

By Senator Hays

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1                   A bill to be entitled  
2           An act relating to the continuing education  
3           requirements of health care practitioners; amending s.  
4           456.025, F.S.; conforming provisions to changes made  
5           by the act relating to the establishment of an  
6           electronic continuing education tracking system;  
7           creating s. 456.0361, F.S.; establishing an electronic  
8           continuing education tracking system in the Department  
9           of Health; prohibiting the department from renewing a  
10          license unless the licensee demonstrates compliance  
11          with continuing education requirements; authorizing  
12          the department to adopt rules; amending ss. 457.107,  
13          458.347, 463.007, 466.0135, 466.014, 466.032, 484.047,  
14          and 486.109, F.S.; conforming provisions to changes  
15          made by the act; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Subsection (7) of section 456.025, Florida  
20 Statutes, is amended to read:

21           456.025 Fees; receipts; disposition.—

22           (7) Each board, or the department if there is no board,  
23 shall establish, by rule, a fee of up to ~~not to exceed~~ \$250 for  
24 anyone seeking approval to provide continuing education courses  
25 or programs and ~~shall establish by rule~~ a biennial renewal fee  
26 of up to ~~not to exceed~~ \$250 for the renewal of approval to  
27 provide providership ~~of~~ such courses. The fees collected ~~from~~  
28 ~~continuing education providers~~ shall be used for the purposes of  
29 reviewing course provider applications, monitoring the integrity

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30 of the courses provided, covering legal expenses incurred as a  
31 result of not granting or renewing an approval ~~a providership,~~  
32 and developing and maintaining an electronic continuing  
33 education tracking system pursuant to s. 456.0361. ~~The~~  
34 ~~department shall implement an electronic continuing education~~  
35 ~~tracking system for each new biennial renewal cycle for which~~  
36 ~~electronic renewals are implemented after the effective date of~~  
37 ~~this act and shall integrate such system into the licensure and~~  
38 ~~renewal system.~~ All approved continuing education providers  
39 shall provide information on course attendance to the department  
40 necessary to implement the electronic tracking system. The  
41 department shall, by rule, specify the form and procedures by  
42 which the information is to be submitted.

43 Section 2. Section 456.0361, Florida Statutes, is created  
44 to read:

45 456.0361 Monitoring compliance with continuing education  
46 requirements.-

47 (1) The department shall establish an electronic continuing  
48 education tracking system to monitor a licensee's compliance  
49 with continuing education requirements and to determine whether  
50 a licensee is in full compliance with all applicable continuing  
51 education requirements at the time of license renewal. The  
52 electronic continuing education tracking system shall be  
53 integrated into the department's licensure and renewal system.

54 (2) The department may not renew a license until the  
55 licensee has demonstrated compliance with all applicable  
56 continuing education requirements. This subsection does not  
57 prohibit the department or boards from imposing additional  
58 penalties under the applicable practice act or department rule

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59 for failing to comply with continuing education requirements.

60 (3) The department may adopt rules to administer this  
61 section.

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

64 457.107 Renewal of licenses; continuing education.—

65 (3) The board shall by rule prescribe continuing education  
66 requirements of up to, ~~not to exceed~~ 30 hours biennially, as a  
67 condition for renewal of a license. All education programs that  
68 contribute to the advancement, extension, or enhancement of  
69 professional skills and knowledge related to the practice of  
70 acupuncture, whether conducted by a nonprofit or profitmaking  
71 entity, are eligible for approval. The continuing professional  
72 education requirements must be in acupuncture or oriental  
73 medicine subjects, including, but not limited to, anatomy,  
74 biological sciences, adjunctive therapies, sanitation and  
75 sterilization, emergency protocols, and diseases. The board may  
76 ~~shall have the authority to~~ set a fee of up to, ~~not to exceed~~  
77 \$100, for each continuing education provider. The licensee shall  
78 retain in his or her records the certificates of completion of  
79 continuing professional education requirements ~~to prove~~  
80 ~~compliance with this subsection. The board may request such~~  
81 ~~documentation without cause from applicants who are selected at~~  
82 ~~random.~~ All national and state acupuncture and oriental medicine  
83 organizations and acupuncture and oriental medicine schools are  
84 approved to provide continuing professional education in  
85 accordance with this subsection.

