

By the Committees on Transportation; and Health Policy; and
Senator Grimsley

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1 A bill to be entitled
2 An act relating to the Department of Health; amending
3 s. 322.142, F.S.; authorizing the Department of
4 Highway Safety and Motor Vehicles to provide
5 reproductions of specified records to the Department
6 of Health under certain circumstances; amending s.
7 381.004, F.S.; revising and providing definitions;
8 specifying the notification and consent procedures for
9 performing an HIV test in a health care setting and a
10 nonhealth care setting; amending s. 381.7355, F.S.;
11 adding a requirement for project proposals under the
12 grant program to address racial and ethnic disparities
13 in morbidity and mortality rates relating to sickle
14 cell disease; amending s. 395.3025, F.S.; clarifying
15 duties of the Department of Health to maintain the
16 confidentiality of patient records that it obtains
17 under subpoena pursuant to an investigation;
18 authorizing licensees under investigation to inspect
19 or receive copies of patient records connected with
20 the investigation, subject to certain conditions;
21 amending s. 456.013, F.S.; deleting requirements for
22 the physical size of licenses issued for various
23 health professions; amending s. 456.025, F.S.;
24 deleting a fee provision for the issuance of wall
25 certificates for various health profession licenses;
26 authorizing the boards or the department to adopt
27 rules waiving certain fees for a specified period in
28 certain circumstances; amending s. 458.319, F.S.;
29 providing continuing medical education requirements

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30 for Board of Medicine licensees; authorizing the board
31 to adopt rules; amending s. 458.3485, F.S.; deleting
32 language relating to the certification and
33 registration of medical assistants; amending s.
34 464.203, F.S.; revising certified nursing assistant
35 inservice training requirements; repealing s.
36 464.2085, F.S., relating to the creation, membership,
37 and duties of the Council on Certified Nursing
38 Assistants; amending s. 466.032, F.S.; deleting a
39 requirement that the department provide certain notice
40 to a dental laboratory operator who fails to renew her
41 or his registration; amending s. 467.009, F.S.;
42 updating the name of the organization that accredits
43 certain midwifery programs; amending s. 468.1665,
44 F.S.; increasing the number of members of the Board of
45 Nursing Home Administrators who must be licensed
46 nursing home administrators and decreasing the number
47 of members who must be health care practitioners;
48 amending s. 468.1695, F.S.; revising the
49 qualifications of applicants who may sit for the
50 licensed nursing home administrator examination to
51 include an applicant with a master's degree in certain
52 subjects; repealing s. 468.1735, F.S., relating to
53 provisional licenses for nursing home administrators;
54 amending ss. 468.503 and 468.505, F.S.; revising the
55 organization with whom an individual must be
56 registered to be a registered dietitian; revising a
57 definition; amending ss. 480.033 and 480.041, F.S.;
58 deleting provisions relating to massage therapy

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59 apprentices and apprenticeship programs; deleting a
60 definition and revising licensure requirements for
61 massage therapists, to conform; amending s. 480.042,
62 F.S.; revising requirements for conducting massage
63 therapist licensing examinations and maintaining
64 examination records; amending s. 480.044, F.S.;
65 deleting a fee for massage therapy apprentices;
66 amending s. 486.031, F.S.; revising provisions
67 relating to the recognition of physical therapy
68 programs and educational credentials from foreign
69 countries to meet requirements for licensing as a
70 physical therapist; amending s. 766.1115, F.S.;
71 extending the period a health care provider remains an
72 agent of the state after an individual is deemed
73 ineligible; amending ss. 456.032 and 823.05, F.S.;
74 conforming cross-references; providing an effective
75 date.

76

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

78

79 Section 1. Subsection (4) of section 322.142, Florida
80 Statutes, is amended to read:

81 322.142 Color photographic or digital imaged licenses.—

82 (4) The department may maintain a film negative or print
83 file. The department shall maintain a record of the digital
84 image and signature of the licensees, together with other data
85 required by the department for identification and retrieval.
86 Reproductions from the file or digital record are exempt from
87 the provisions of s. 119.07(1) and shall be made and issued

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88 only:

89 (a) For departmental administrative purposes;

90 (b) For the issuance of duplicate licenses;

91 (c) In response to law enforcement agency requests;

92 (d) To the Department of Business and Professional

93 Regulation pursuant to an interagency agreement for the purpose

94 of accessing digital images for reproduction of licenses issued

95 by the Department of Business and Professional Regulation;

96 (e) To the Department of State pursuant to an interagency

97 agreement to facilitate determinations of eligibility of voter

98 registration applicants and registered voters in accordance with

99 ss. 98.045 and 98.075;

100 (f) To the Department of Revenue pursuant to an interagency

101 agreement for use in establishing paternity and establishing,

102 modifying, or enforcing support obligations in Title IV-D cases;

103 (g) To the Department of Children and Families pursuant to

104 an interagency agreement to conduct protective investigations

105 under part III of chapter 39 and chapter 415;

106 (h) To the Department of Children and Families pursuant to

107 an interagency agreement specifying the number of employees in

108 each of that department's regions to be granted access to the

109 records for use as verification of identity to expedite the

110 determination of eligibility for public assistance and for use

111 in public assistance fraud investigations;

112 (i) To the Department of Financial Services pursuant to an

113 interagency agreement to facilitate the location of owners of

114 unclaimed property, the validation of unclaimed property claims,

115 and the identification of fraudulent or false claims;

116 (j) To district medical examiners pursuant to an

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117 interagency agreement for the purpose of identifying a deceased
 118 individual, determining cause of death, and notifying next of
 119 kin of any investigations, including autopsies and other
 120 laboratory examinations, authorized in s. 406.11; ~~or~~

