

By Senator Webster

9-1435-06

1                                   A bill to be entitled  
2           An act relating to naturopathic medicine;  
3           changing the title of ch. 462, F.S., from  
4           "Naturopathy" to "Naturopathic Medicine";  
5           amending s. 462.01, F.S.; revising and  
6           providing definitions; creating s. 462.0215,  
7           F.S.; creating the Board of Licensed  
8           Naturopathic Physicians; providing membership  
9           and duties of the board; providing guidelines  
10          for probable cause panels and disciplinary  
11          decisions; providing applicability of ch. 456,  
12          F.S.; amending s. 462.023, F.S.; providing  
13          powers and duties of the board under ch. 462,  
14          F.S., including rulemaking authority; deleting  
15          obsolete provisions; amending s. 462.08, F.S.;  
16          conforming terminology; amending s. 462.11,  
17          F.S.; conforming and correcting terminology;  
18          amending s. 462.13, F.S.; providing additional  
19          powers and duties of the board; amending s.  
20          462.14, F.S.; specifying authority of the  
21          department and the board with respect to  
22          disciplinary action and revising grounds for  
23          disciplinary action with respect to such  
24          authority; conforming terminology; amending s.  
25          462.16, F.S.; specifying authority for setting  
26          the fee for the reissuance of license under  
27          certain circumstances; conforming terminology;  
28          amending s. 462.17, F.S.; providing penalties  
29          for falsely using certain titles; amending s.  
30          462.18, F.S., relating to educational  
31          requirements; conforming terminology; amending

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

30  
31 Be It Enacted by the Legislature of the State of Florida:

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

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

6           462.01 Definitions.--As used in this chapter, the  
7 term:

8           (1) "Approved naturopathic medical program" means:

9           (a) A naturopathic medical education program in the  
10 United States accredited by the Council on Naturopathic  
11 Medical Education or an equivalent federally recognized  
12 accrediting body for the naturopathic medical profession  
13 recognized by the board. This program shall offer  
14 graduate-level, full-time didactic and supervised clinical  
15 training leading to the degree of Doctor of Naturopathic  
16 Medicine. Additionally, the program shall be an institution,  
17 or part of an institution, of higher education that is either  
18 accredited or is a candidate for accreditation by an  
19 institutional accrediting agency recognized by the United  
20 States Secretary of Education; or

21           (b) A degree-granting college or university that is  
22 reputable and in good standing in the judgment of the board  
23 and that offers a full-time structured curriculum in basic  
24 sciences and supervised patient care comprising a doctoral  
25 naturopathic medical education. As a prerequisite to  
26 graduation, a student shall be enrolled for not less than 132  
27 weeks and shall complete the course of study within a period  
28 of not less than 35 months.

29           (2) "Board" means the Board of Licensed Naturopathic  
30 Physicians.

31           ~~(3)~~(2) "Department" means the Department of Health.

1           (4) "Doctor of naturopathic medicine," "naturopathic  
2 doctor," or "naturopathic physician" means a person licensed  
3 to practice naturopathic medicine under this chapter.

4           (5)(1) "Natureopathy" and "Naturopathy" are shall be  
5 construed as synonymous terms. Naturopathy means a system of  
6 health care practice which employs natural health modalities,  
7 substances, and education to promote health. The terms  
8 "natureopathy," "naturopathy," "naturopathic practitioner,"  
9 "naturopath," and "naturopathic medicine" are not synonymous  
10 with "doctor of naturopathic medicine" or "naturopathic  
11 physician" and the practice of naturopathy and the use of  
12 these terms are not restricted or regulated by or under this  
13 chapter and mean. A doctor of naturopathic medicine employs  
14 the use and practice of psychological, mechanical, and  
15 material health sciences to aid in purifying, cleansing, and  
16 normalizing human tissues for the preservation or restoration  
17 of health, according to the fundamental principles of anatomy,  
18 physiology, and applied psychology, as may be required.  
19 Naturopathic medicine practice employs, among other agencies,  
20 phytotherapy, dietetics, psychotherapy, suggestotherapy,  
21 hydrotherapy, zone therapy, biochemistry, external  
22 applications, electrotherapy, mechanotherapy, mechanical and  
23 electrical appliances, hygiene, first aid, sanitation,  
24 administration of vitamins, food, and food supplements, and  
25 heliotherapy. ; provided, However, that nothing in this chapter  
26 shall be held or construed to authorize any doctor of  
27 naturopathic medicine, naturopathic doctor, or naturopathic  
28 physician licensed under this chapter hereunder to practice  
29 materia medica, or surgery, or chiropractic medicine, the  
30 examination, diagnosis, and treatment of teeth and gums,  
31 acupuncture, oriental medicine, child birth attendance, or

1 ~~midwifery,~~ nor shall the provisions of this ~~chapter law~~ in any  
2 manner apply to or affect the practice of osteopathic  
3 medicine, chiropractic medicine, Christian Science,  
4 naturopathy, or any other treatment authorized and provided  
5 for by law for the cure or prevention of disease and ailments.

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

10 (a) Medical diagnostics and treatments as provided by  
11 this chapter; and

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

14 Section 3. Section 462.0215, Florida Statutes, is  
15 created to read:

16 462.0215 Board of Licensed Naturopathic Physicians.--

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

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

21 1. Licensed doctors of naturopathic medicine or  
22 naturopathic physicians in good standing in this state who are  
23 residents of the state and who have been engaged in the  
24 practice of naturopathic medicine for at least 5 years; or

25 2. Persons who have been teaching naturopathic  
26 medicine and who hold a doctorate of naturopathic medicine  
27 from an institution accredited by an accrediting agency  
28 recognized by the United States Secretary of Education.

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

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

3           (3) For the purpose of staggering terms, the Governor  
4 shall initially appoint to the board three members for terms  
5 of 4 years each, two members for terms of 3 years each, and  
6 two members for terms of 2 years each. As the terms of board  
7 members expire, the Governor shall appoint successors for  
8 terms of 4 years and such members shall serve until their  
9 successors are appointed.

10           (4) The board, in conjunction with the department,  
11 shall establish a disciplinary training program for members of  
12 the board. The program shall provide for initial and periodic  
13 training in the grounds for disciplinary action, the actions  
14 that may be taken by the board and the department, changes in  
15 relevant statutes and rules, and any relevant judicial and  
16 administrative decisions. A member of the board may not  
17 participate on a probable cause panel or in a disciplinary  
18 decision of the board unless she or he has completed the  
19 disciplinary training program.

