance organization
 31 certificated under part I of chapter 641, ambulatory surgical

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1 center licensed under chapter 395, or other medical facility
2 as defined in subparagraph 2.

3 Section 27. Subsection (19) of section 893.02, Florida
4 Statutes, is amended to read:

5 893.02 Definitions.--The following words and phrases
6 as used in this chapter shall have the following meanings,
7 unless the context otherwise requires:

8 (19) "Practitioner" means a physician licensed
9 pursuant to chapter 458, a dentist licensed pursuant to
10 chapter 466, a veterinarian licensed pursuant to chapter 474,
11 an osteopathic physician licensed pursuant to chapter 459, a
12 doctor of naturopathic medicine, naturopathic doctor, or
13 naturopathic physician ~~naturopath~~ licensed pursuant to chapter
14 462, or a podiatric physician licensed pursuant to chapter
15 461, provided such practitioner holds a valid federal
16 controlled substance registry number.

17 Section 28. Paragraph (g) of subsection (3) of section
18 921.0022, Florida Statutes, is amended to read:

19 921.0022 Criminal Punishment Code; offense severity
20 ranking chart.--

21 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description
		(g) LEVEL 7
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.

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1	316.1935(3)(b)	1st	Causing serious bodily injury or
2			death to another person; driving
3			at high speed or with wanton
4			disregard for safety while
5			fleeing or attempting to elude
6			law enforcement officer who is in
7			a patrol vehicle with siren and
8			lights activated.
9	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
10			bodily injury.
11	402.319(2)	2nd	Misrepresentation and negligence
12			or intentional act resulting in
13			great bodily harm, permanent
14			disfiguration, permanent
15			disability, or death.
16	409.920(2)	3rd	Medicaid provider fraud.
17	456.065(2)	3rd	Practicing a health care
18			profession without a license.
19	456.065(2)	2nd	Practicing a health care
20			profession without a license
21			which results in serious bodily
22			injury.
23	458.327(1)	3rd	Practicing medicine without a
24			license.
25	459.013(1)	3rd	Practicing osteopathic medicine
26			without a license.
27	460.411(1)	3rd	Practicing chiropractic medicine
28			without a license.
29	461.012(1)	3rd	Practicing podiatric medicine
30			without a license.
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1	462.17	3rd	Practicing <u>naturopathic medicine</u>
2			naturopathy without a license.
3	463.015(1)	3rd	Practicing optometry without a
4			license.
5	464.016(1)	3rd	Practicing nursing without a
6			license.
7	465.015(2)	3rd	Practicing pharmacy without a
8			license.
9	466.026(1)	3rd	Practicing dentistry or dental
10			hygiene without a license.
11	467.201	3rd	Practicing midwifery without a
12			license.
13	468.366	3rd	Delivering respiratory care
14			services without a license.
15	483.828(1)	3rd	Practicing as clinical laboratory
16			personnel without a license.
17	483.901(9)	3rd	Practicing medical physics
18			without a license.
19	484.013(1)(c)	3rd	Preparing or dispensing optical
20			devices without a prescription.
21	484.053	3rd	Dispensing hearing aids without a
22			license.
23	494.0018(2)	1st	Conviction of any violation of
24			ss. 494.001-494.0077 in which the
25			total money and property
26			unlawfully obtained exceeded
27			\$50,000 and there were five or
28			more victims.
29	560.123(8)(b)1.	3rd	Failure to report currency or
30			payment instruments exceeding
31			\$300 but less than \$20,000 by