121 (k) To the following persons for the purpose of identifying
 122 a person as part of the official work of a court:

- 123 1. A justice or judge of this state;
- 124 2. An employee of the state courts system who works in a
 125 position that is designated in writing for access by the Chief
 126 Justice of the Supreme Court or a chief judge of a district or
 127 circuit court, or by his or her designee; or
- 128 3. A government employee who performs functions on behalf
 129 of the state courts system in a position that is designated in
 130 writing for access by the Chief Justice or a chief judge, or by
 131 his or her designee; or

132 (l) To the Department of Health, pursuant to an interagency
 133 agreement to access digital images to verify the identity of an
 134 individual during an investigation under chapter 456, and for
 135 the reproduction of licenses issued by the Department of Health.

136 Section 2. Subsection (1), paragraphs (a), (b), (g), and
 137 (h) of subsection (2), and paragraph (d) of subsection (4) of
 138 section 381.004, Florida Statutes, are amended, and subsection
 139 (1) of that section is reordered, to read:

140 381.004 HIV testing.—

141 (1) DEFINITIONS.—As used in this section, the term:

- 142 (a) "Health care setting" means a setting devoted to both
 143 the diagnosis and care of persons, such as county health
 144 department clinics, hospital emergency departments, urgent care
 145 clinics, substance abuse treatment clinics, primary care

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146 settings, community clinics, mobile medical clinics, and
147 correctional health care facilities.

148 (b)~~(a)~~ "HIV test" means a test ordered after July 6, 1988,
149 to determine the presence of the antibody or antigen to human
150 immunodeficiency virus or the presence of human immunodeficiency
151 virus infection.

152 (c)~~(b)~~ "HIV test result" means a laboratory report of a
153 human immunodeficiency virus test result entered into a medical
154 record on or after July 6, 1988, or any report or notation in a
155 medical record of a laboratory report of a human
156 immunodeficiency virus test. ~~As used in this section,~~ The term
157 ~~"HIV test result"~~ does not include test results reported to a
158 health care provider by a patient.

159 (d) "Nonhealth care setting" means a site that conducts HIV
160 testing for the sole purpose of identifying HIV infection. Such
161 setting does not provide medical treatment but may include
162 community-based organizations, outreach settings, county health
163 department HIV testing programs, and mobile vans.

164 (f)~~(e)~~ "Significant exposure" means:

165 1. Exposure to blood or body fluids through needlestick,
166 instruments, or sharps;

167 2. Exposure of mucous membranes to visible blood or body
168 fluids, to which universal precautions apply according to the
169 National Centers for Disease Control and Prevention, including,
170 without limitations, the following body fluids:

171 a. Blood.

172 b. Semen.

173 c. Vaginal secretions.

174 d. Cerebrospinal ~~Cerebro-spinal~~ fluid (CSF).

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- 175 e. Synovial fluid.
176 f. Pleural fluid.
177 g. Peritoneal fluid.
178 h. Pericardial fluid.
179 i. Amniotic fluid.
180 j. Laboratory specimens that contain HIV (e.g., suspensions
181 of concentrated virus); or

182 3. Exposure of skin to visible blood or body fluids,
183 especially when the exposed skin is chapped, abraded, or
184 afflicted with dermatitis or the contact is prolonged or
185 involving an extensive area.

186 (e) ~~(d)~~ "Preliminary HIV test" means an antibody or
187 antibody-antigen screening test, such as the ~~enzyme-linked~~
188 immunosorbent assays (IA), or a rapid test approved by the
189 federal Food and Drug Administration (ELISAs) or the Single-Use
190 Diagnostic System (SUDS).

191 (g) ~~(e)~~ "Test subject" or "subject of the test" means the
192 person upon whom an HIV test is performed, or the person who has
193 legal authority to make health care decisions for the test
194 subject.

195 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT;
196 RESULTS; COUNSELING; CONFIDENTIALITY.—

197 (a) Before performing an HIV test:

198 1. In a health care setting, the person to be tested shall
199 be provided information about the test, and notified that the
200 test is planned, that he or she has the right to decline the
201 test, and that he or she has the right to confidential treatment
202 of information identifying the subject of the test and the
203 results of the test as provided by law. If the person to be

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204 ~~tested declines the test, such decision shall be documented in~~
205 ~~the medical record. No person in this state shall order a test~~
206 ~~designed to identify the human immunodeficiency virus, or its~~
207 ~~antigen or antibody, without first obtaining the informed~~
208 ~~consent of the person upon whom the test is being performed,~~
209 ~~except as specified in paragraph (h). Informed consent shall be~~
210 ~~preceded by an explanation of the right to confidential~~
211 ~~treatment of information identifying the subject of the test and~~
212 ~~the results of the test to the extent provided by law.~~
213 ~~Information shall also be provided on the fact that a positive~~
214 ~~HIV test result will be reported to the county health department~~
215 ~~with sufficient information to identify the test subject and on~~
216 ~~the availability and location of sites at which anonymous~~
217 ~~testing is performed. As required in paragraph (3) (c), each~~
218 ~~county health department shall maintain a list of sites at which~~
219 ~~anonymous testing is performed, including the locations, phone~~
220 ~~numbers, and hours of operation of the sites. Consent need not~~
221 ~~be in writing provided there is documentation in the medical~~
222 ~~record that the test has been explained and the consent has been~~
223 ~~obtained.~~

224 2. In a nonhealth care setting, a provider shall obtain the
225 informed consent of the person upon whom the test is being
226 performed. Informed consent shall be preceded by an explanation
227 of the right to confidential treatment of information
228 identifying the subject of the test and the results of the test
229 as provided by law.

