

1 A bill to be entitled

2 An act relating to health care practitioners; amending
3 458.303, F.S.; removing a provision on grounds for
4 disciplinary action and certain action from a list of
5 exemptions for certain nursing services; providing
6 prohibitions for physicians; amending s. 459.002, F.S.;
7 providing prohibitions for osteopathic physicians;
8 providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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

14 458.303 Provisions not applicable to other practitioners;
15 exceptions, etc.--

16 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
17 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s.
18 458.321, s. 458.327, s. 458.329, ~~s. 458.331~~, s. 458.337, s.
19 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall
20 be construed to prohibit any service rendered by a registered
21 nurse or a licensed practical nurse, if such service is rendered
22 under the direct supervision and control of a licensed physician
23 who provides specific direction for any such service to be
24 performed; and gives final approval to all such services
25 performed. Further, nothing in this or any other chapter shall
26 be construed to prohibit any service rendered by a medical
27 assistant in accordance with the provisions of s. 458.3485;

28 notwithstanding the provisions in this subsection, the physician
 29 shall not:

30 (a) Practice or offer to practice beyond the scope
 31 permitted by law.

32 (b) Accept and perform professional responsibilities the
 33 physician knows or has reason to know that the physician is not
 34 competent to perform.

35 (c) Delegate professional responsibilities to a person
 36 when the physician delegating such responsibilities knows or has
 37 reason to know that the person is not qualified by training,
 38 experience, or licensure to perform such responsibilities.

39 Section 2. Subsection (2) of section 459.002, Florida
 40 Statutes, is amended to read:

41 459.002 Chapter not applicable to practice of medicine,
 42 surgery, chiropractic medicine, etc.--

43 (2) Nothing in this chapter shall be construed to prohibit
 44 any service rendered by any person if such service is rendered
 45 under the direct supervision and control of a licensed
 46 osteopathic physician who must be available when needed, must
 47 provide specific direction for any service to be performed, and
 48 must give final approval to all services performed;

49 notwithstanding the provisions in this subsection, the
 50 osteopathic physician shall not:

51 (a) Practice or offer to practice beyond the scope
 52 permitted by law.

53 (b) Accept and perform professional responsibilities the
 54 osteopathic physician knows or has reason to know that the
 55 osteopathic physician is not competent to perform.

56 (c) Delegate professional responsibilities to any person
57 when the osteopathic physician delegating such responsibilities
58 knows or has reason to know that such person is not qualified by
59 training, experience, or licensure to perform such
60 responsibilities.

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