20           (5) During the time members of the board serve on a  
21 probable cause panel, they shall attempt to complete their  
22 work on every case presented to them. If consideration of a  
23 case is begun but is not completed during the term of the  
24 board members on the panel, they may reconvene as a probable  
25 cause panel for the purpose of completing their deliberations  
26 on that case.

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

29           Section 4. Section 462.023, Florida Statutes, is  
30 amended to read:  
31

1           462.023 Powers and duties of the board and the  
2 department.--The board and the department may adopt such rules  
3 as are necessary to carry out the purposes of this chapter,  
4 may initiate disciplinary action as provided by this chapter,  
5 and shall establish fees as provided by this chapter based on  
6 their ~~its~~ estimates of the revenue required to administer this  
7 chapter provided the fees do ~~but shall~~ not exceed the fee  
8 amounts provided in this chapter. ~~The department shall not~~  
9 ~~adopt any rules which would cause any person who was not~~  
10 ~~licensed in accordance with this chapter on July 1, 1959, and~~  
11 ~~had not been a resident of the state for 2 years prior to such~~  
12 ~~date, to become licensed.~~

13           Section 5. Section 462.08, Florida Statutes, is  
14 amended to read:

15           462.08 Renewal of license to practice naturopathic  
16 medicine naturopathy.--Each licensee ~~licenseholder~~ shall  
17 biennially renew her or his license to practice naturopathic  
18 medicine naturopathy. The applicant must furnish to the board  
19 ~~department~~ such evidence as it requires of the applicant's  
20 compliance with s. 462.18, relating to educational  
21 requirements. The biennial renewal fee, the amount of which  
22 shall be determined by the board ~~department~~ but which may not  
23 exceed \$1,000, must be paid at the time the application for  
24 renewal of the license is filed.

25           Section 6. Section 462.11, Florida Statutes, is  
26 amended to read:

27           462.11 Doctors of naturopathic medicine, naturopathic  
28 doctors, or naturopathic physicians ~~Naturopaths~~ to observe  
29 regulations.--Doctors of naturopathic medicine, naturopathic  
30 doctors, or naturopathic physicians ~~naturopathy~~ shall observe  
31 and be subject to all state, county, and municipal regulations

1 | in regard to the control of contagious and infectious  
2 | diseases, the reporting of births and deaths, and to any and  
3 | all other matters pertaining to the public health in the same  
4 | manner as is required of other practitioners of the healing  
5 | arts ~~art~~.

6 |         Section 7. Section 462.13, Florida Statutes, is  
7 | amended to read:

8 |         462.13 Additional powers and duties of the department  
9 | and the board. The department and the board may administer  
10 | oaths, summon witnesses, and take testimony in all matters  
11 | relating to their ~~its~~ duties pursuant to this chapter. Every  
12 | unrevoked license shall be presumptive evidence in all courts  
13 | and places that the person therein named is legally licensed  
14 | to practice naturopathic medicine ~~naturopathy~~. The department  
15 | and the board shall aid the prosecuting attorneys of the state  
16 | in the enforcement of this chapter.

17 |         Section 8. Section 462.14, Florida Statutes, is  
18 | amended to read:

19 |         462.14 Grounds for disciplinary action; action by the  
20 | department or the board.--

21 |         (1) The following acts constitute grounds for denial  
22 | of a license or disciplinary action, as specified in s.  
23 | 456.072(2):

24 |         (a) Attempting to obtain, obtaining, or renewing a  
25 | license to practice naturopathic medicine by bribery, by  
26 | fraudulent misrepresentation, or through an error of the  
27 | department or the board.

28 |         (b) Having a license to practice naturopathic medicine  
29 | revoked, suspended, or otherwise acted against, including the  
30 | denial of licensure, by the licensing authority of another  
31 | state, territory, or country.



1 (c) Being convicted or found guilty, regardless of  
2 adjudication, of a crime in any jurisdiction which directly  
3 relates to the practice of naturopathic medicine or to the  
4 ability to practice naturopathic medicine. Any plea of nolo  
5 contendere shall be considered a conviction for purposes of  
6 this chapter.

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

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

10 (f) Failing to report to the department any person who  
11 the licensee knows is in violation of this chapter or of the  
12 rules of the department or the board.

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

16 (h) Failing to perform any statutory or legal  
17 obligation placed upon a licensed doctor of naturopathic  
18 medicine, naturopathic doctor, or naturopathic physician.

19 (i) Making or filing a report which the licensee knows  
20 to be false, intentionally or negligently failing to file a  
21 report or record required by state or federal law, willfully  
22 impeding or obstructing such filing or inducing another person  
23 to do so. Such reports or records shall include only those  
24 which are signed in the capacity as a licensed doctor of  
25 naturopathic medicine, naturopathic doctor, or naturopathic  
26 physician.

27 (j) Paying or receiving any commission, bonus,  
28 kickback, or rebate, or engaging in any split-fee arrangement  
29 in any form whatsoever with a physician, organization, agency,  
30 or person, either directly or indirectly, for patients  
31 referred to providers of health care goods and services,

1 including, but not limited to, hospitals, nursing homes,  
2 clinical laboratories, ambulatory surgical centers, or  
3 pharmacies. The provisions of this paragraph shall not be  
4 construed to prevent a doctor of naturopathic medicine,  
5 naturopathic doctor, or naturopathic physician from receiving  
6 a fee for professional consultation services.

7 (k) Exercising influence within a patient-physician  
8 relationship for purposes of engaging a patient in sexual  
9 activity. A patient shall be presumed to be incapable of  
10 giving free, full, and informed consent to sexual activity  
11 with her or his physician.

12 (l) Making deceptive, untrue, or fraudulent  
13 representations in the practice of naturopathic medicine or  
14 employing a trick or scheme in the practice of naturopathic  
15 medicine when such scheme or trick fails to conform to the  
16 generally prevailing standards of treatment in the medical  
17 community.

18 (m) Soliciting patients, either personally or through  
19 an agent, through the use of fraud, intimidation, undue  
20 influence, or a form of overreaching or vexatious conduct. A  
21 "solicitation" is any communication which directly or  
22 implicitly requests an immediate oral response from the  
23 recipient.

24 (n) Failing to keep written medical records justifying  
25 the course of treatment of the patient, including, but not  
26 limited to, patient histories, examination results, test  
27 results, X rays, and records of the prescribing, dispensing,  
28 and administering of drugs.

