

1                                   A bill to be entitled  
 2       An act relating to health profession education; amending  
 3       s. 456.013, F.S.; exempting certain licensees under ch.  
 4       458, F.S., relating to medical practice, from continuing  
 5       education requirements; amending s. 456.031, F.S.;  
 6       revising requirements for instruction on domestic  
 7       violence; removing alternative continuing education  
 8       provisions; removing requirements of certain boards to  
 9       report compliance with continuing education provisions;  
 10      amending s. 456.033, F.S.; revising requirements for  
 11      instruction on HIV and AIDS for certain licensees;  
 12      amending s. 464.013, F.S.; exempting certain licensees  
 13      under ch. 464, F.S., relating to nursing, from continuing  
 14      education requirements; amending s. 464.019, F.S.;  
 15      limiting the authority of the Board of Nursing to adopt  
 16      rules relating to nursing program faculty qualifications;  
 17      amending ss. 458.319 and 459.008, F.S.; removing  
 18      alternative continuing education provisions, to conform;  
 19      providing an effective date.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

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 23           Section 1. Subsection (6) of section 456.013, Florida  
 24 Statutes, is amended to read:

25           456.013 Department; general licensing provisions.--

26           (6) As a condition of renewal of a license, the Board of  
 27 Medicine, the Board of Osteopathic Medicine, the Board of  
 28 Chiropractic Medicine, and the Board of Podiatric Medicine shall

HB 1387

2006

29 | each require licensees which they respectively regulate to  
30 | periodically demonstrate their professional competency by  
31 | completing at least 40 hours of continuing education every 2  
32 | years. A licensee under chapter 458 who provides proof of  
33 | current specialty board certification by a credentialing agency  
34 | approved by the Board of Medicine shall be exempt from this  
35 | requirement provided the licensee is actively engaged in  
36 | maintaining his or her certification. The boards may require by  
37 | rule that up to 1 hour of the required 40 or more hours be in  
38 | the area of risk management or cost containment. This provision  
39 | shall not be construed to limit the number of hours that a  
40 | licensee may obtain in risk management or cost containment to be  
41 | credited toward satisfying the 40 or more required hours. This  
42 | provision shall not be construed to require the boards to impose  
43 | any requirement on licensees except for the completion of at  
44 | least 40 hours of continuing education every 2 years. Each of  
45 | such boards shall determine whether any specific continuing  
46 | education requirements not otherwise mandated by law shall be  
47 | mandated and shall approve criteria for, and the content of, any  
48 | continuing education mandated by such board. Notwithstanding any  
49 | other provision of law, the board, or the department when there  
50 | is no board, may approve by rule alternative methods of  
51 | obtaining continuing education credits in risk management. The  
52 | alternative methods may include attending a board meeting at  
53 | which another licensee is disciplined, serving as a volunteer  
54 | expert witness for the department in a disciplinary case, or  
55 | serving as a member of a probable cause panel following the  
56 | expiration of a board member's term. Other boards within the

HB 1387

2006

57 | Division of Medical Quality Assurance, or the department if  
58 | there is no board, may adopt rules granting continuing education  
59 | hours in risk management for attending a board meeting at which  
60 | another licensee is disciplined, for serving as a volunteer  
61 | expert witness for the department in a disciplinary case, or for  
62 | serving as a member of a probable cause panel following the  
63 | expiration of a board member's term.

64 |       Section 2. Section 456.031, Florida Statutes, is amended  
65 | to read:

66 |           456.031 Requirement for instruction on domestic  
67 | violence.--

68 |       (1)(a) The appropriate board shall require each person  
69 | licensed or certified under chapter 458, chapter 459, part I of  
70 | chapter 464, chapter 466, chapter 467, chapter 490, or chapter  
71 | 491 to complete a 1-hour continuing education course, approved  
72 | by the board, on domestic violence, as defined in s. 741.28, no  
73 | later than upon first renewal ~~as part of biennial relicensure or~~  
74 | ~~recertification~~. The course shall consist of information on the  
75 | number of patients in that professional's practice who are  
76 | likely to be victims of domestic violence and the number who are  
77 | likely to be perpetrators of domestic violence, screening  
78 | procedures for determining whether a patient has any history of  
79 | being either a victim or a perpetrator of domestic violence, and  
80 | instruction on how to provide such patients with information on,  
81 | or how to refer such patients to, resources in the local  
82 | community, such as domestic violence centers and other advocacy  
83 | groups, that provide legal aid, shelter, victim counseling,  
84 | batterer counseling, or child protection services.

HB 1387

2006

85 (b) Each such licensee or certificateholder shall submit  
86 confirmation of having completed such course, on a form provided  
87 by the board, when submitting fees for first ~~each biennial~~  
88 renewal.