230

231 The test subject shall also be informed that a positive HIV test
232 result will be reported to the county health department with

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233 sufficient information to identify the test subject and on the
234 availability and location of sites at which anonymous testing is
235 performed. As required in paragraph (3)(c), each county health
236 department shall maintain a list of sites at which anonymous
237 testing is performed, including the locations, telephone
238 numbers, and hours of operation of the sites.

239 (b) Except as provided in paragraph (h), informed consent
240 must be obtained from a legal guardian or other person
241 authorized by law if ~~when~~ the person:

242 1. Is not competent, is incapacitated, or is otherwise
243 unable to make an informed judgment; or

244 2. Has not reached the age of majority, except as provided
245 in s. 384.30.

246 (g) Human immunodeficiency virus test results contained in
247 the medical records of a hospital licensed under chapter 395 may
248 be released in accordance with s. 395.3025 without being subject
249 to ~~the requirements of~~ subparagraph (e)2., subparagraph (e)9.,
250 or paragraph (f) if; ~~provided~~ the hospital has notified the
251 patient of the limited confidentiality protections afforded HIV
252 test results contained in hospital medical records ~~obtained~~
253 ~~written informed consent for the HIV test in accordance with~~
254 ~~provisions of this section.~~

255 (h) Notwithstanding ~~the provisions of~~ paragraph (a),
256 informed consent is not required:

257 1. When testing for sexually transmissible diseases is
258 required by state or federal law, or by rule including the
259 following situations:

260 a. HIV testing pursuant to s. 796.08 of persons convicted
261 of prostitution or of procuring another to commit prostitution.

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- 262 b. HIV testing of inmates pursuant to s. 945.355 before
263 ~~prior to their~~ release from prison by reason of parole,
264 accumulation of gain-time credits, or expiration of sentence.
- 265 c. Testing for HIV by a medical examiner in accordance with
266 s. 406.11.
- 267 d. HIV testing of pregnant women pursuant to s. 384.31.
- 268 2. Those exceptions provided for blood, plasma, organs,
269 skin, semen, or other human tissue pursuant to s. 381.0041.
- 270 3. For the performance of an HIV-related test by licensed
271 medical personnel in bona fide medical emergencies if ~~when~~ the
272 test results are necessary for medical diagnostic purposes to
273 provide appropriate emergency care or treatment to the person
274 being tested and the patient is unable to consent, as supported
275 by documentation in the medical record. Notification of test
276 results in accordance with paragraph (c) is required.
- 277 4. For the performance of an HIV-related test by licensed
278 medical personnel for medical diagnosis of acute illness where,
279 in the opinion of the attending physician, providing
280 notification ~~obtaining informed consent~~ would be detrimental to
281 the patient, as supported by documentation in the medical
282 record, and the test results are necessary for medical
283 diagnostic purposes to provide appropriate care or treatment to
284 the person being tested. Notification of test results in
285 accordance with paragraph (c) is required if it would not be
286 detrimental to the patient. This subparagraph does not authorize
287 the routine testing of patients for HIV infection without
288 notification ~~informed consent~~.
- 289 5. If ~~When~~ HIV testing is performed as part of an autopsy
290 for which consent was obtained pursuant to s. 872.04.

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291 6. For the performance of an HIV test upon a defendant
292 pursuant to the victim's request in a prosecution for any type
293 of sexual battery where a blood sample is taken from the
294 defendant voluntarily, pursuant to court order for any purpose,
295 or pursuant to ~~the provisions of~~ s. 775.0877, s. 951.27, or s.
296 960.003; however, the results of an any HIV test performed shall
297 be disclosed solely to the victim and the defendant, except as
298 provided in ss. 775.0877, 951.27, and 960.003.

299 7. If ~~When~~ an HIV test is mandated by court order.

300 8. For epidemiological research pursuant to s. 381.0031,
301 for research consistent with institutional review boards created
302 by 45 C.F.R. part 46, or for the performance of an HIV-related
303 test for the purpose of research, if the testing is performed in
304 a manner by which the identity of the test subject is not known
305 and may not be retrieved by the researcher.

306 9. If ~~When~~ human tissue is collected lawfully without the
307 consent of the donor for corneal removal as authorized by s.
308 765.5185 or enucleation of the eyes as authorized by s. 765.519.

309 10. For the performance of an HIV test upon an individual
310 who comes into contact with medical personnel in such a way that
311 a significant exposure has occurred during the course of
312 employment or within the scope of practice and where a blood
313 sample is available which ~~that~~ was taken from that individual
314 voluntarily by medical personnel for other purposes. The term
315 "medical personnel" includes a licensed or certified health care
316 professional; an employee of a health care professional or
317 health care facility; employees of a laboratory licensed under
318 chapter 483; personnel of a blood bank or plasma center; a
319 medical student or other student who is receiving training as a

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320 health care professional at a health care facility; and a
321 paramedic or emergency medical technician certified by the
322 department to perform life-support procedures under s. 401.23.

323 a. Before performing ~~Prior to performance of~~ an HIV test on
324 a voluntarily obtained blood sample, the individual from whom
325 the blood was obtained shall be requested to consent to the
326 performance of the test and to the release of the results. If
327 consent cannot be obtained within the time necessary to perform
328 the HIV test and begin prophylactic treatment of the exposed
329 medical personnel, all information concerning the performance of
330 an HIV test and any HIV test result shall be documented only in
331 the medical personnel's record unless the individual gives
332 written consent to entering this information on the individual's
333 medical record.