29 (o) Exercising influence on the patient or client in  
30 such a manner as to exploit the patient or client for the  
31 financial gain of the licensee or of a third party, which

1 shall include, but not be limited to, the promoting or selling  
2 of services, goods, appliances, or drugs and the promoting or  
3 advertising on any prescription form of a community pharmacy  
4 unless the form also states "This prescription may be filled  
5 at any pharmacy of your choice."

6 (p) Performing professional services which have not  
7 been duly authorized by the patient or client, or her or his  
8 legal representative, except as provided in s. 743.064, s.  
9 766.103, or s. 768.13.

10 (q) Prescribing, dispensing, administering, mixing, or  
11 otherwise preparing a legend drug, including any controlled  
12 substance, other than in the course of the doctor of  
13 naturopathic medicine's, naturopathic doctor's, or  
14 naturopathic physician's professional practice. For the  
15 purposes of this paragraph, it shall be legally presumed that  
16 prescribing, dispensing, administering, mixing, or otherwise  
17 preparing legend drugs, including all controlled substances,  
18 inappropriately or in excessive or inappropriate quantities is  
19 not in the best interest of the patient and is not in the  
20 course of the doctor of naturopathic medicine's, naturopathic  
21 doctor's, or naturopathic physician's professional practice,  
22 without regard to her or his intent.

23 (r) Prescribing, dispensing, or administering any  
24 medicinal drug appearing on any schedule set forth in chapter  
25 893 by the doctor of naturopathic medicine, naturopathic  
26 doctor, or naturopathic physician to herself or himself,  
27 except one prescribed, dispensed, or administered to the  
28 doctor of naturopathic medicine, naturopathic doctor, or  
29 naturopathic physician by another practitioner authorized to  
30 prescribe, dispense, or administer medicinal drugs.  
31

1           (s) Being unable to practice naturopathic medicine  
2 with reasonable skill and safety to patients by reason of  
3 illness or use of alcohol, drugs, narcotics, chemicals, or any  
4 other type of material or as a result of any mental or  
5 physical condition. In enforcing this paragraph, the  
6 department shall have, upon probable cause, authority to  
7 compel a doctor of naturopathic medicine, naturopathic doctor,  
8 or naturopathic physician to submit to a mental or physical  
9 examination by physicians designated by the department. The  
10 failure of a doctor of naturopathic medicine, naturopathic  
11 doctor, or naturopathic physician to submit to such an  
12 examination when so directed shall constitute an admission of  
13 the allegations against her or him upon which a default and  
14 final order may be entered without the taking of testimony or  
15 presentation of evidence, unless the failure was due to  
16 circumstances beyond the doctor of naturopathic medicine's,  
17 naturopathic doctor's, or naturopathic physician's control. A  
18 doctor of naturopathic medicine, naturopathic doctor, or  
19 naturopathic physician affected under this paragraph shall at  
20 reasonable intervals be afforded an opportunity to demonstrate  
21 that she or he can resume the competent practice of  
22 naturopathic medicine with reasonable skill and safety to  
23 patients. In any proceeding under this paragraph, neither the  
24 record of proceedings nor the orders entered by the department  
25 may be used against a doctor of naturopathic medicine,  
26 naturopathic doctor, or naturopathic physician in any other  
27 proceeding.

28           (t) Gross or repeated malpractice or the failure to  
29 practice naturopathic medicine with that level of care, skill,  
30 and treatment which is recognized by a reasonably prudent  
31 similar physician as being acceptable under similar conditions

1 and circumstances. The board ~~department~~ shall give great  
2 weight to the provisions of s. 766.102 when enforcing this  
3 paragraph.

4 (u) Performing any procedure or prescribing any  
5 therapy which, by the prevailing standards of medical practice  
6 in the community, constitutes experimentation on a human  
7 subject, without first obtaining full, informed, and written  
8 consent.

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

13 (w) Delegating professional responsibilities to a  
14 person when the licensee delegating such responsibilities  
15 knows or has reason to know that such person is not qualified  
16 by training, experience, or licensure to perform them.

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

20 (y) Conspiring with another licensee or with any other  
21 person to commit an act, or committing an act, which would  
22 tend to coerce, intimidate, or preclude another licensee from  
23 lawfully advertising her or his services.

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

26 (aa) Presigning blank prescription forms.

27 (bb) Prescribing by the doctor of naturopathic  
28 medicine, naturopathic doctor, or naturopathic physician ~~for~~  
29 ~~office use~~ any controlled substance medicinal drug appearing  
30 on Schedule I, Schedule II, or Schedule III in chapter 893.  
31

1           (cc) Prescribing, ordering, dispensing, administering,  
2 supplying, selling, or giving any drug which is an amphetamine  
3 or sympathomimetic amine drug, or a compound designated  
4 pursuant to chapter 893 as a Schedule II controlled substance  
5 to or for any person except for:

6           1. The treatment of narcolepsy; hyperkinesis;  
7 behavioral syndrome in children characterized by the  
8 developmentally inappropriate symptoms of moderate to severe  
9 distractability, short attention span, hyperactivity,  
10 emotional lability, and impulsivity; or drug-induced brain  
11 dysfunction.

12           2. The differential diagnostic psychiatric evaluation  
13 of depression or the treatment of depression shown to be  
14 refractory to other therapeutic modalities.

15           3. The clinical investigation of the effects of such  
16 drugs or compounds when an investigative protocol therefor is  
17 submitted to, reviewed, and approved by the board ~~department~~  
18 before such investigation is begun.

19           (dd) Prescribing, ordering, dispensing, administering,  
20 supplying, selling, or giving growth hormones, testosterone or  
21 its analogs, human chorionic gonadotropin (HCG), or other  
22 hormones for the purpose of muscle building or to enhance  
23 athletic performance. For the purposes of this subsection, the  
24 term "muscle building" does not include the treatment of  
25 injured muscle. A prescription written for the drug products  
26 listed above may be dispensed by the pharmacist with the  
27 presumption that the prescription is for legitimate medical  
28 use.

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

31

1           (2) The ~~board department~~ may enter an order denying  
2 licensure or imposing any of the penalties in s. 456.072(2)  
3 against any applicant for licensure or licensee who is found  
4 guilty of violating any provision of subsection (1) of this  
5 section or who is found guilty of violating any provision of  
6 s. 456.072(1).

7           (3) The ~~board department~~ shall not reinstate the  
8 license of a doctor of naturopathic medicine, naturopathic  
9 doctor, or naturopathic physician until such time as the board  
10 ~~department~~ is satisfied that such person has complied with all  
11 the terms and conditions set forth in the final order and that  
12 such person is capable of safely engaging in the practice of  
13 naturopathic medicine.

