

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 ss. 458.319 and 459.008,  
 15      F.S.; removing alternative continuing education  
 16      provisions, to conform; providing an effective date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:  
 19

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

22           456.013 Department; general licensing provisions.--  
 23           (6) As a condition of renewal of a license, the Board of  
 24 Medicine, the Board of Osteopathic Medicine, the Board of  
 25 Chiropractic Medicine, and the Board of Podiatric Medicine shall  
 26 each require licensees which they respectively regulate to  
 27 periodically demonstrate their professional competency by  
 28 completing at least 40 hours of continuing education every 2

HB 1453

2006

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

57 another licensee is disciplined, for serving as a volunteer  
 58 expert witness for the department in a disciplinary case, or for  
 59 serving as a member of a probable cause panel following the  
 60 expiration of a board member's term.

61 Section 2. Section 456.031, Florida Statutes, is amended  
 62 to read:

63 456.031 Requirement for instruction on domestic  
 64 violence.--

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

82 (b) Each such licensee or certificateholder shall submit  
 83 confirmation of having completed such course, on a form provided

HB 1453

2006

84 by the board, when submitting fees for first ~~each biennial~~  
85 renewal.

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

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

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

104 ~~(2) The board shall also require, as a condition of~~  
105 ~~granting a license under any chapter specified in paragraph~~  
106 ~~(1)(a), that each applicant for initial licensure under the~~  
107 ~~appropriate chapter complete an educational course acceptable to~~  
108 ~~the board on domestic violence which is substantially equivalent~~  
109 ~~to the course required in subsection (1). An applicant who has~~  
110 ~~not taken such course at the time of licensure shall, upon~~

111 ~~submission of an affidavit showing good cause, be allowed 6~~  
 112 ~~months to complete such requirement.~~

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

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

123 ~~(2)(4)~~ Each board may adopt rules to carry out the  
 124 provisions of this section.

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

130 Section 3. Section 456.033, Florida Statutes, is amended  
 131 to read:

132 456.033 Requirement for instruction for certain licensees  
 133 on HIV and AIDS.--

134 (1) The appropriate board shall require each person  
 135 licensed or certified under ~~chapter 457; chapter 458; chapter~~  
 136 ~~459; chapter 460; chapter 461; chapter 463; part I of chapter~~  
 137 ~~464; chapter 465; chapter 466; part II, part III, part V, or~~  
 138 ~~part X of chapter 468; or chapter 486 to complete a continuing~~

HB 1453

2006

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

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

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

164 (4) Any person holding two or more licenses subject to the  
165 provisions of this section shall be permitted to show proof of  
166 having taken one board-approved course on human immunodeficiency

167 virus and acquired immune deficiency syndrome, for purposes of  
 168 relicensure or recertification for additional licenses.

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

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

182 (6)(7) The board shall have the authority to adopt rules  
 183 to carry out the provisions of this section.

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

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

192 ~~(b) In lieu of completing a course as required by~~  
 193 ~~subsection (1), a person licensed under chapter 466 who has~~  
 194 ~~completed an approved AIDS/HIV course in the immediately~~

195 ~~preceding 2 years may complete a course approved by the Board of~~  
 196 ~~Dentistry.~~

197 (7) The following requirements apply to each person  
 198 licensed or certified under chapter 457; chapter 458; chapter  
 199 459; chapter 461; chapter 463; part I of chapter 464; chapter  
 200 465; chapter 466; part II, part III, part V, or part X of  
 201 chapter 468; or chapter 486:

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

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

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

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

211 464.013 Renewal of license or certificate.--

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

220 Section 5. Subsection (5) of section 458.319, Florida  
 221 Statutes, is renumbered as subsection (4), and present  
 222 subsection (4) of that section is amended to read:



HB 1453

2006

223 458.319 Renewal of license.--

224 ~~(4) Notwithstanding the provisions of s. 456.033, a~~  
 225 ~~physician may complete continuing education on end-of-life care~~  
 226 ~~and palliative care in lieu of continuing education in AIDS/HIV,~~  
 227 ~~if that physician has completed the AIDS/HIV continuing~~  
 228 ~~education in the immediately preceding biennium.~~

229 Section 6. Subsection (5) of section 459.008, Florida  
 230 Statutes, is amended to read:

231 459.008 Renewal of licenses and certificates.--

232 ~~(5) Notwithstanding the provisions of s. 456.033, an~~  
 233 ~~osteopathic physician may complete continuing education on end-~~  
 234 ~~of life and palliative care in lieu of continuing education in~~  
 235 ~~AIDS/HIV, if that physician has completed the AIDS/HIV~~  
 236 ~~continuing education in the immediately preceding biennium.~~

237 Section 7. This act shall take effect July 1, 2006.