

By Senator Saunders

37-731-06

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A bill to be entitled

An act relating to health profession continuing education; amending s. 456.013, F.S.; exempting certain licensees under ch. 458, F.S., relating to medical practice, from continuing education requirements; amending s. 456.031, F.S.; revising requirements for instruction on domestic violence; amending s. 456.033, F.S.; revising requirements for instruction on HIV and AIDS for certain licensees; amending s. 464.013, F.S.; exempting certain licensees under ch. 464, F.S., relating to nursing, from continuing education requirements; providing an effective date.

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

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

456.013 Department; general licensing provisions.--

(6) As a condition of renewal of a license, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Chiropractic Medicine, and the Board of Podiatric Medicine shall each require licensees which they respectively regulate to periodically demonstrate their professional competency by completing at least 40 hours of continuing education every 2 years. Licensees under chapter 458 who provide proof of current specialty board certification by a credentialing agency approved by the respective licensing board shall be exempt from this requirement. The boards may require by rule that up to 1 hour of the required 40 or more hours be in the

1 area of risk management or cost containment. This provision
2 shall not be construed to limit the number of hours that a
3 licensee may obtain in risk management or cost containment to
4 be credited toward satisfying the 40 or more required hours.
5 This provision shall not be construed to require the boards to
6 impose any requirement on licensees except for the completion
7 of at least 40 hours of continuing education every 2 years.
8 Each of such boards shall determine whether any specific
9 continuing education requirements not otherwise mandated by
10 law shall be mandated and shall approve criteria for, and the
11 content of, any continuing education mandated by such board.
12 Notwithstanding any other provision of law, the board, or the
13 department when there is no board, may approve by rule
14 alternative methods of obtaining continuing education credits
15 in risk management. The alternative methods may include
16 attending a board meeting at which another licensee is
17 disciplined, serving as a volunteer expert witness for the
18 department in a disciplinary case, or serving as a member of a
19 probable cause panel following the expiration of a board
20 member's term. Other boards within the Division of Medical
21 Quality Assurance, or the department if there is no board, may
22 adopt rules granting continuing education hours in risk
23 management for attending a board meeting at which another
24 licensee is disciplined, for serving as a volunteer expert
25 witness for the department in a disciplinary case, or for
26 serving as a member of a probable cause panel following the
27 expiration of a board member's term.

28 Section 2. Section 456.031, Florida Statutes, is
29 amended to read:

30 456.031 Requirement for instruction on domestic
31 violence.--

1 (1)(a) The appropriate board shall require each person
2 licensed or certified under chapter 458, chapter 459, part I
3 of chapter 464, chapter 466, chapter 467, chapter 490, or
4 chapter 491 to complete a 1-hour continuing education course,
5 approved by the board, on domestic violence, as defined in s.
6 741.28, no later than upon first renewal ~~as part of biennial~~
7 ~~relicensure or recertification~~. The course shall consist of
8 information on the number of patients in that professional's
9 practice who are likely to be victims of domestic violence and
10 the number who are likely to be perpetrators of domestic
11 violence, screening procedures for determining whether a
12 patient has any history of being either a victim or a
13 perpetrator of domestic violence, and instruction on how to
14 provide such patients with information on, or how to refer
15 such patients to, resources in the local community, such as
16 domestic violence centers and other advocacy groups, that
17 provide legal aid, shelter, victim counseling, batterer
18 counseling, or child protection services.

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

23 (c) The board may approve additional equivalent
24 courses that may be used to satisfy the requirements of
25 paragraph (a). Each licensing board that requires a licensee
26 to complete an educational course pursuant to this subsection
27 may include the hour required for completion of the course in
28 the total hours of continuing education required by law for
29 such profession unless the continuing education requirements
30 for such profession consist of fewer than 30 hours biennially.
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1 (d) Any person holding two or more licenses subject to
2 the provisions of this subsection shall be permitted to show
3 proof of having taken one board-approved course on domestic
4 violence, for purposes of relicensure or recertification for
5 additional licenses.

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

11 ~~(2) The board shall also require, as a condition of~~
12 ~~granting a license under any chapter specified in paragraph~~
13 ~~(1)(a), that each applicant for initial licensure under the~~
14 ~~appropriate chapter complete an educational course acceptable~~
15 ~~to the board on domestic violence which is substantially~~
16 ~~equivalent to the course required in subsection (1). An~~
17 ~~applicant who has not taken such course at the time of~~
18 ~~licensure shall, upon submission of an affidavit showing good~~
19 ~~cause, be allowed 6 months to complete such requirement.~~

20 (2)(3)(a) In lieu of completing a course as required
21 in subsection (1), a licensee or certificateholder may
22 complete a course in end-of-life care and palliative health
23 care, ~~if the licensee or certificateholder has completed an~~
24 ~~approved domestic violence course in the immediately preceding~~
25 ~~biennium.~~

26 (b) In lieu of completing a course as required by
27 subsection (1), a person licensed under chapter 466 who has
28 completed an approved domestic-violence education course in
29 the immediately preceding 2 years may complete a course
30 approved by the Board of Dentistry.