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1			money transmitter.
2	560.125(5)(a)	3rd	Money transmitter business by
3			unauthorized person, currency or
4			payment instruments exceeding
5			\$300 but less than \$20,000.
6	655.50(10)(b)1.	3rd	Failure to report financial
7			transactions exceeding \$300 but
8			less than \$20,000 by financial
9			institution.
10	782.051(3)	2nd	Attempted felony murder of a
11			person by a person other than the
12			perpetrator or the perpetrator of
13			an attempted felony.
14	782.07(1)	2nd	Killing of a human being by the
15			act, procurement, or culpable
16			negligence of another
17			(manslaughter).
18	782.071	2nd	Killing of human being or viable
19			fetus by the operation of a motor
20			vehicle in a reckless manner
21			(vehicular homicide).
22	782.072	2nd	Killing of a human being by the
23			operation of a vessel in a
24			reckless manner (vessel
25			homicide).
26	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
27			causing great bodily harm or
28			disfigurement.
29	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
30			weapon.
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1	784.045(1)(b)	2nd	Aggravated battery; perpetrator
2			aware victim pregnant.
3	784.048(4)	3rd	Aggravated stalking; violation of
4			injunction or court order.
5	784.048(7)	3rd	Aggravated stalking; violation of
6			court order.
7	784.07(2)(d)	1st	Aggravated battery on law
8			enforcement officer.
9	784.074(1)(a)	1st	Aggravated battery on sexually
10			violent predators facility staff.
11	784.08(2)(a)	1st	Aggravated battery on a person 65
12			years of age or older.
13	784.081(1)	1st	Aggravated battery on specified
14			official or employee.
15	784.082(1)	1st	Aggravated battery by detained
16			person on visitor or other
17			detainee.
18	784.083(1)	1st	Aggravated battery on code
19			inspector.
20	790.07(4)	1st	Specified weapons violation
21			subsequent to previous conviction
22			of s. 790.07(1) or (2).
23	790.16(1)	1st	Discharge of a machine gun under
24			specified circumstances.
25	790.165(2)	2nd	Manufacture, sell, possess, or
26			deliver hoax bomb.
27	790.165(3)	2nd	Possessing, displaying, or
28			threatening to use any hoax bomb
29			while committing or attempting to
30			commit a felony.
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1	790.166(3)	2nd	Possessing, selling, using, or
2			attempting to use a hoax weapon
3			of mass destruction.
4	790.166(4)	2nd	Possessing, displaying, or
5			threatening to use a hoax weapon
6			of mass destruction while
7			committing or attempting to
8			commit a felony.
9	796.03	2nd	Procuring any person under 16
10			years for prostitution.
11	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
12			victim less than 12 years of age;
13			offender less than 18 years.
14	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
15			victim 12 years of age or older
16			but less than 16 years; offender
17			18 years or older.
18	806.01(2)	2nd	Maliciously damage structure by
19			fire or explosive.
20	810.02(3)(a)	2nd	Burglary of occupied dwelling;
21			unarmed; no assault or battery.
22	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
23			unarmed; no assault or battery.
24	810.02(3)(d)	2nd	Burglary of occupied conveyance;
25			unarmed; no assault or battery.
26	812.014(2)(a)1.	1st	Property stolen, valued at
27			\$100,000 or more; property stolen
28			while causing other property
29			damage; 1st degree grand theft.
30	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
31			less than \$50,000, grand theft in

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1			2nd degree.
2	812.014(2)(b)3.	2nd	Property stolen, emergency
3			medical equipment; 2nd degree
4			grand theft.
5	812.0145(2)(a)	1st	Theft from person 65 years of age
6			or older; \$50,000 or more.
7	812.019(2)	1st	Stolen property; initiates,
8			organizes, plans, etc., the theft
9			of property and traffics in
10			stolen property.
11	812.131(2)(a)	2nd	Robbery by sudden snatching.
12	812.133(2)(b)	1st	Carjacking; no firearm, deadly
13			weapon, or other weapon.
14	817.234(8)(a)	2nd	Solicitation of motor vehicle
15			accident victims with intent to
16			defraud.
17	817.234(9)	2nd	Organizing, planning, or
18			participating in an intentional
19			motor vehicle collision.
20	817.234(11)(c)	1st	Insurance fraud; property value
21			\$100,000 or more.
22	817.2341(2)(b)&		
23	(3)(b)	1st	Making false entries of material
24			fact or false statements
25			regarding property values
26			relating to the solvency of an
27			insuring entity which are a
28			significant cause of the
29			insolvency of that entity.
30	825.102(3)(b)	2nd	Neglecting an elderly person or
31			disabled adult causing great

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1			bodily harm, disability, or
2			disfigurement.
3	825.103(2)(b)	2nd	Exploiting an elderly person or
4			disabled adult and property is
5			valued at \$20,000 or more, but
6			less than \$100,000.
7	827.03(3)(b)	2nd	Neglect of a child causing great
8			bodily harm, disability, or
9			disfigurement.
10	827.04(3)	3rd	Impregnation of a child under 16
11			years of age by person 21 years
12			of age or older.
13	837.05(2)	3rd	Giving false information about
14			alleged capital felony to a law
15			enforcement officer.
16	838.015	2nd	Bribery.
17	838.016	2nd	Unlawful compensation or reward
18			for official behavior.
19	838.021(3)(a)	2nd	Unlawful harm to a public
20			servant.
21	838.22	2nd	Bid tampering.
22	872.06	2nd	Abuse of a dead human body.
23	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
24			cocaine (or other drug prohibited
25			under s. 893.03(1)(a), (1)(b),
26			(1)(d), (2)(a), (2)(b), or
27			(2)(c)4.) within 1,000 feet of a
28			child care facility, school, or
29			state, county, or municipal park
30			or publicly owned recreational
31			facility or community center.

