

1 A bill to be entitled

2 An act relating to the Department of Health; amending  
3 s. 456.025, F.S.; relating to the use of fees  
4 collected from continuing education providers, to  
5 conform; creating s. 456.0361, F.S.; requiring the  
6 department to establish an electronic continuing  
7 education tracking system and adopt rules to implement  
8 the system; providing that the department may not  
9 renew a license until a licensee complies with certain  
10 requirements; amending s. 457.107, F.S.; deleting  
11 authority of the Board of Acupuncture to request  
12 specified documentation of continuing education  
13 compliance from randomly selected applicants; amending  
14 s. 458.347, F.S.; deleting requirement that physician  
15 assistants file with the department an affidavit of  
16 completed continuing medical education; amending s.  
17 463.007, F.S., relating to the renewal of optometrist  
18 licenses, to conform; amending ss. 466.0135 and  
19 466.014, F.S.; deleting requirements that dentists and  
20 dental hygienists submit to the department sworn  
21 affidavits of completed continuing education; deleting  
22 authority of the Board of Dentistry to request  
23 specified documentation of continuing education  
24 compliance from certain applicants; amending s.  
25 466.032, F.S.; deleting requirements that dental  
26 laboratories submit to the department a sworn

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27 affidavit of completed continuing education by the  
 28 owner or a dental technician employee and retain  
 29 certain records; amending s. 484.047, F.S.; deleting  
 30 requirement that licensed hearing aid specialists  
 31 seeking license renewal must submit a specified  
 32 written statement to the department; amending s.  
 33 486.109, F.S.; deleting requirement that licensed  
 34 physical therapists maintain certain continuing  
 35 education compliance records in a specified format;  
 36 providing an effective date.

37  
 38 Be It Enacted by the Legislature of the State of Florida:

39  
 40 Section 1. Subsection (7) of section 456.025, Florida  
 41 Statutes, is amended to read:

42 456.025 Fees; receipts; disposition.—

43 (7) Each board, or the department if there is no board,  
 44 shall establish, by rule, a fee not to exceed \$250 for anyone  
 45 seeking approval to provide continuing education courses or  
 46 programs and shall establish by rule a biennial renewal fee not  
 47 to exceed \$250 for the renewal of such approval ~~providership of~~  
 48 ~~such courses~~. The fees collected from continuing education  
 49 providers must ~~shall~~ be used for the purposes of reviewing  
 50 course provider applications, monitoring the integrity of the  
 51 courses provided, covering legal expenses incurred as a result  
 52 of not granting or renewing such approval ~~a providership~~, and

53 developing and maintaining an electronic continuing education  
54 tracking system pursuant to s. 456.0361. ~~The department shall~~  
55 ~~implement an electronic continuing education tracking system for~~  
56 ~~each new biennial renewal cycle for which electronic renewals~~  
57 ~~are implemented after the effective date of this act and shall~~  
58 ~~integrate such system into the licensure and renewal system.~~ All  
59 approved continuing education providers shall provide  
60 information on course attendance to the department necessary to  
61 implement the electronic tracking system pursuant to s.  
62 456.0361. The department shall, by rule, specify the form and  
63 procedures by which the information is to be submitted.

64 Section 2. Section 456.0361, Florida Statutes, is created  
65 to read:

66 456.0361 Compliance with continuing education  
67 requirements.-

68 (1) The department shall establish an electronic  
69 continuing education tracking system to monitor licensee  
70 compliance with applicable continuing education requirements and  
71 to determine whether a licensee is in full compliance at the  
72 time of his or her application for license renewal. The tracking  
73 system shall be integrated into the department's licensure and  
74 renewal system.

75 (2) The department may not renew a license until the  
76 licensee complies with all applicable continuing education  
77 requirements. This subsection does not prohibit the department  
78 or boards from imposing additional penalties under the

79 applicable practice act or rules adopted pursuant to such act  
 80 for failure to comply with continuing education requirements.

81 (3) The department may adopt rules to implement this  
 82 section.