14           (4) The ~~board department~~ shall by rule establish  
15 guidelines for the disposition of disciplinary cases involving  
16 specific types of violations. Such guidelines may include  
17 minimum and maximum fines, periods of supervision or  
18 probation, or conditions of probation or reissuance of a  
19 license.

20           Section 9. Section 462.16, Florida Statutes, is  
21 amended to read:

22           462.16 Reissue of license.--Any person who practices  
23 naturopathic medicine ~~shall practice naturopathy~~ after her or  
24 his license has been revoked ~~and registration annulled~~ shall  
25 be deemed to have practiced naturopathic medicine ~~naturopathy~~  
26 without a license; ~~provided,~~ however, at any time after 6  
27 months after the date of license revocation ~~said conviction~~,  
28 the department may grant a license to the person affected,  
29 restoring to her or him all the rights and privileges of and  
30 pertaining to the practice of naturopathic medicine  
31

1 ~~naturopathy~~ as defined and regulated by this chapter. The fee  
2 therefor shall be set by the board not to exceed \$250.

3 Section 10. Section 462.17, Florida Statutes, is  
4 amended to read:

5 462.17 Penalty for offenses relating to naturopathic  
6 medicine ~~naturopathy~~.--Any person who shall:

7 (1) Sell, fraudulently obtain, or furnish any  
8 naturopathic medicine diploma, license, record, or  
9 registration or aid or abet in the same;

10 (2) Practice naturopathic medicine ~~naturopathy~~ under  
11 the cover of any diploma, license, record, or registration  
12 illegally or fraudulently obtained or secured or issued  
13 unlawfully or upon fraudulent representations;

14 (3) Advertise to practice naturopathic medicine  
15 ~~naturopathy~~ under a name other than her or his own or under an  
16 assumed name;

17 (4) Falsely impersonate another practitioner of a like  
18 or different name;

19 (5) Use the title or claim to be a "licensed  
20 naturopathic physician," "naturopathic physician," "doctor of  
21 naturopathic medicine," "licensed doctor of naturopathic  
22 medicine," or "naturopathic medicine doctor," in connection  
23 with providing health care services or use a title after the  
24 person's name which signifies completing the requirements of a  
25 doctorate degree in violation of s. 817.567. Using the terms  
26 "natureopathy," "naturopathy," "naturopathic practitioner,"  
27 "naturopath," or "naturopathic medicine is not prohibited  
28 ~~Practice or advertise to practice naturopathy or use in~~  
29 ~~connection with her or his name any designation tending to~~  
30 ~~imply or to designate the person as a practitioner of~~  
31



1 ~~naturopathy without then being lawfully licensed and~~  
2 ~~authorized to practice naturopathy in this state; or~~

3 (6) Practice naturopathic medicine ~~naturopathy~~ during  
4 the time her or his license is suspended or revoked

5  
6 commits ~~shall be guilty of~~ a felony of the third degree,  
7 punishable as provided in s. 775.082, s. 775.083, or s.  
8 775.084.

9 Section 11. Section 462.18, Florida Statutes, is  
10 amended to read:

11 462.18 Educational requirements.--

12 (1) At the time each licensee shall renew her or his  
13 license as otherwise provided in this chapter, each licensee,  
14 ~~beginning with the license renewal due May 1, 1944,~~ in  
15 addition to the payment of the regular renewal fee, shall  
16 furnish to the board ~~department~~ satisfactory evidence that, in  
17 the year preceding each such application for renewal, the  
18 licensee has attended the 2-day educational program as  
19 promulgated and conducted by the Florida Naturopathic  
20 Physicians Association, Inc., or, as a substitute therefor,  
21 the equivalent of that program as approved by the board  
22 ~~department~~. The department shall send a written notice to this  
23 effect to every person holding a valid license to practice  
24 naturopathic medicine ~~naturopathy~~ within this state at least  
25 30 days prior to May 1 in each biennial year, directed to the  
26 last known address of such licensee, and shall enclose with  
27 the notice proper blank forms for application for ~~annual~~  
28 license renewal. All of the details and requirements of the  
29 ~~aforsaid~~ educational program shall be adopted and prescribed  
30 by the board ~~department~~. In the event of national emergencies,  
31 or for sufficient reason, the board may ~~department shall have~~

1 ~~the power to~~ excuse ~~the~~ naturopathic physicians as a group or  
2 as individuals from taking this postgraduate course.

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

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

8 462.19 Renewal of license; inactive status.--

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

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

15 462.193 Licensure by examination; requirements;  
16 fees.--

17 (1) Any person desiring to be licensed as a doctor of  
18 naturopathic medicine, naturopathic doctor, or naturopathic  
19 physician shall apply to the department on forms furnished by  
20 the department. The department shall license each applicant  
21 who the board certifies:

22 (a) Has completed the application form and remitted a  
23 nonrefundable application fee set by the board not to exceed  
24 \$500.

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

26 (c) Is of good moral character.

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

31

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

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

9           1. Is a graduate of an approved naturopathic medical  
10 program;

11           2. Is a graduate of an approved school of naturopathic  
12 medicine which is licensed by the Florida Commission for  
13 Independent Education to grant the degree of Doctor of  
14 Naturopathic Medicine; or

15           3. Is a graduate of a foreign medical school certified  
16 by the Educational Commission for Foreign Medical Graduates  
17 (ECFMG) to be examined in the basic and clinical medical  
18 sciences, or a graduate of an accredited United States  
19 allopathic, chiropractic, or osteopathic medical school, and  
20 has completed a 2-year course in naturopathic medicine from an  
21 approved naturopathic medical program.

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

27           (h) Has obtained a passing score on a competency-based  
28 national naturopathic licensing examination administered by  
29 the North American Board of Naturopathic Examiners or an  
30 equivalent agency recognized by the board. For graduates of  
31 approved naturopathic schools as defined in s. 462.01(1)(b),

1 eligibility for licensure may be granted upon presentation of  
2 evidence of successful passage of a board-approved state  
3 competency examination or a Canadian provincial examination.  
4 For graduates of foreign medical schools or allopathic,  
5 osteopathic, or chiropractic medical schools who have  
6 completed a 2-year course in naturopathic medicine from an  
7 approved naturopathic medical program, eligibility for  
8 licensure may be granted upon presentation of evidence of  
9 successful passage of the applicable medical examinations,  
10 parts one and two.  
11 (i) Has completed an approved internship or residency  
12 of at least 1 year.  
13 (j) Is physically and mentally fit to practice as a  
14 doctor of naturopathic medicine, naturopathic doctor, or  
15 naturopathic physician.  
16 (k) Has not had her or his license to practice any  
17 profession refused, revoked, or suspended by any other state,  
18 district, or territory of the United States or another country  
19 for reasons that relate to her or his ability to skillfully  
20 and safely practice as a doctor of naturopathic medicine,  
21 naturopathic doctor, or naturopathic physician in this state.  
22 (1) Has not been found guilty of a felony.  
23 (2) As prescribed by board rule, the board may require  
24 an applicant who does not pass the licensing examination after  
25 five attempts to complete additional remedial education or  
26 training. The board shall prescribe the additional  
27 requirements in a manner that permits the applicant to  
28 complete the requirements and be reexamined within 2 years  
29 after the date the applicant petitions the board to retake the  
30 examination a sixth or subsequent time.  
31