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1	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
2			cocaine or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), (2)(b), or
5			(2)(c)4., within 1,000 feet of
6			property used for religious
7			services or a specified business
8			site.
9	893.13(4)(a)	1st	Deliver to minor cocaine (or
10			other s. 893.03(1)(a), (1)(b),
11			(1)(d), (2)(a), (2)(b), or
12			(2)(c)4. drugs).
13	893.135(1)(a)1.	1st	Trafficking in cannabis, more
14			than 25 lbs., less than 2,000
15			lbs.
16	893.135		
17	(1)(b)1.a.	1st	Trafficking in cocaine, more than
18			28 grams, less than 200 grams.
19	893.135		
20	(1)(c)1.a.	1st	Trafficking in illegal drugs,
21			more than 4 grams, less than 14
22			grams.
23	893.135		
24	(1)(d)1.	1st	Trafficking in phencyclidine,
25			more than 28 grams, less than 200
26			grams.
27	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
28			than 200 grams, less than 5
29			kilograms.
30	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
31			than 14 grams, less than 28

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grams.

893.135

(1)(g)1.a. 1st Trafficking in flunitrazepam, 4
grams or more, less than 14
grams.

893.135

(1)(h)1.a. 1st Trafficking in
gamma-hydroxybutyric acid (GHB),
1 kilogram or more, less than 5
kilograms.

893.135

(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1
kilogram or more, less than 5
kilograms.

893.135

(1)(k)2.a. 1st Trafficking in Phenethylamines,
10 grams or more, less than 200
grams.

896.101(5)(a) 3rd Money laundering, financial
transactions exceeding \$300 but
less than \$20,000.

896.104(4)(a)1. 3rd Structuring transactions to evade
reporting or registration
requirements, financial
transactions exceeding \$300 but
less than \$20,000.

Section 29. This act shall take effect July 1, 2005.

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

And the title is amended as follows:

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1 Delete everything before the enacting clause

2

3 and insert:

4

A bill to be entitled

5

An act relating to naturopathic medicine;

6

changing the title of ch. 462, F.S., from

7

"Naturopathy" to "Naturopathic Medicine";

8

amending s. 462.01, F.S.; revising and

9

providing definitions; creating s. 462.0215,

10

F.S.; creating the Board of Licensed

11

Naturopathic Physicians; providing membership

12

and duties of the board; providing guidelines

13

for probable cause panels and disciplinary

14

decisions; providing applicability of ch. 456,

15

F.S.; amending s. 462.023, F.S.; providing

16

powers and duties of the board under ch. 462,

17

F.S., including rulemaking authority; deleting

18

obsolete language; amending s. 462.08, F.S.;

19

conforming terminology; amending s. 462.11,

20

F.S.; conforming and correcting terminology;

21

amending s. 462.13, F.S.; providing additional

22

powers and duties of the board; amending s.

23

462.14, F.S.; specifying authority of the

24

department and the board with respect to

25

disciplinary action and revising grounds for

26

disciplinary action with respect to such

27

authority; conforming terminology; amending s.

28

462.16, F.S.; specifying authority for setting

29

the fee for the reissuance of license under

30

certain circumstances; conforming terminology;

31

amending s. 462.17, F.S.; providing penalties

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1 for falsely using certain titles; amending s.
2 462.18, F.S., relating to educational
3 requirements; conforming terminology; amending
4 s. 462.19, F.S.; increasing the maximum amount
5 at which the inactive status fee may be set;
6 creating s. 462.193, F.S.; providing
7 requirements for licensure as a naturopathic
8 physician; providing fees; providing grounds
9 for denying or restricting licenses; providing
10 for the applicability of certain rights to
11 naturopathic physicians who have certain
12 qualifications; creating s. 462.195, F.S.;
13 providing exemptions from licensure
14 requirements; amending s. 462.2001, F.S.;
15 updating the saving clause; conforming
16 terminology; creating s. 462.30, F.S.;
17 establishing a naturopathic medical formulary
18 council; providing membership and terms of
19 office; providing duties; providing
20 limitations; creating s. 462.40, F.S.;
21 providing that patients are responsible for
22 notifying health care providers about
23 substances prescribed or recommended by a
24 naturopathic physician; creating a rebuttable
25 presumption that failure to disclose is the
26 cause of subsequent injuries; providing that
27 certain rights and privileges of active
28 licensees are retained; amending ss. 20.43,
29 381.0031, 468.301, 476.044, 477.0135, 485.003,
30 486.161, 627.351, 893.02, and 921.0022, F.S.;
31 conforming terminology; providing an effective

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