334 b. Reasonable attempts to locate the individual and to
335 obtain consent shall be made, and all attempts must be
336 documented. If the individual cannot be found or is incapable of
337 providing consent, an HIV test may be conducted on the available
338 blood sample. If the individual does not voluntarily consent to
339 the performance of an HIV test, the individual shall be informed
340 that an HIV test will be performed, and counseling shall be
341 furnished as provided in this section. However, HIV testing
342 shall be conducted only after appropriate medical personnel
343 under the supervision of a licensed physician documents, in the
344 medical record of the medical personnel, that there has been a
345 significant exposure and that, in accordance with the written
346 protocols based on the National Centers for Disease Control and
347 Prevention guidelines on HIV postexposure prophylaxis and in the
348 physician's medical judgment, the information is medically

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349 necessary to determine the course of treatment for the medical
350 personnel.

351 c. Costs of an ~~any~~ HIV test of a blood sample performed
352 with or without the consent of the individual, as provided in
353 this subparagraph, shall be borne by the medical personnel or
354 the employer of the medical personnel. However, costs of testing
355 or treatment not directly related to the initial HIV tests or
356 costs of subsequent testing or treatment may not be borne by the
357 medical personnel or the employer of the medical personnel.

358 d. In order to use ~~utilize~~ the provisions of this
359 subparagraph, the medical personnel must ~~either~~ be tested for
360 HIV pursuant to this section or provide the results of an HIV
361 test taken within 6 months before ~~prior to~~ the significant
362 exposure if such test results are negative.

363 e. A person who receives the results of an HIV test
364 pursuant to this subparagraph shall maintain the confidentiality
365 of the information received and of the persons tested. Such
366 confidential information is exempt from s. 119.07(1).

367 f. If the source of the exposure will not voluntarily
368 submit to HIV testing and a blood sample is not available, the
369 medical personnel or the employer of such person acting on
370 behalf of the employee may seek a court order directing the
371 source of the exposure to submit to HIV testing. A sworn
372 statement by a physician licensed under chapter 458 or chapter
373 459 that a significant exposure has occurred and that, in the
374 physician's medical judgment, testing is medically necessary to
375 determine the course of treatment constitutes probable cause for
376 the issuance of an order by the court. The results of the test
377 shall be released to the source of the exposure and to the

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378 person who experienced the exposure.

379 11. For the performance of an HIV test upon an individual
380 who comes into contact with medical personnel in such a way that
381 a significant exposure has occurred during the course of
382 employment or within the scope of practice of the medical
383 personnel while the medical personnel provides emergency medical
384 treatment to the individual; or notwithstanding s. 384.287, an
385 individual who comes into contact with nonmedical personnel in
386 such a way that a significant exposure has occurred while the
387 nonmedical personnel provides emergency medical assistance
388 during a medical emergency. For the purposes of this
389 subparagraph, a medical emergency means an emergency medical
390 condition outside of a hospital or health care facility that
391 provides physician care. The test may be performed only during
392 the course of treatment for the medical emergency.

393 a. An individual who is capable of providing consent shall
394 be requested to consent to an HIV test before ~~prior to the~~
395 testing. If consent cannot be obtained within the time necessary
396 to perform the HIV test and begin prophylactic treatment of the
397 exposed medical personnel and nonmedical personnel, all
398 information concerning the performance of an HIV test and its
399 result, shall be documented only in the medical personnel's or
400 nonmedical personnel's record unless the individual gives
401 written consent to entering this information in ~~on~~ the
402 individual's medical record.

403 b. HIV testing shall be conducted only after appropriate
404 medical personnel under the supervision of a licensed physician
405 documents, in the medical record of the medical personnel or
406 nonmedical personnel, that there has been a significant exposure

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407 and that, in accordance with the written protocols based on the
408 National Centers for Disease Control and Prevention guidelines
409 on HIV postexposure prophylaxis and in the physician's medical
410 judgment, the information is medically necessary to determine
411 the course of treatment for the medical personnel or nonmedical
412 personnel.

413 c. Costs of any HIV test performed with or without the
414 consent of the individual, as provided in this subparagraph,
415 shall be borne by the medical personnel or the employer of the
416 medical personnel or nonmedical personnel. However, costs of
417 testing or treatment not directly related to the initial HIV
418 tests or costs of subsequent testing or treatment may not be
419 borne by the medical personnel or the employer of the medical
420 personnel or nonmedical personnel.

421 d. In order to use ~~utilize~~ the provisions of this
422 subparagraph, the medical personnel or nonmedical personnel
423 shall be tested for HIV pursuant to this section or shall
424 provide the results of an HIV test taken within 6 months before
425 ~~prior to~~ the significant exposure if such test results are
426 negative.

427 e. A person who receives the results of an HIV test
428 pursuant to this subparagraph shall maintain the confidentiality
429 of the information received and of the persons tested. Such
430 confidential information is exempt from s. 119.07(1).

431 f. If the source of the exposure will not voluntarily
432 submit to HIV testing and a blood sample was not obtained during
433 treatment for the medical emergency, the medical personnel, the
434 employer of the medical personnel acting on behalf of the
435 employee, or the nonmedical personnel may seek a court order

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436 directing the source of the exposure to submit to HIV testing. A
437 sworn statement by a physician licensed under chapter 458 or
438 chapter 459 that a significant exposure has occurred and that,
439 in the physician's medical judgment, testing is medically
440 necessary to determine the course of treatment constitutes
441 probable cause for the issuance of an order by the court. The
442 results of the test shall be released to the source of the
443 exposure and to the person who experienced the exposure.

