

CHAMBER ACTION

1 The Health Care Regulation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to health care practitioners; amending
7 458.303, F.S.; removing a provision on grounds for
8 disciplinary action and certain action from a list of
9 exemptions for certain nursing services; providing
10 prohibitions for physicians; amending s. 459.002, F.S.;
11 providing prohibitions for osteopathic physicians;
12 providing an effective date.

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

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16 Section 1. Subsection (2) of section 458.303, Florida
17 Statutes, is amended to read:

18 458.303 Provisions not applicable to other practitioners;
19 exceptions, etc.--

20 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
21 458.307, s. 458.309, s. 458.311, ~~s. 458.313~~, s. 458.319, s.
22 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
23 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall

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24 | be construed to prohibit any service rendered by a registered
 25 | nurse or a licensed practical nurse, if such service is rendered
 26 | under the direct supervision and control of a licensed physician
 27 | who provides specific direction for any such service to be
 28 | performed; and gives final approval to all such services
 29 | performed. Further, nothing in this or any other chapter shall
 30 | be construed to prohibit any service rendered by a medical
 31 | assistant in accordance with the provisions of s. 458.3485;
 32 | notwithstanding the provisions in this subsection, the physician
 33 | shall not:

34 | (a) Practice or offer to practice beyond the scope
 35 | permitted by law.

36 | (b) Accept and perform professional responsibilities the
 37 | physician knows or has reason to know that the physician is not
 38 | competent to perform.

39 | (c) Delegate professional responsibilities to a person
 40 | when the physician delegating such responsibilities knows or has
 41 | reason to know that the person is not qualified by training,
 42 | experience, or licensure to perform such responsibilities.

43 | Section 2. Subsection (2) of section 459.002, Florida
 44 | Statutes, is amended to read:

45 | 459.002 Chapter not applicable to practice of medicine,
 46 | surgery, chiropractic medicine, etc.--

47 | (2) Nothing in this chapter shall be construed to prohibit
 48 | any service rendered by any person if such service is rendered
 49 | under the direct supervision and control of a licensed
 50 | osteopathic physician who must be available when needed, must
 51 | provide specific direction for any service to be performed, and

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52 | must give final approval to all services performed;
53 | notwithstanding the provisions in this subsection, the
54 | osteopathic physician shall not:

55 | (a) Practice or offer to practice beyond the scope
56 | permitted by law.

57 | (b) Accept and perform professional responsibilities the
58 | osteopathic physician knows or has reason to know that the
59 | osteopathic physician is not competent to perform.

60 | (c) Delegate professional responsibilities to any person
61 | when the osteopathic physician delegating such responsibilities
62 | knows or has reason to know that such person is not qualified by
63 | training, experience, or licensure to perform such
64 | responsibilities.

65 | Section 3. This act shall take effect July 1, 2005.