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

11           (4) The board may not certify to the department for  
12 licensure any applicant who is under investigation in another  
13 jurisdiction for an offense that would constitute a violation  
14 of this chapter until the investigation has been completed.  
15 Upon completion of the investigation, s. 462.14 applies.  
16 Furthermore, the department may not issue an unrestricted  
17 license to any individual who has committed an act or offense  
18 in any jurisdiction which would constitute the basis for  
19 disciplining a doctor of naturopathic medicine, naturopathic  
20 doctor, or naturopathic physician under s. 462.14. If the  
21 board finds that an individual has committed an act or offense  
22 in any jurisdiction which would constitute the basis for  
23 disciplining a doctor of naturopathic medicine, naturopathic  
24 doctor, or naturopathic physician under s. 462.14, the board  
25 may enter an order imposing one or more of the sanctions set  
26 forth in subsection (7).

27           (5) Each applicant who meets the requirements of this  
28 chapter shall be licensed as a doctor of naturopathic  
29 medicine, naturopathic doctor, or naturopathic physician, with  
30 rights as defined by law.  
31

1       (6) Upon certification by the board, the department  
2 shall impose conditions, limitations, or restrictions on a  
3 license if the applicant is on probation in another  
4 jurisdiction for an act that would constitute a violation of  
5 this chapter.

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

11       (a) Refusal to certify to the department an  
12 application for licensure.

13       (b) Certification to the department of an application  
14 for licensure with restrictions on the scope of practice of  
15 the doctor of naturopathic medicine, naturopathic doctor, or  
16 naturopathic physician.

17       (c) Certification to the department of an application  
18 for licensure with placement of the doctor of naturopathic  
19 medicine, naturopathic doctor, or naturopathic physician on  
20 probation for a period of time and subject to such conditions  
21 as the board specifies, including, but not limited to,  
22 requiring the doctor of naturopathic medicine, naturopathic  
23 doctor, or naturopathic physician to submit to treatment,  
24 attend continuing education courses, submit to reexamination,  
25 or work under the supervision of another doctor of  
26 naturopathic medicine, naturopathic doctor, or naturopathic  
27 physician.

28       (8) A physician who holds the doctor of medicine or  
29 doctor of osteopathy degree, who has completed a 1-year  
30 internship approved by the American Medical Association or the  
31 American Osteopathic Association, and who is licensed under

1 this section as a doctor of naturopathic medicine,  
2 naturopathic doctor, or naturopathic physician has rights and  
3 privileges equal to those of physicians licensed under chapter  
4 458 or chapter 459.

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

7 462.195 Exemptions from naturopathic licensure  
8 requirements.--Licensure requirements for practitioners of  
9 naturopathic medicine under this chapter do not apply to:

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

13 (2)(a) Any person providing health care services who  
14 is not licensed under chapter 462 and who does not use the  
15 title or claim to be a "licensed naturopathic physician,"  
16 "naturopathic physician," "doctor of naturopathic medicine,"  
17 "licensed doctor of naturopathic medicine," or "naturopathic  
18 medicine doctor" in connection with providing health care  
19 services or a title after the person's name which signifies  
20 completing the requirements of a doctorate degree, in  
21 violation of s. 817.567.

22 (b) The use of the terms "natureopathy,"  
23 "naturopathy," "naturopathic practitioner," "naturopath," and  
24 "naturopathic medicine" by a person providing health care  
25 services who is not licensed under chapter 462 is not  
26 prohibited.

27 (3) Any individual who is:

28 (a) Engaged in good faith in the practice of the  
29 religious tenets of any church or religious belief, without  
30 the use of prescription drugs; or

31

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

5           (4) Any individual who is administering a domestic or  
6 family remedy.

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

21           (6) This section does not limit or restrict the sale,  
22 use, or recommending the use of a dietary supplement or  
23 homeopathic remedy.

24           Section 15. Section 462.2001, Florida Statutes, is  
25 amended to read:

26           462.2001 Saving clause.--All licenses to practice  
27 naturopathic medicine ~~naturopathy~~ issued pursuant to this  
28 chapter and valid on July 1, 2006 ~~October 1, 1985~~, shall  
29 remain in full force and effect.

30           Section 16. Section 462.30, Florida Statutes, is  
31 created to read:



1           462.30 Naturopathic Medical Formulary Council.--

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

24           (2) The council shall establish a formulary for use by  
25 naturopathic physicians, and, immediately upon adoption  
26 revision of the formulary, the council shall transmit the  
27 approved formulary to the board, which shall adopt the  
28 formulary by temporary rule. The formulary shall be reviewed  
29 annually by the council or at any time at the request of the  
30 board. The formulary may not go beyond the scope of  
31 prescription medicines and medical devices covered by approved

1 naturopathic medical education and training and existing  
2 naturopathic medical formularies or board-approved continuing  
3 education. The naturopathic medical formulary may not include  
4 medicines and devices that are inconsistent with the training  
5 provided by approved naturopathic medical colleges or  
6 universities. This section does not authorize a doctor of  
7 naturopathic medical colleges or universities. This section  
8 does not authorize a doctor of naturopathic medicine,  
9 naturopathic doctor, or naturopathic physician to dispense,  
10 administer, or prescribe any prescription drug as defined in  
11 s. 893.03 or medical device unless such prescription drug or  
12 medical device is specifically included in the naturopathic  
13 medical formulary.