444 12. For the performance of an HIV test by the medical
445 examiner or attending physician upon an individual who expired
446 or could not be resuscitated while receiving emergency medical
447 assistance or care and who was the source of a significant
448 exposure to medical or nonmedical personnel providing such
449 assistance or care.

450 a. HIV testing may be conducted only after appropriate
451 medical personnel under the supervision of a licensed physician
452 documents in the medical record of the medical personnel or
453 nonmedical personnel that there has been a significant exposure
454 and that, in accordance with the written protocols based on the
455 National Centers for Disease Control and Prevention guidelines
456 on HIV postexposure prophylaxis and in the physician's medical
457 judgment, the information is medically necessary to determine
458 the course of treatment for the medical personnel or nonmedical
459 personnel.

460 b. Costs of an ~~any~~ HIV test performed under this
461 subparagraph may not be charged to the deceased or to the family
462 of the deceased person.

463 c. For ~~the provisions of~~ this subparagraph to be
464 applicable, the medical personnel or nonmedical personnel must

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465 be tested for HIV under this section or must provide the results
466 of an HIV test taken within 6 months before the significant
467 exposure if such test results are negative.

468 d. A person who receives the results of an HIV test
469 pursuant to this subparagraph shall comply with paragraph (e).

470 13. For the performance of an HIV-related test medically
471 indicated by licensed medical personnel for medical diagnosis of
472 a hospitalized infant as necessary to provide appropriate care
473 and treatment of the infant if ~~when~~, after a reasonable attempt,
474 a parent cannot be contacted to provide consent. The medical
475 records of the infant must ~~shall~~ reflect the reason consent of
476 the parent was not initially obtained. Test results shall be
477 provided to the parent when the parent is located.

478 14. For the performance of HIV testing conducted to monitor
479 the clinical progress of a patient previously diagnosed to be
480 HIV positive.

481 15. For the performance of repeated HIV testing conducted
482 to monitor possible conversion from a significant exposure.

483 (4) HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;
484 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM
485 REGISTRATION.—No county health department and no other person in
486 this state shall conduct or hold themselves out to the public as
487 conducting a testing program for acquired immune deficiency
488 syndrome or human immunodeficiency virus status without first
489 registering with the Department of Health, reregistering each
490 year, complying with all other applicable provisions of state
491 law, and meeting the following requirements:

492 (d) A program in a health care setting shall meet the
493 notification criteria contained in subparagraph (2) (a)1. A

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494 program in a nonhealth care setting shall meet all informed
495 consent criteria contained in subparagraph (2) (a)2. ~~The program~~
496 ~~must meet all the informed consent criteria contained in~~
497 ~~subsection (2).~~

498 Section 3. Paragraph (a) of subsection (2) of section
499 381.7355, Florida Statutes, is amended to read:

500 381.7355 Project requirements; review criteria.-

501 (2) A proposal must include each of the following elements:

502 (a) The purpose and objectives of the proposal, including
503 identification of the particular racial or ethnic disparity the
504 project will address. The proposal must address one or more of
505 the following priority areas:

506 1. Decreasing racial and ethnic disparities in maternal and
507 infant mortality rates.

508 2. Decreasing racial and ethnic disparities in morbidity
509 and mortality rates relating to cancer.

510 3. Decreasing racial and ethnic disparities in morbidity
511 and mortality rates relating to HIV/AIDS.

512 4. Decreasing racial and ethnic disparities in morbidity
513 and mortality rates relating to cardiovascular disease.

514 5. Decreasing racial and ethnic disparities in morbidity
515 and mortality rates relating to diabetes.

516 6. Increasing adult and child immunization rates in certain
517 racial and ethnic populations.

518 7. Decreasing racial and ethnic disparities in oral health
519 care.

520 8. Decreasing racial and ethnic disparities in morbidity
521 and mortality rates relating to sickle cell disease.

522 Section 4. Paragraph (e) of subsection (4) of section

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523 395.3025, Florida Statutes, is amended to read:

524 395.3025 Patient and personnel records; copies;
525 examination.-

526 (4) Patient records are confidential and may ~~must~~ not be
527 disclosed without the consent of the patient or his or her legal
528 representative, but appropriate disclosure may be made without
529 such consent to:

530 (e) The department agency upon subpoena issued pursuant to
531 s. 456.071, ~~but~~ The records obtained ~~thereby~~ must be used
532 solely for the purpose of the department agency and the
533 appropriate professional board in its investigation,
534 prosecution, and appeal of disciplinary proceedings. If the
535 department agency requests copies of the records, the facility
536 shall charge a fee pursuant to this section ~~no more than its~~
537 ~~actual copying costs, including reasonable staff time.~~ The
538 department and the appropriate professional board must maintain
539 the confidentiality of patient records obtained under this
540 paragraph pursuant to s. 456.057. A licensee who is the subject
541 of a department investigation may inspect or receive a copy of a
542 patient record connected with the investigation if the licensee
543 agrees in writing to maintain the confidentiality of the patient
544 record pursuant to s. 456.057 ~~must be sealed and must not be~~
545 ~~available to the public pursuant to s. 119.07(1) or any other~~
546 ~~statute providing access to records, nor may they be available~~
547 ~~to the public as part of the record of investigation for and~~
548 ~~prosecution in disciplinary proceedings made available to the~~
549 ~~public by the agency or the appropriate regulatory board.~~
550 ~~However, the agency must make available, upon written request by~~
551 ~~a practitioner against whom probable cause has been found, any~~