89 (c) The board may approve additional equivalent courses  
90 that may be used to satisfy the requirements of paragraph (a).  
91 Each licensing board that requires a licensee to complete an  
92 educational course pursuant to this subsection may include the  
93 hour required for completion of the course in the total hours of  
94 continuing education required by law for such profession unless  
95 the continuing education requirements for such profession  
96 consist of fewer than 30 hours biennially.

97 (d) Any person holding two or more licenses subject to the  
98 provisions of this subsection shall be permitted to show proof  
99 of having taken one board-approved course on domestic violence,  
100 for purposes of relicensure or recertification for additional  
101 licenses.

102 (e) Failure to comply with the requirements of this  
103 subsection shall constitute grounds for disciplinary action  
104 under each respective practice act and under s. 456.072(1)(k).  
105 In addition to discipline by the board, the licensee shall be  
106 required to complete such course.

107 ~~(2) The board shall also require, as a condition of~~  
108 ~~granting a license under any chapter specified in paragraph~~  
109 ~~(1)(a), that each applicant for initial licensure under the~~  
110 ~~appropriate chapter complete an educational course acceptable to~~  
111 ~~the board on domestic violence which is substantially equivalent~~  
112 ~~to the course required in subsection (1). An applicant who has~~

HB 1387

2006

113 ~~not taken such course at the time of licensure shall, upon~~  
114 ~~submission of an affidavit showing good cause, be allowed 6~~  
115 ~~months to complete such requirement.~~

116 ~~(3)(a) In lieu of completing a course as required in~~  
117 ~~subsection (1), a licensee or certificateholder may complete a~~  
118 ~~course in end-of-life care and palliative health care, if the~~  
119 ~~licensee or certificateholder has completed an approved domestic~~  
120 ~~violence course in the immediately preceding biennium.~~

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

126 ~~(2)(4)~~ Each board may adopt rules to carry out the  
127 provisions of this section.

128 ~~(5) Each board shall report to the President of the~~  
129 ~~Senate, the Speaker of the House of Representatives, and the~~  
130 ~~chairs of the appropriate substantive committees of the~~  
131 ~~Legislature by March 1 of each year as to the implementation of~~  
132 ~~and compliance with the requirements of this section.~~

133 Section 3. Section 456.033, Florida Statutes, is amended  
134 to read:

135 456.033 Requirement for instruction for certain licensees  
136 on HIV and AIDS.--

137 (1) The appropriate board shall require each person  
138 licensed or certified under ~~chapter 457; chapter 458; chapter~~  
139 ~~459; chapter 460; chapter 461; chapter 463; part I of chapter~~  
140 ~~464; chapter 465; chapter 466; part II, part III, part V, or~~

141 ~~part X of chapter 468, or chapter 486~~ to complete a continuing  
142 education ~~educational~~ course, approved by the board, on human  
143 immunodeficiency virus and acquired immune deficiency syndrome  
144 as part of biennial relicensure or recertification. The course  
145 shall consist of education on the modes of transmission,  
146 infection control procedures, clinical management, and  
147 prevention of human immunodeficiency virus and acquired immune  
148 deficiency syndrome. Such course shall include information on  
149 current Florida law on acquired immune deficiency syndrome and  
150 its impact on testing, confidentiality of test results,  
151 treatment of patients, and any protocols and procedures  
152 applicable to human immunodeficiency virus counseling and  
153 testing, reporting, the offering of HIV testing to pregnant  
154 women, and partner notification issues pursuant to ss. 381.004  
155 and 384.25.

156 (2) Each such licensee or certificateholder shall submit  
157 confirmation of having completed the said course required under  
158 subsection (1), on a form as provided by the board, when  
159 submitting fees for each biennial renewal.

160 (3) The board shall have the authority to approve  
161 additional equivalent courses that may be used to satisfy the  
162 requirements in subsection (1). Each licensing board that  
163 requires a licensee to complete an educational course pursuant  
164 to this section may count the hours required for completion of  
165 the course included in the total continuing educational  
166 requirements as required by law.

167 (4) Any person holding two or more licenses subject to the  
168 provisions of this section shall be permitted to show proof of

169 having taken one board-approved course on human immunodeficiency  
 170 virus and acquired immune deficiency syndrome, for purposes of  
 171 relicensure or recertification for additional licenses.

172 (5) Failure to comply with the above requirements shall  
 173 constitute grounds for disciplinary action under each respective  
 174 licensing chapter and s. 456.072(1)(e). In addition to  
 175 discipline by the board, the licensee shall be required to  
 176 complete the course.

177 ~~(6) The board shall require as a condition of granting a~~  
 178 ~~license under the chapters and parts specified in subsection (1)~~  
 179 ~~that an applicant making initial application for licensure~~  
 180 ~~complete an educational course acceptable to the board on human~~  
 181 ~~immunodeficiency virus and acquired immune deficiency syndrome.~~  
 182 ~~An applicant who has not taken a course at the time of licensure~~  
 183 ~~shall, upon an affidavit showing good cause, be allowed 6 months~~  
 184 ~~to complete this requirement.~~

185 (6)~~(7)~~ The board shall have the authority to adopt rules  
 186 to carry out the provisions of this section.