14 Section 17. Section 462.40, Florida Statutes, is  
15 created to read:

16 462.40 Disclosure of medications by patients.--A  
17 patient who is provided prescriptions for medication,  
18 nutrients, or other natural medicine substances by his or her  
19 treating doctor of naturopathic medicine, naturopathic doctor,  
20 or naturopathic physician shall advise his or her primary care  
21 physician or other treating health care provider of the  
22 medications or substances that have been prescribed or  
23 recommended by his or her doctor of naturopathic medicine,  
24 naturopathic doctor, or naturopathic physician. Doctors of  
25 naturopathic medicine, naturopathic doctors, or naturopathic  
26 physicians shall advise their patients of this requirement in  
27 writing, maintain a signed copy of the disclosure in the  
28 medical records of that patient, and provide a copy of the  
29 disclosure to their patients upon request. Failure of any  
30 patient to disclose medication prescribed by a doctor of  
31 naturopathic medicine, naturopathic doctor, or naturopathic

1 physician as required by this section shall establish a  
2 presumption that subsequent injuries sustained by such patient  
3 were caused by the failure to disclose medication prescribed  
4 by a doctor of naturopathic medicine, naturopathic doctor, or  
5 naturopathic physician. This presumption may be rebutted by  
6 clear and convincing evidence that such patient's injuries  
7 were caused by the negligence of the primary care physician.

8       Section 18. Doctors of naturopathic medicine,  
9 naturopathic doctors, or naturopathic physicians who hold a  
10 license on the effective date of this act shall retain the  
11 same rights and privileges as they had before implementation  
12 of the amendments to chapter 462, Florida Statutes, by this  
13 act.

14       Section 19. Paragraph (g) of subsection (3) of section  
15 20.43, Florida Statutes, is amended to read:

16       20.43 Department of Health.--There is created a  
17 Department of Health.

18       (3) The following divisions of the Department of  
19 Health are established:

20       (g) Division of Medical Quality Assurance, which is  
21 responsible for the following boards and professions  
22 established within the division:

23       1. The Board of Acupuncture, created under chapter  
24 457.

25       2. The Board of Medicine, created under chapter 458.

26       3. The Board of Osteopathic Medicine, created under  
27 chapter 459.

28       4. The Board of Chiropractic Medicine, created under  
29 chapter 460.

30       5. The Board of Podiatric Medicine, created under  
31 chapter 461.

- 1           6. The Board of Licensed Naturopathic Physicians  
2 ~~Naturopathy, created as provided~~ under chapter 462.
- 3           7. The Board of Optometry, created under chapter 463.
- 4           8. The Board of Nursing, created under part I of  
5 chapter 464.
- 6           9. Nursing assistants, as provided under part II of  
7 chapter 464.
- 8           10. The Board of Pharmacy, created under chapter 465.
- 9           11. The Board of Dentistry, created under chapter 466.
- 10          12. Midwifery, as provided under chapter 467.
- 11          13. The Board of Speech-Language Pathology and  
12 Audiology, created under part I of chapter 468.
- 13          14. The Board of Nursing Home Administrators, created  
14 under part II of chapter 468.
- 15          15. The Board of Occupational Therapy, created under  
16 part III of chapter 468.
- 17          16. Respiratory therapy, as provided under part V of  
18 chapter 468.
- 19          17. Dietetics and nutrition practice, as provided  
20 under part X of chapter 468.
- 21          18. The Board of Athletic Training, created under part  
22 XIII of chapter 468.
- 23          19. The Board of Orthotists and Prosthetists, created  
24 under part XIV of chapter 468.
- 25          20. Electrolysis, as provided under chapter 478.
- 26          21. The Board of Massage Therapy, created under  
27 chapter 480.
- 28          22. The Board of Clinical Laboratory Personnel,  
29 created under part III of chapter 483.
- 30          23. Medical physicists, as provided under part IV of  
31 chapter 483.

1           24. The Board of Opticianry, created under part I of  
2 chapter 484.

3           25. The Board of Hearing Aid Specialists, created  
4 under part II of chapter 484.

5           26. The Board of Physical Therapy Practice, created  
6 under chapter 486.

7           27. The Board of Psychology, created under chapter  
8 490.

9           28. School psychologists, as provided under chapter  
10 490.

11           29. The Board of Clinical Social Work, Marriage and  
12 Family Therapy, and Mental Health Counseling, created under  
13 chapter 491.

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

16           381.0031 Report of diseases of public health  
17 significance to department.--

18           (1) Any practitioner licensed in this state to  
19 practice medicine, osteopathic medicine, chiropractic  
20 medicine, naturopathic medicine ~~naturopathy~~, or veterinary  
21 medicine; any hospital licensed under part I of chapter 395;  
22 or any laboratory licensed under chapter 483 that diagnoses or  
23 suspects the existence of a disease of public health  
24 significance shall immediately report the fact to the  
25 Department of Health.

26  
27 This section does not affect s. 384.25.

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

30           468.301 Definitions.--As used in this part, the term:  
31

1           (10) "Licensed practitioner" means a person who is  
2 licensed or otherwise authorized by law to practice medicine,  
3 podiatric medicine, chiroprody, osteopathic medicine,  
4 naturopathic medicine ~~naturopathy~~, or chiropractic medicine in  
5 this state.

6           Section 22. Section 476.044, Florida Statutes, is  
7 amended to read:

8           476.044 Exemptions.--This chapter does not apply to  
9 the following persons when practicing pursuant to their  
10 professional responsibilities and duties:

11           (1) Persons authorized under the laws of this state to  
12 practice medicine, surgery, osteopathic medicine, chiropractic  
13 medicine, naturopathic medicine ~~naturopathy~~, or podiatric  
14 medicine;

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

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

18           (4) Persons practicing cosmetology under the laws of  
19 this state;

20           (5) Persons employed in federal, state, or local  
21 institutions, hospitals, or military bases as barbers whose  
22 practice is limited to the inmates, patients, or authorized  
23 military personnel of such institutions, hospitals, or bases;

24           (6) Persons who practice only shampooing as defined in  
25 s. 477.013 and whose practice is limited to the acts described  
26 therein; or

27           (7) Persons whose occupation or practice is confined  
28 solely to cutting, trimming, polishing, or cleansing the  
29 fingernails of any person when said cutting, trimming,  
30 polishing, or cleansing is done in a barbershop licensed  
31 pursuant to this chapter which is carrying on a regular and

1 | customary business of barbering, and such individual has been  
2 | practicing the activities set forth in this subsection prior  
3 | to October 1, 1985.

4 |       Section 23. Paragraph (a) of subsection (1) of section  
5 | 477.0135, Florida Statutes, is amended to read:

6 |           477.0135 Exemptions.--

7 |       (1) This chapter does not apply to the following  
8 | persons when practicing pursuant to their professional or  
9 | occupational responsibilities and duties:

10 |       (a) Persons authorized under the laws of this state to  
11 | practice medicine, surgery, osteopathic medicine, chiropractic  
12 | medicine, massage, naturopathic medicine ~~naturopathy~~, or  
13 | podiatric medicine.