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552 ~~such records that form the basis of the determination of~~
553 ~~probable cause.~~

554 Section 5. Subsection (2) of section 456.013, Florida
555 Statutes, is amended to read:

556 456.013 Department; general licensing provisions.—

557 (2) Before the issuance of a any license, the department
558 shall charge an initial license fee as determined by the
559 applicable board or, if there is no board, by rule of the
560 department. Upon receipt of the appropriate license fee, the
561 department shall issue a license to a any person certified by
562 the appropriate board, or its designee, as having met the
563 licensure requirements imposed by law or rule. ~~The license shall~~
564 ~~consist of a wallet-size identification card and a wall card~~
565 ~~measuring 6 1/2 inches by 5 inches.~~ The licensee shall surrender
566 the license to the department ~~the wallet-size identification~~
567 ~~card and the wall card~~ if the ~~licensee's~~ license was ~~is~~ issued
568 in error or is revoked.

569 Section 6. Present subsections (5) through (11) of section
570 456.025, Florida Statutes, are redesignated as subsections (4)
571 through (10), respectively, and present subsections (4) and (6)
572 are amended to read:

573 456.025 Fees; receipts; disposition.—

574 ~~(4) Each board, or the department if there is no board, may~~
575 ~~charge a fee not to exceed \$25, as determined by rule, for the~~
576 ~~issuance of a wall certificate pursuant to s. 456.013(2)~~
577 ~~requested by a licensee who was licensed prior to July 1, 1998,~~
578 ~~or for the issuance of a duplicate wall certificate requested by~~
579 ~~any licensee.~~

580 (5) ~~(6)~~ If the cash balance of the trust fund at the end of

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581 any fiscal year exceeds the total appropriation provided for the
582 regulation of the health care professions in the prior fiscal
583 year, the boards, in consultation with the department, may lower
584 the license renewal fees. When the department determines, based
585 on long-range estimates of revenue, that a profession's trust
586 fund balance exceeds the amount required to cover necessary
587 functions, each board, or the department when there is no board,
588 may adopt rules to implement the waiver of initial application
589 fees, initial licensure fees, unlicensed activity fees, or
590 renewal fees for that profession. The waiver of renewal fees may
591 not exceed 2 years.

592 Section 7. Subsections (2) through (4) of section 458.319,
593 Florida Statutes, are redesignated as subsections (3) through
594 (5), respectively, and a new subsection (2) is added to that
595 section, to read:

596 458.319 Renewal of license.—

597 (2) Each licensee shall demonstrate his or her professional
598 competency by completing at least 40 hours of continuing medical
599 education every 2 years. The board, by rule, may:

600 (a) Provide that continuing medical education approved by
601 the American Medical Association satisfies some or all of the
602 continuing medical education requirements.

603 (b) Mandate specific continuing medical education
604 requirements.

605 (c) Approve alternative methods for obtaining continuing
606 medical education credits, including, but not limited to:

607 1. Attendance at a board meeting at which another licensee
608 is disciplined;

609 2. Service as a volunteer expert witness for the department

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610 in a disciplinary proceeding; or

611 3. Service as a member of a probable cause panel following
612 expiration of a board member's term.

613 (d) Provide that up to 25 percent of the required
614 continuing medical education hours may be fulfilled through pro
615 bono services to the indigent, underserved populations, or
616 patients in critical need areas in the state where the licensee
617 practices.

618 1. The board shall require that any pro bono service be
619 approved in advance to receive credit for continuing medical
620 education under this paragraph.

621 2. The standard for determining indigency is that
622 recognized by the federal poverty guidelines and must be less
623 than 150 percent of the federal poverty level.

624 (e) Provide that a portion of the continuing medical
625 education hours may be fulfilled by performing research in
626 critical need areas or by training for advanced professional
627 certification.

628 (f) Adopt rules to define underserved and critical need
629 areas.

630 Section 8. Subsection (3) of section 458.3485, Florida
631 Statutes, is amended to read:

632 458.3485 Medical assistant.—

633 ~~(3) CERTIFICATION. Medical assistants may be certified by~~
634 ~~the American Association of Medical Assistants or as a~~
635 ~~Registered Medical Assistant by the American Medical~~
636 ~~Technologists.~~

637 Section 9. Subsection (7) of section 464.203, Florida
638 Statutes, is amended to read:

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639 464.203 Certified nursing assistants; certification
640 requirement.—

641 (7) A certified nursing assistant shall complete 24 ~~12~~
642 hours of inservice training during each biennium ~~calendar year~~.
643 The certified nursing assistant shall maintain ~~be responsible~~
644 ~~for maintaining~~ documentation demonstrating compliance with
645 these provisions. ~~The Council on Certified Nursing Assistants,~~
646 ~~in accordance with s. 464.2085(2)(b), shall propose rules to~~
647 ~~implement this subsection.~~

648 Section 10. Section 464.2085, Florida Statutes, is
649 repealed.

650 Section 11. Subsection (2) of section 466.032, Florida
651 Statutes, is amended to read:

652 466.032 Registration.—

653 ~~(2) Upon the failure of any dental laboratory operator to~~
654 ~~comply with subsection (1), the department shall notify her or~~
655 ~~him by registered mail, within 1 month after the registration~~
656 ~~renewal date, return receipt requested, at her or his last known~~
657 ~~address, of such failure and inform her or him of the provisions~~
658 ~~of subsections (3) and (4).~~

659 Section 12. Subsection (8) of section 467.009, Florida
660 Statutes, is amended to read:

661 467.009 Midwifery programs; education and training
662 requirements.—

663 (8) Nonpublic educational institutions that conduct
664 approved midwifery programs shall be accredited by a member of
665 the Council for Higher Education ~~Commission on Recognition of~~
666 ~~Postsecondary~~ Accreditation and shall be licensed by the
667 Commission for Independent Education.