187 ~~(8) The board shall report to the Legislature by March 1~~  
 188 ~~of each year as to the implementation and compliance with the~~  
 189 ~~requirements of this section.~~

190 ~~(9)(a) In lieu of completing a course as required in~~  
 191 ~~subsection (1), the licensee may complete a course in end-of-~~  
 192 ~~life care and palliative health care, so long as the licensee~~  
 193 ~~completed an approved AIDS/HIV course in the immediately~~  
 194 ~~preceding biennium.~~

195 ~~(b) In lieu of completing a course as required by~~  
 196 ~~subsection (1), a person licensed under chapter 466 who has~~

197 ~~completed an approved AIDS/HIV course in the immediately~~  
 198 ~~preceding 2 years may complete a course approved by the Board of~~  
 199 ~~Dentistry.~~

200 (7) The following requirements apply to each person  
 201 licensed or certified under chapter 457; chapter 458; chapter  
 202 459; chapter 461; chapter 463; part I of chapter 464; chapter  
 203 465; chapter 466; part II, part III, part V, or part X of  
 204 chapter 468; or chapter 486:

205 (a) Each person shall be required by the appropriate board  
 206 to complete a continuing education course described in section  
 207 (1) no later than upon first renewal.

208 (b) Each person shall submit confirmation described in  
 209 subsection (2) when submitting fees for first renewal.

210 (c) Each person shall be subject to subsections (3), (4),  
 211 and (5).

212 Section 4. Subsection (3) of section 464.013, Florida  
 213 Statutes, is amended to read:

214 464.013 Renewal of license or certificate.--

215 (3) The board shall by rule prescribe continuing education  
 216 not to exceed 30 hours biennially as a condition for renewal of  
 217 a license or certificate. The criteria for programs shall be  
 218 approved by the board. A licensee who provides proof of current  
 219 specialty board certification by a credentialing agency approved  
 220 by the board shall be exempt from this requirement provided the  
 221 licensee is actively engaged in maintaining his or her  
 222 certification.



223 Section 5. Paragraph (e) is added to subsection (2) of  
 224 section 464.019, Florida Statutes, and subsection (6) of that  
 225 section is amended, to read:

226 464.019 Approval of nursing programs.--

227 (2)

228 (e) The board's authority to adopt rules relating to  
 229 faculty qualifications is subject to the following criteria:

230 1. Each nursing faculty member must be currently licensed  
 231 to practice professional nursing in this state.

232 2. Each clinical faculty member supervising a student  
 233 fulfilling clinical hour requirements must hold a license or  
 234 privilege to practice and meet requirements in the state of the  
 235 student's clinical site.

236 3. Nursing faculty who teach in a program leading to  
 237 licensure as a practical nurse must:

238 a. Have a minimum of a baccalaureate degree, with 40  
 239 percent of such faculty having a bachelor's degree in nursing.  
 240 All such faculty must be able to demonstrate a theoretical and  
 241 clinical competence for each assigned area of instruction.

242 b. Have a total of 5 years of acute care experience, at  
 243 least 3 years of which must have occurred within the 3 years  
 244 immediately preceding the appointment.

245 (6) Any nursing program that maintains accreditation  
 246 through a nursing accrediting body recognized by the United  
 247 States Department of Education shall be exempt from the rules of  
 248 the board except as provided in ~~paragraphs~~ paragraph (2)(b) and  
 249 (e), provided such exemption shall apply only to the extent the  
 250 program maintains a student pass rate on the National Clinical

251 Licensure Examination of not less than 10 percentage points  
 252 below the national average pass rate as reported annually by the  
 253 National Council of State Boards of Nursing.

254 Section 6. Subsection (5) of section 458.319, Florida  
 255 Statutes, is renumbered as subsection (4), and present  
 256 subsection (4) of that section is amended to read:

257 458.319 Renewal of license.--

258 ~~(4) Notwithstanding the provisions of s. 456.033, a~~  
 259 ~~physician may complete continuing education on end of life care~~  
 260 ~~and palliative care in lieu of continuing education in AIDS/HIV,~~  
 261 ~~if that physician has completed the AIDS/HIV continuing~~  
 262 ~~education in the immediately preceding biennium.~~

263 Section 7. Subsection (5) of section 459.008, Florida  
 264 Statutes, is amended to read:

265 459.008 Renewal of licenses and certificates.--

266 ~~(5) Notwithstanding the provisions of s. 456.033, an~~  
 267 ~~osteopathic physician may complete continuing education on end-~~  
 268 ~~of life and palliative care in lieu of continuing education in~~  
 269 ~~AIDS/HIV, if that physician has completed the AIDS/HIV~~  
 270 ~~continuing education in the immediately preceding biennium.~~

271 Section 8. This act shall take effect July 1, 2006.