14 |       Section 24. Subsections (2) and (3) of section  
15 | 485.003, Florida Statutes, are amended to read:

16 |           485.003 Definitions.--In construing this chapter, the  
17 | words, phrases, or terms, unless the context otherwise  
18 | indicates, shall have the following meanings:

19 |       (2) "Healing arts" shall mean the practice of  
20 | medicine, surgery, psychiatry, dentistry, osteopathic  
21 | medicine, chiropractic medicine, naturopathic medicine  
22 | ~~naturopathy~~, podiatric medicine, chiropody, psychology,  
23 | clinical social work, marriage and family therapy, mental  
24 | health counseling, and optometry.

25 |       (3) "Practitioner of the healing arts" shall mean a  
26 | person licensed under the laws of the state to practice  
27 | medicine, surgery, psychiatry, dentistry, osteopathic  
28 | medicine, chiropractic medicine, naturopathic medicine  
29 | ~~naturopathy~~, podiatric medicine, chiropody, psychology,  
30 | clinical social work, marriage and family therapy, mental  
31 | health counseling, or optometry within the scope of his or her

1 professional training and competence and within the purview of  
2 the statutes applicable to his or her respective profession,  
3 and who may refer a patient for treatment by a qualified  
4 person, who shall employ hypnotic techniques under the  
5 supervision, direction, prescription, and responsibility of  
6 such referring practitioner.

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

9 486.161 Exemptions.--

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

19 Section 26. Paragraph (h) of subsection (4) of section  
20 627.351, Florida Statutes, is amended to read:

21 627.351 Insurance risk apportionment plans.--

22 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.--

23 (h) As used in this subsection:

24 1. "Health care provider" means hospitals licensed  
25 under chapter 395; physicians licensed under chapter 458;  
26 osteopathic physicians licensed under chapter 459; podiatric  
27 physicians licensed under chapter 461; dentists licensed under  
28 chapter 466; chiropractic physicians licensed under chapter  
29 460; doctors of naturopathic medicine, naturopathic doctors,  
30 or naturopathic physicians ~~naturopaths~~ licensed under chapter  
31 462; nurses licensed under part I of chapter 464; midwives



1 licensed under chapter 467; clinical laboratories registered  
2 under chapter 483; physician assistants licensed under chapter  
3 458 or chapter 459; physical therapists and physical therapist  
4 assistants licensed under chapter 486; health maintenance  
5 organizations certificated under part I of chapter 641;  
6 ambulatory surgical centers licensed under chapter 395; other  
7 medical facilities as defined in subparagraph 2.; blood banks,  
8 plasma centers, industrial clinics, and renal dialysis  
9 facilities; or professional associations, partnerships,  
10 corporations, joint ventures, or other associations for  
11 professional activity by health care providers.

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

23           3. "Health care facility" means any hospital licensed  
24 under chapter 395, health maintenance organization  
25 certificated under part I of chapter 641, ambulatory surgical  
26 center licensed under chapter 395, or other medical facility  
27 as defined in subparagraph 2.

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

30  
31

1           893.02 Definitions.--The following words and phrases  
2 as used in this chapter shall have the following meanings,  
3 unless the context otherwise requires:

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

13           Section 28. Paragraph (g) of subsection (3) of section  
14 921.0022, Florida Statutes, is amended to read:

15           921.0022 Criminal Punishment Code; offense severity  
16 ranking chart.--

17           (3) OFFENSE SEVERITY RANKING CHART

18

19 Florida	Felony	
20 Statute	Degree	Description
		(g) LEVEL 7
24 316.027(1)(b)	2nd	Accident involving death, failure 25 to stop; leaving scene.
26 316.193(3)(c)2.	3rd	DUI resulting in serious bodily 27 injury.

28  
29  
30  
31

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.
31			

1	462.17	3rd	Practicing <u>naturopathic medicine</u>
2			<del>naturopathy</del> 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.
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1	560.123(8)(b)1.	3rd	Failure to report currency or
2			payment instruments exceeding
3			\$300 but less than \$20,000 by
4			money transmitter.
5	560.125(5)(a)	3rd	Money transmitter business by
6			unauthorized person, currency or
7			payment instruments exceeding
8			\$300 but less than \$20,000.
9	655.50(10)(b)1.	3rd	Failure to report financial
10			transactions exceeding \$300 but
11			less than \$20,000 by financial
12			institution.
13	775.21(10)(a)	3rd	Sexual predator; failure to
14			register; failure to renew
15			driver's license or
16			identification card; other
17			registration violations.
18	775.21(10)(b)	3rd	Sexual predator working where
19			children regularly congregate.
20	775.21(10)(g)	3rd	Failure to report or providing
21			false information about a sexual
22			predator; harbor or conceal a
23			sexual predator.
24	782.051(3)	2nd	Attempted felony murder of a
25			person by a person other than the
26			perpetrator or the perpetrator of
27			an attempted felony.
28	782.07(1)	2nd	Killing of a human being by the
29			act, procurement, or culpable
30			negligence of another
31			(manslaughter).

1	782.071	2nd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	2nd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.048(7)	3rd	Aggravated stalking; violation of
19			court order.
20	784.07(2)(d)	1st	Aggravated battery on law
21			enforcement officer.
22	784.074(1)(a)	1st	Aggravated battery on sexually
23			violent predators facility staff.
24	784.08(2)(a)	1st	Aggravated battery on a person 65
25			years of age or older.
26	784.081(1)	1st	Aggravated battery on specified
27			official or employee.
28	784.082(1)	1st	Aggravated battery by detained
29			person on visitor or other
30			detainee.
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1	784.083(1)	1st	Aggravated battery on code
2			inspector.
3	790.07(4)	1st	Specified weapons violation
4			subsequent to previous conviction
5			of s. 790.07(1) or (2).
6	790.16(1)	1st	Discharge of a machine gun under
7			specified circumstances.
8	790.165(2)	2nd	Manufacture, sell, possess, or
9			deliver hoax bomb.
10	790.165(3)	2nd	Possessing, displaying, or
11			threatening to use any hoax bomb
12			while committing or attempting to
13			commit a felony.
14	790.166(3)	2nd	Possessing, selling, using, or
15			attempting to use a hoax weapon
16			of mass destruction.
17	790.166(4)	2nd	Possessing, displaying, or
18			threatening to use a hoax weapon
19			of mass destruction while
20			committing or attempting to
21			commit a felony.
22	796.03	2nd	Procuring any person under 16
23			years for prostitution.
24	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
25			victim less than 12 years of age;
26			offender less than 18 years.
27	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
28			victim 12 years of age or older
29			but less than 16 years; offender
30			18 years or older.
31			