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668 Section 13. Subsection (2) of section 468.1665, Florida
669 Statutes, is amended to read:

670 468.1665 Board of Nursing Home Administrators; membership;
671 appointment; terms.—

672 (2) Four ~~Three~~ members of the board must be licensed
673 nursing home administrators. One member ~~Two members~~ of the board
674 must be a health care practitioner ~~practitioners~~. The remaining
675 two members of the board must be laypersons who are not, and
676 have never been, nursing home administrators or members of any
677 health care profession or occupation. At least one member of the
678 board must be 60 years of age or older.

679 Section 14. Subsection (2) of section 468.1695, Florida
680 Statutes, is amended to read:

681 468.1695 Licensure by examination.—

682 (2) The department shall examine each applicant who the
683 board certifies has completed the application form and remitted
684 an examination fee set by the board not to exceed \$250 and who:

685 (a)1. Holds a baccalaureate or master's degree from an
686 accredited college or university and majored in health care
687 administration, health services administration, or an equivalent
688 major, or has credit for at least 60 semester hours in subjects,
689 as prescribed by rule of the board, which prepare the applicant
690 for total management of a nursing home; and

691 2. Has fulfilled the requirements of a college-affiliated
692 or university-affiliated internship in nursing home
693 administration or of a 1,000-hour nursing home administrator-in-
694 training program prescribed by the board; or

695 (b)1. Holds a baccalaureate degree from an accredited
696 college or university; and

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697 2.a. Has fulfilled the requirements of a 2,000-hour nursing
698 home administrator-in-training program prescribed by the board;
699 or

700 b. Has 1 year of management experience allowing for the
701 application of executive duties and skills, including the
702 staffing, budgeting, and directing of resident care, dietary,
703 and bookkeeping departments within a skilled nursing facility,
704 hospital, hospice, assisted living facility with a minimum of 60
705 licensed beds, or geriatric residential treatment program and,
706 if such experience is not in a skilled nursing facility, has
707 fulfilled the requirements of a 1,000-hour nursing home
708 administrator-in-training program prescribed by the board.

709 Section 15. Section 468.1735, Florida Statutes, is
710 repealed.

711 Section 16. Subsection (11) of section 468.503, Florida
712 Statutes, is amended to read:

713 468.503 Definitions.—As used in this part:

714 (11) "Registered dietitian" means an individual registered
715 with the accrediting body of the Academy of Nutrition and
716 Dietetics Commission on Dietetic Registration, the accrediting
717 body of the American Dietetic Association.

718 Section 17. Subsection (4) of section 468.505, Florida
719 Statutes, is amended to read:

720 468.505 Exemptions; exceptions.—

721 (4) Notwithstanding any other provision of this part, an
722 individual registered by the accrediting body of the Academy of
723 Nutrition and Dietetics Commission on Dietetic Registration of
724 the American Dietetic Association has the right to use the title
725 "Registered Dietitian" and the designation "R.D."

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726 Section 18. Subsection (5) of section 480.033, Florida
 727 Statutes, is amended to read:

728 480.033 Definitions.—As used in this act:

729 ~~(5) "Apprentice" means a person approved by the board to~~
 730 ~~study massage under the instruction of a licensed massage~~
 731 ~~therapist.~~

732 Section 19. Subsections (1) and (4) of section 480.041,
 733 Florida Statutes, are amended to read:

734 480.041 Massage therapists; qualifications; licensure;
 735 endorsement.—

736 (1) A ~~Any~~ person is qualified for licensure as a massage
 737 therapist under this act who:

738 (a) Is at least 18 years of age or has received a high
 739 school diploma or graduate equivalency diploma;

740 (b) Has completed a course of study at a board-approved
 741 massage school ~~or has completed an apprenticeship program that~~
 742 ~~meets standards adopted by the board;~~ and

743 (c) Has received a passing grade on an examination
 744 administered by the department.

745 (4) The board shall adopt rules:

746 (a) ~~Establishing a minimum training program for~~
 747 ~~apprentices.~~

748 ~~(b)~~ Providing for educational standards, examination, and
 749 certification for the practice of colonic irrigation, as defined
 750 in s.480.033 ~~s. 480.033(6)~~, by massage therapists.

751 (b) ~~(e)~~ Specifying licensing procedures for practitioners
 752 desiring to be licensed in this state who hold an active license
 753 and have practiced in any other state, territory, or
 754 jurisdiction of the United States or any foreign national

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755 jurisdiction which has licensing standards substantially similar
756 to, equivalent to, or more stringent than the standards of this
757 state.

758 Section 20. Subsection (5) of section 480.042, Florida
759 Statutes, is amended to read:

760 480.042 Examinations.—

761 ~~(5) All licensing examinations shall be conducted in such~~
762 ~~manner that the applicant shall be known to the department by~~
763 ~~number until her or his examination is completed and the proper~~
764 ~~grade determined.~~ An accurate record of each examination shall
765 be maintained, made, and that record, together with all
766 examination papers, ~~shall be filed with the State Surgeon~~
767 ~~General and~~ shall be kept by the testing entities for reference
768 and inspection for a period of not less than 2 years immediately
769 following the examination.