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1 ~~(3)(4)~~ Each board may adopt rules to carry out the
2 provisions of this section.

3 ~~(4)(5)~~ Each board shall report to the President of the
4 Senate, the Speaker of the House of Representatives, and the
5 chairs of the appropriate substantive committees of the
6 Legislature by March 1 of each year as to the implementation
7 of and compliance with the requirements of this section.

8 Section 3. Section 456.033, Florida Statutes, is
9 amended to read:

10 456.033 Requirement for instruction for certain
11 licensees on HIV and AIDS.--

12 (1) The appropriate board shall require each person
13 licensed or certified under chapter 457; ~~chapter 458; chapter~~
14 ~~459;~~ chapter 460; ~~chapter 461;~~ chapter 463; ~~part I of chapter~~
15 ~~464;~~ chapter 465; chapter 466; or part II, part III, part V,
16 or part X of chapter 468; ~~or chapter 486~~ to complete a
17 continuing education ~~educational~~ course, approved by the
18 board, on human immunodeficiency virus and acquired immune
19 deficiency syndrome as part of biennial relicensure or
20 recertification. The course shall consist of education on the
21 modes of transmission, infection control procedures, clinical
22 management, and prevention of human immunodeficiency virus and
23 acquired immune deficiency syndrome. Such course shall include
24 information on current Florida law on acquired immune
25 deficiency syndrome and its impact on testing, confidentiality
26 of test results, treatment of patients, and any protocols and
27 procedures applicable to human immunodeficiency virus
28 counseling and testing, reporting, the offering of HIV testing
29 to pregnant women, and partner notification issues pursuant to
30 ss. 381.004 and 384.25.

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1 (2) Each such licensee or certificateholder shall
2 submit confirmation of having completed said course, on a form
3 as provided by the board, when submitting fees for each
4 biennial renewal.

5 (3) The board shall have the authority to approve
6 additional equivalent courses that may be used to satisfy the
7 requirements in subsection (1). Each licensing board that
8 requires a licensee to complete an educational course pursuant
9 to this section may count the hours required for completion of
10 the course included in the total continuing educational
11 requirements as required by law.

12 (4) Any person holding two or more licenses subject to
13 the provisions of this section shall be permitted to show
14 proof of having taken one board-approved course on human
15 immunodeficiency virus and acquired immune deficiency
16 syndrome, for purposes of relicensure or recertification for
17 additional licenses.

18 (5) Failure to comply with the above requirements
19 shall constitute grounds for disciplinary action under each
20 respective licensing chapter and s. 456.072(1)(e). In addition
21 to discipline by the board, the licensee shall be required to
22 complete the course.

23 (6) The board shall require as a condition of granting
24 a license under the chapters and parts specified in subsection
25 (1) that an applicant making initial application for licensure
26 complete an educational course acceptable to the board on
27 human immunodeficiency virus and acquired immune deficiency
28 syndrome. An applicant who has not taken a course at the time
29 of licensure shall, upon an affidavit showing good cause, be
30 allowed 6 months to complete this requirement.
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1 (7) The board shall have the authority to adopt rules
2 to carry out the provisions of this section.

3 (8) The board shall report to the Legislature by March
4 1 of each year as to the implementation and compliance with
5 the requirements of this section.

6 (9)(a) In lieu of completing a course as required in
7 subsection (1), the licensee may complete a course in
8 end-of-life care and palliative health care, so long as the
9 licensee completed an approved AIDS/HIV course in the
10 immediately preceding biennium.

11 (b) In lieu of completing a course as required by
12 subsection (1), a person licensed under chapter 466 who has
13 completed an approved AIDS/HIV course in the immediately
14 preceding 2 years may complete a course approved by the Board
15 of Dentistry.

16 (10) The following requirements apply to each person
17 licensed or certified under chapter 458, chapter 459, chapter
18 461, part I of chapter 464, or chapter 486:

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

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

24 (c) Each person shall be subject to sections (3), (4),
25 (5), (7), and (8).

26 (d) In lieu of completing a course as required in
27 paragraph (a), each person may complete a course in
28 end-of-life care and palliative health care.

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

31 464.013 Renewal of license or certificate.--

1 (3) The board shall by rule prescribe continuing
2 education not to exceed 30 hours biennially as a condition for
3 renewal of a license or certificate. The criteria for programs
4 shall be approved by the board. Licensees who provide proof of
5 current specialty board certification by a credentialing
6 agency approved by the board shall be exempt from this
7 requirement.

8 Section 5. This act shall take effect July 1, 2006.
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