83 Section 3. Subsection (3) of section 457.107, Florida  
 84 Statutes, is amended to read:

85 457.107 Renewal of licenses; continuing education.—

86 (3) The board shall by rule prescribe continuing education  
 87 requirements, not to exceed 30 hours every 2 years ~~biennially~~,  
 88 as a condition for renewal of a license. All education programs  
 89 that contribute to the advancement, extension, or enhancement of  
 90 professional skills and knowledge related to the practice of  
 91 acupuncture, whether conducted by a nonprofit or profitmaking  
 92 entity, are eligible for approval. The continuing professional  
 93 education requirements must be in acupuncture or oriental  
 94 medicine subjects, including, but not limited to, anatomy,  
 95 biological sciences, adjunctive therapies, sanitation and  
 96 sterilization, emergency protocols, and diseases. The board  
 97 shall have the authority to set a fee, not to exceed \$100, for  
 98 each continuing education provider. The licensee shall retain in  
 99 his or her records the certificates of completion of continuing  
 100 professional education requirements ~~to prove compliance with~~  
 101 ~~this subsection. The board may request such documentation~~  
 102 ~~without cause from applicants who are selected at random.~~ All  
 103 national and state acupuncture and oriental medicine  
 104 organizations and acupuncture and oriental medicine schools are

105 approved to provide continuing professional education in  
 106 accordance with this subsection.

107 Section 4. Paragraph (e) of subsection (4) of section  
 108 458.347, Florida Statutes, is amended to read:

109 458.347 Physician assistants.—

110 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

111 (e) A supervisory physician may delegate to a fully  
 112 licensed physician assistant the authority to prescribe or  
 113 dispense any medication used in the supervisory physician's  
 114 practice unless such medication is listed on the formulary  
 115 created pursuant to paragraph (f). A fully licensed physician  
 116 assistant may only prescribe or dispense such medication under  
 117 the following circumstances:

118 1. A physician assistant must clearly identify to the  
 119 patient that he or she is a physician assistant. Furthermore,  
 120 the physician assistant must inform the patient that the patient  
 121 has the right to see the physician before a ~~prior to any~~  
 122 prescription is being prescribed or dispensed by the physician  
 123 assistant.

124 2. The supervisory physician must notify the department of  
 125 his or her intent to delegate, on a department-approved form,  
 126 before delegating such authority and notify the department of a  
 127 ~~any~~ change in prescriptive privileges of the physician  
 128 assistant. Authority to dispense may be delegated only by a  
 129 supervising physician who is registered as a dispensing  
 130 practitioner in compliance with s. 465.0276.

131           3. The physician assistant must complete ~~file with the~~  
132 ~~department a signed affidavit that he or she has completed a~~  
133 minimum of 10 continuing medical education hours in the  
134 specialty practice in which the physician assistant has  
135 prescriptive privileges with each licensure renewal ~~application.~~

136           4. The department may issue a prescriber number to the  
137 physician assistant granting authority for the prescribing of  
138 medicinal drugs authorized within this paragraph upon completion  
139 of the foregoing requirements. The physician assistant shall not  
140 be required to independently register pursuant to s. 465.0276.

141           5. The prescription must be written in a form that  
142 complies with chapter 499 and must contain, in addition to the  
143 supervisory physician's name, address, and telephone number, the  
144 physician assistant's prescriber number. Unless it is a drug or  
145 drug sample dispensed by the physician assistant, the  
146 prescription must be filled in a pharmacy permitted under  
147 chapter 465 and must be dispensed in that pharmacy by a  
148 pharmacist licensed under chapter 465. The appearance of the  
149 prescriber number creates a presumption that the physician  
150 assistant is authorized to prescribe the medicinal drug and the  
151 prescription is valid.

152           6. The physician assistant must note the prescription or  
153 dispensing of medication in the appropriate medical record.