770 Section 21. Paragraph (h) of subsection (1) of section
771 480.044, Florida Statutes, is amended to read:

772 480.044 Fees; disposition.—

773 (1) The board shall set fees according to the following
774 schedule:

775 ~~(h) Fee for apprentice: not to exceed \$100.~~

776 Section 22. Subsection (3) of section 486.031, Florida
777 Statutes, is amended to read:

778 486.031 Physical therapist; licensing requirements.—To be
779 eligible for licensing as a physical therapist, an applicant
780 must:

781 (3) (a) Have been graduated from a school of physical
782 therapy which has been approved for the educational preparation
783 of physical therapists by the appropriate accrediting agency

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784 recognized by the Commission on Recognition of Postsecondary
785 Accreditation or the United States Department of Education at
786 the time of her or his graduation and have passed, to the
787 satisfaction of the board, the American Registry Examination
788 before ~~prior to~~ 1971 or a national examination approved by the
789 board to determine her or his fitness for practice as a physical
790 therapist as hereinafter provided;

791 (b) Have received a diploma from a program in physical
792 therapy in a foreign country and have educational credentials
793 deemed equivalent to those required for the educational
794 preparation of physical therapists in this country, as
795 recognized by the board or by an appropriate agency ~~as~~
796 identified by the board, and have passed to the satisfaction of
797 the board an examination to determine her or his fitness for
798 practice as a physical therapist ~~as hereinafter provided~~; or

799 (c) Be entitled to licensure without examination as
800 provided in s. 486.081.

801 Section 23. Subsection (4) of section 766.1115, Florida
802 Statutes, is amended to read:

803 766.1115 Health care providers; creation of agency
804 relationship with governmental contractors.-

805 (4) CONTRACT REQUIREMENTS.-A health care provider that
806 executes a contract with a governmental contractor to deliver
807 health care services on or after April 17, 1992, as an agent of
808 the governmental contractor is an agent for purposes of s.
809 768.28(9), while acting within the scope of duties under the
810 contract, if the contract complies with the requirements of this
811 section and regardless of whether the individual treated is
812 later found to be ineligible. A health care provider shall

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813 continue to be an agent for purposes of s. 768.28(9) for 30 days
814 after a determination of ineligibility to allow for treatment
815 until the individual transitions to treatment by another health
816 care provider. A health care provider under contract with the
817 state may not be named as a defendant in any action arising out
818 of medical care or treatment provided on or after April 17,
819 1992, under contracts entered into under this section. The
820 contract must provide that:

821 (a) The right of dismissal or termination of any health
822 care provider delivering services under the contract is retained
823 by the governmental contractor.

824 (b) The governmental contractor has access to the patient
825 records of any health care provider delivering services under
826 the contract.

827 (c) Adverse incidents and information on treatment outcomes
828 must be reported by any health care provider to the governmental
829 contractor if the incidents and information pertain to a patient
830 treated under the contract. The health care provider shall
831 submit the reports required by s. 395.0197. If an incident
832 involves a professional licensed by the Department of Health or
833 a facility licensed by the Agency for Health Care
834 Administration, the governmental contractor shall submit such
835 incident reports to the appropriate department or agency, which
836 shall review each incident and determine whether it involves
837 conduct by the licensee that is subject to disciplinary action.
838 All patient medical records and any identifying information
839 contained in adverse incident reports and treatment outcomes
840 which are obtained by governmental entities under this paragraph
841 are confidential and exempt from the provisions of s. 119.07(1)

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842 and s. 24(a), Art. I of the State Constitution.

843 (d) Patient selection and initial referral must be made by
844 the governmental contractor or the provider. Patients may not be
845 transferred to the provider based on a violation of the
846 antidumping provisions of the Omnibus Budget Reconciliation Act
847 of 1989, the Omnibus Budget Reconciliation Act of 1990, or
848 chapter 395.

849 (e) If emergency care is required, the patient need not be
850 referred before receiving treatment, but must be referred within
851 48 hours after treatment is commenced or within 48 hours after
852 the patient has the mental capacity to consent to treatment,
853 whichever occurs later.

854 (f) The provider is subject to supervision and regular
855 inspection by the governmental contractor.

856

857 A governmental contractor that is also a health care provider is
858 not required to enter into a contract under this section with
859 respect to the health care services delivered by its employees.

860 Section 24. Subsection (2) of section 456.032, Florida
861 Statutes, is amended to read:

862 456.032 Hepatitis B or HIV carriers.—

863 (2) Any person licensed by the department and any other
864 person employed by a health care facility who contracts a blood-
865 borne infection shall have a rebuttable presumption that the
866 illness was contracted in the course and scope of his or her
867 employment, provided that the person, as soon as practicable,
868 reports to the person's supervisor or the facility's risk
869 manager any significant exposure, as that term is defined in s.
870 381.004(1) ~~s. 381.004(1)(c)~~, to blood or body fluids. The

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871 employer may test the blood or body fluid to determine if it is
872 infected with the same disease contracted by the employee. The
873 employer may rebut the presumption by the preponderance of the
874 evidence. Except as expressly provided in this subsection, there
875 shall be no presumption that a blood-borne infection is a job-
876 related injury or illness.

877 Section 25. Subsection (3) of section 823.05, Florida
878 Statutes, is amended to read:

879 823.05 Places and groups engaged in criminal gang-related
880 activity declared a nuisance; massage establishments engaged in
881 prohibited activity; may be abated and enjoined.—

882 (3) A massage establishment as defined in s. 480.033~~(7)~~
883 that operates in violation of s. 480.0475 or s. 480.0535(2) is
884 declared a nuisance and may be abated or enjoined as provided in
885 ss. 60.05 and 60.06.

886 Section 26. This act shall take effect July 1, 2014.
887