1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)1.	1st	Property stolen, valued at
10			\$100,000 or more; property stolen
11			while causing other property
12			damage; 1st degree grand theft.
13	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
14			less than \$50,000, grand theft in
15			2nd degree.
16	812.014(2)(b)3.	2nd	Property stolen, emergency
17			medical equipment; 2nd degree
18			grand theft.
19	812.0145(2)(a)	1st	Theft from person 65 years of age
20			or older; \$50,000 or more.
21	812.019(2)	1st	Stolen property; initiates,
22			organizes, plans, etc., the theft
23			of property and traffics in
24			stolen property.
25	812.131(2)(a)	2nd	Robbery by sudden snatching.
26	812.133(2)(b)	1st	Carjacking; no firearm, deadly
27			weapon, or other weapon.
28	817.234(8)(a)	2nd	Solicitation of motor vehicle
29			accident victims with intent to
30			defraud.
31			



1	817.234(9)	2nd	Organizing, planning, or
2			participating in an intentional
3			motor vehicle collision.
4	817.234(11)(c)	1st	Insurance fraud; property value
5			\$100,000 or more.
6	817.2341(2)(b)&		
7	(3)(b)	1st	Making false entries of material
8			fact or false statements
9			regarding property values
10			relating to the solvency of an
11			insuring entity which are a
12			significant cause of the
13			insolvency of that entity.
14	825.102(3)(b)	2nd	Neglecting an elderly person or
15			disabled adult causing great
16			bodily harm, disability, or
17			disfigurement.
18	825.103(2)(b)	2nd	Exploiting an elderly person or
19			disabled adult and property is
20			valued at \$20,000 or more, but
21			less than \$100,000.
22	827.03(3)(b)	2nd	Neglect of a child causing great
23			bodily harm, disability, or
24			disfigurement.
25	827.04(3)	3rd	Impregnation of a child under 16
26			years of age by person 21 years
27			of age or older.
28	837.05(2)	3rd	Giving false information about
29			alleged capital felony to a law
30			enforcement officer.
31	838.015	2nd	Bribery.

1	838.016	2nd	Unlawful compensation or reward
2			for official behavior.
3	838.021(3)(a)	2nd	Unlawful harm to a public
4			servant.
5	838.22	2nd	Bid tampering.
6	847.0135(3)	3rd	Solicitation of a child, via a
7			computer service, to commit an
8			unlawful sex act.
9	872.06	2nd	Abuse of a dead human body.
10	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
11			cocaine (or other drug prohibited
12			under s. 893.03(1)(a), (1)(b),
13			(1)(d), (2)(a), (2)(b), or
14			(2)(c)4.) within 1,000 feet of a
15			child care facility, school, or
16			state, county, or municipal park
17			or publicly owned recreational
18			facility or community center.
19	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
20			cocaine or other drug prohibited
21			under s. 893.03(1)(a), (1)(b),
22			(1)(d), (2)(a), (2)(b), or
23			(2)(c)4., within 1,000 feet of
24			property used for religious
25			services or a specified business
26			site.
27	893.13(4)(a)	1st	Deliver to minor cocaine (or
28			other s. 893.03(1)(a), (1)(b),
29			(1)(d), (2)(a), (2)(b), or
30			(2)(c)4. drugs).
31			

1	893.135(1)(a)1.	1st	Trafficking in cannabis, more
2			than 25 lbs., less than 2,000
3			lbs.
4	893.135		
5	(1)(b)1.a.	1st	Trafficking in cocaine, more than
6			28 grams, less than 200 grams.
7	893.135		
8	(1)(c)1.a.	1st	Trafficking in illegal drugs,
9			more than 4 grams, less than 14
10			grams.
11	893.135		
12	(1)(d)1.	1st	Trafficking in phencyclidine,
13			more than 28 grams, less than 200
14			grams.
15	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
16			than 200 grams, less than 5
17			kilograms.
18	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
19			than 14 grams, less than 28
20			grams.
21	893.135		
22	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
23			grams or more, less than 14
24			grams.
25	893.135		
26	(1)(h)1.a.	1st	Trafficking in
27			gamma-hydroxybutyric acid (GHB),
28			1 kilogram or more, less than 5
29			kilograms.
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1	893.135		
2	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
3			kilogram or more, less than 5
4			kilograms.
5	893.135		
6	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
7			10 grams or more, less than 200
8			grams.
9	896.101(5)(a)	3rd	Money laundering, financial
10			transactions exceeding \$300 but
11			less than \$20,000.
12	896.104(4)(a)1.	3rd	Structuring transactions to evade
13			reporting or registration
14			requirements, financial
15			transactions exceeding \$300 but
16			less than \$20,000.
17	943.0435(4)(c)	2nd	Sexual offender vacating
18			permanent residence; failure to
19			comply with reporting
20			requirements.
21	943.0435(8)	2nd	Sexual offender; remains in state
22			after indicating intent to leave;
23			failure to comply with reporting
24			requirements.
25	943.0435(9)(a)	3rd	Sexual offender; failure to
26			comply with reporting
27			requirements.
28	943.0435(13)	3rd	Failure to report or providing
29			false information about a sexual
30			offender; harbor or conceal a
31			sexual offender.

1 943.0435(14) 3rd Sexual offender; failure to  
2 report and reregister; failure to  
3 respond to address verification.  
4 944.607(9) 3rd Sexual offender; failure to  
5 comply with reporting  
6 requirements.  
7 944.607(10)(a) 3rd Sexual offender; failure to  
8 submit to the taking of a  
9 digitized photograph.  
10 944.607(12) 3rd Failure to report or providing  
11 false information about a sexual  
12 offender; harbor or conceal a  
13 sexual offender.  
14 944.607(13) 3rd Sexual offender; failure to  
15 report and reregister; failure to  
16 respond to address verification.

17 Section 29. This act shall take effect July 1, 2006.

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20 SENATE SUMMARY

21 Replaces the word "naturopathy" with the phrase  
22 "naturopathic medicine." Creates a Board of Licensed  
23 Naturopathic Physicians. Provides membership and duties.  
24 Authorizes the board to adopt rules. Provides the duties  
25 of the board with respect to disciplinary actions.  
26 Provides penalties. Provides requirements for licensure  
27 as a naturopathic physician. Establishes a naturopathic  
28 medical formulary council. (See bill for details.)  
29  
30  
31