154           Section 5. Subsection (3) of section 463.007, Florida  
155 Statutes, is amended to read:

156           463.007 Renewal of license; continuing education.—

157           (3) A licensee ~~Unless otherwise provided by law, the board~~  
 158 shall ~~require licensees to periodically~~ demonstrate her or his  
 159 ~~their~~ professional competence, as a condition of renewal of a  
 160 license, by completing up to 30 hours of continuing education  
 161 during the 2-year period preceding license renewal. For  
 162 certified optometrists, the 30-hour continuing education  
 163 requirement shall include 6 or more hours of approved  
 164 transcript-quality coursework in ocular and systemic  
 165 pharmacology and the diagnosis, treatment, and management of  
 166 ocular and systemic conditions and diseases during the 2-year  
 167 period preceding application for license renewal.

168           Section 6. Subsection (3) of section 466.0135, Florida  
 169 Statutes, is amended to read:

170           466.0135 Continuing education; dentists.-

171           (3) ~~In applying for license renewal,~~ The dentist shall  
 172 complete ~~submit a sworn affidavit, on a form acceptable to the~~  
 173 ~~department, attesting that she or he has completed~~ the  
 174 continuing education required in this section in accordance with  
 175 the guidelines and provisions of this section ~~and listing the~~  
 176 ~~date, location, sponsor, subject matter, and hours of completed~~  
 177 ~~continuing education courses.~~ The applicant shall retain in her  
 178 or his records such receipts, vouchers, or certificates as may  
 179 be necessary to document completion of the continuing education  
 180 courses listed in accordance with this subsection. ~~With cause,~~  
 181 ~~the board may request such documentation by the applicant, and~~  
 182 ~~the board may request such documentation from applicants~~

183 ~~selected at random without cause.~~

184 Section 7. Section 466.014, Florida Statutes, is amended  
 185 to read:

186 466.014 Continuing education; dental hygienists.—In  
 187 addition to the other requirements for relicensure for dental  
 188 hygienists set out in this act, the board shall require each  
 189 licensed dental hygienist to complete not less than 24 hours or  
 190 more than 36 hours of continuing professional education in  
 191 dental subjects every 2 years, ~~biennially~~, in programs  
 192 prescribed or approved by the board or in equivalent programs of  
 193 continuing education. Programs of continuing education approved  
 194 by the board shall be programs of learning which, in the opinion  
 195 of the board, contribute directly to the dental education of the  
 196 dental hygienist. The board shall adopt rules and guidelines to  
 197 administer and enforce the provisions of this section. ~~In~~  
 198 ~~applying for license renewal, the dental hygienist shall submit~~  
 199 ~~a sworn affidavit, on a form acceptable to the department,~~  
 200 ~~attesting that she or he has completed the continuing education~~  
 201 ~~required in this section in accordance with the guidelines and~~  
 202 ~~provisions of this section and listing the date, location,~~  
 203 ~~sponsor, subject matter, and hours of completed continuing~~  
 204 ~~education courses.~~ The applicant shall retain in her or his  
 205 records such receipts, vouchers, or certificates as may be  
 206 necessary to document completion of the continuing education  
 207 courses listed in accordance with this section. ~~With cause, the~~  
 208 ~~board may request such documentation by the applicant, and the~~



209 ~~board may request such documentation from applicants selected at~~  
 210 ~~random without cause.~~ Compliance with the continuing education  
 211 requirements shall be mandatory for issuance of the renewal  
 212 certificate. The board shall have the authority to excuse  
 213 licensees, as a group or as individuals, from the continuing  
 214 educational requirements, or any part thereof, in the event an  
 215 unusual circumstance, emergency, or hardship has prevented  
 216 compliance with this section.

217 Section 8. Subsection (5) of section 466.032, Florida  
 218 Statutes, is amended to read:

219 466.032 Registration.—

220 (5) The dental laboratory owner or at least one employee  
 221 of a ~~any~~ dental laboratory renewing registration on or after  
 222 July 1, 2010, shall complete 18 hours of continuing education  
 223 every 2 years ~~biennially~~. Programs of continuing education shall  
 224 be programs of learning that contribute directly to the  
 225 education of the dental technician and may include, but are not  
 226 limited to, attendance at lectures, study clubs, college  
 227 courses, or scientific sessions of conventions and research.

228 (a) The aim of continuing education for dental technicians  
 229 is to improve dental health care delivery to the public as such  
 230 is impacted through the design, manufacture, and use of  
 231 artificial human oral prosthetics and related restorative  
 232 appliances.

233 (b) Continuing education courses shall address one or more  
 234 of the following areas of professional development, including,

235 but not limited to:

236 1. Laboratory and technological subjects, including, but  
237 not limited to, laboratory techniques and procedures, materials,  
238 and equipment; and

239 2. Subjects pertinent to oral health, infection control,  
240 and safety.

241 (c) Programs meeting the general requirements of  
242 continuing education may be developed and offered to dental  
243 technicians by the Florida Dental Laboratory Association and the  
244 Florida Dental Association. Other organizations, schools, or  
245 agencies may also be approved to develop and offer continuing  
246 education in accordance with specific criteria established by  
247 the department.

248 ~~(d) Any dental laboratory renewing a registration on or~~  
249 ~~after July 1, 2010, shall submit a sworn affidavit, on a form~~  
250 ~~approved by the department, attesting that either the dental~~  
251 ~~laboratory owner or one dental technician employed by the~~  
252 ~~registered dental laboratory has completed the continuing~~  
253 ~~education required in this subsection in accordance with the~~  
254 ~~guidelines and provisions of this subsection and listing the~~  
255 ~~date, location, sponsor, subject matter, and hours of completed~~  
256 ~~continuing education courses. The dental laboratory shall retain~~  
257 ~~in its records such receipts, vouchers, or certificates as may~~  
258 ~~be necessary to document completion of the continuing education~~  
259 ~~courses listed in accordance with this subsection. With cause,~~  
260 ~~the department may request that the documentation be provided by~~

261 ~~the applicant. The department may also request the documentation~~  
 262 ~~from applicants selected at random without cause.~~

263 (d)~~(e)~~1. This subsection does not apply to a dental  
 264 laboratory that is physically located within a dental practice  
 265 operated by a dentist licensed under this chapter.

266 2. A dental laboratory in another state or country which  
 267 provides service to a dentist licensed under this chapter is not  
 268 required to register with the state and may continue to provide  
 269 services to such dentist with a proper prescription. A dental  
 270 laboratory in another state or country, however, may voluntarily  
 271 comply with this subsection.

272 Section 9. Subsection (2) of section 484.047, Florida  
 273 Statutes, is amended to read:

274 484.047 Renewal of license.—

275 (2) In addition to the other requirements for renewal set  
 276 forth in this section and by the board, the department shall  
 277 renew a license upon receipt of the renewal application and, the  
 278 renewal fee, ~~and a written statement affirming compliance with~~  
 279 ~~all other requirements set forth in this section and by the~~  
 280 ~~board.~~ A licensee must maintain, if applicable, a certificate  
 281 from a manufacturer or independent testing agent certifying that  
 282 the testing room meets the requirements of s. 484.0501(6) and,  
 283 if applicable, a certificate from a manufacturer or independent  
 284 testing agent stating that all audiometric testing equipment  
 285 used by the licensee has been calibrated on an annual basis  
 286 acoustically to American National Standards Institute standard

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287 specifications. Possession of the certificates shall be a  
288 prerequisite to renewal.

289 Section 10. Subsections (1) and (4) of section 486.109,  
290 Florida Statutes, are amended to read:

291 486.109 Continuing education.—

292 (1) The board shall require licensees to ~~periodically~~  
293 demonstrate their professional competence as a condition of  
294 renewal of a license by completing 24 hours of continuing  
295 education every 2 years ~~biennially~~.

296 (4) Each licensee shall be responsible for maintaining  
297 sufficient records ~~in a format as determined by rule which shall~~  
298 ~~be subject to a random audit by the department~~ to assure  
299 compliance with this section.

300 Section 11. This act shall take effect July 1, 2014.