86 Section 4. Paragraph (e) of subsection (4) of section  
87 458.347, Florida Statutes, is amended to read:

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88 458.347 Physician assistants.—

89 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

90 (e) A supervisory physician may delegate to a fully  
91 licensed physician assistant the authority to prescribe or  
92 dispense any medication used in the supervisory physician's  
93 practice unless such medication is listed on the formulary  
94 created pursuant to paragraph (f). A fully licensed physician  
95 assistant may only prescribe or dispense such medication under  
96 the following circumstances:

97 1. A physician assistant must clearly identify to the  
98 patient that he or she is a physician assistant. ~~Furthermore,~~  
99 The physician assistant must also inform the patient that the  
100 patient has the right to see the physician before ~~prior to~~ any  
101 prescription is being prescribed or dispensed by the physician  
102 assistant.

103 2. The supervisory physician must notify the department of  
104 his or her intent to delegate, on a department-approved form,  
105 before delegating such authority and notify the department of  
106 any change in prescriptive privileges of the physician  
107 assistant. Authority to dispense may be delegated only by a  
108 supervising physician who is registered as a dispensing  
109 practitioner in compliance with s. 465.0276.

110 3. The physician assistant must complete ~~file with the~~  
111 ~~department a signed affidavit that he or she has completed~~ a  
112 minimum of 10 continuing medical education hours in the  
113 specialty practice in which the physician assistant has  
114 prescriptive privileges with each licensure renewal application.

115 4. The department may issue a prescriber number to the  
116 physician assistant granting authority for the prescribing of

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117 medicinal drugs authorized within this paragraph upon completion  
118 of the foregoing requirements. The physician assistant is ~~shall~~  
119 not ~~be~~ required to independently register pursuant to s.  
120 465.0276.

121 5. The prescription must be written in a form that complies  
122 with chapter 499 and ~~must~~ contain, in addition to the  
123 supervisory physician's name, address, and telephone number, the  
124 physician assistant's prescriber number. Unless it is a drug or  
125 drug sample dispensed by the physician assistant, the  
126 prescription must be filled in a pharmacy permitted under  
127 chapter 465 and ~~must be~~ dispensed in that pharmacy by a  
128 pharmacist licensed under chapter 465. The appearance of the  
129 prescriber number creates a presumption that the physician  
130 assistant is authorized to prescribe the medicinal drug and the  
131 prescription is valid.

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

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

136 463.007 Renewal of license; continuing education.—

137 (3) Licensees must ~~Unless otherwise provided by law, the~~  
138 ~~board shall require licensees to periodically~~ demonstrate their  
139 professional competence, as a condition of renewal of a license,  
140 by completing up to 30 hours of continuing education during the  
141 2-year period preceding license renewal. For certified  
142 optometrists, the 30-hour continuing education requirement  
143 includes ~~shall include~~ 6 or more hours of approved transcript-  
144 quality coursework in ocular and systemic pharmacology and the  
145 diagnosis, treatment, and management of ocular and systemic

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146 conditions and diseases during the 2-year period preceding  
147 application for license renewal.

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

150 466.0135 Continuing education; dentists.—

151 (3) Each ~~In applying for license renewal,~~ the dentist shall  
152 complete ~~submit a sworn affidavit, on a form acceptable to the~~  
153 ~~department, attesting that she or he has completed~~ the  
154 continuing education required in this section in accordance with  
155 the guidelines and provisions of this section ~~and listing the~~  
156 ~~date, location, sponsor, subject matter, and hours of completed~~  
157 ~~continuing education courses.~~ An ~~The~~ applicant shall retain in  
158 her or his records such receipts, vouchers, or certificates as  
159 may be necessary to document completion of the continuing  
160 education courses listed in accordance with this subsection.  
161 ~~With cause, the board may request such documentation by the~~  
162 ~~applicant, and the board may request such documentation from~~  
163 ~~applicants selected at random without cause.~~

164 Section 7. Section 466.014, Florida Statutes, is amended to  
165 read:

166 466.014 Continuing education; dental hygienists.—In  
167 addition to the other requirements for relicensure for dental  
168 hygienists set out in this chapter ~~act~~, the board shall require  
169 each licensed dental hygienist to complete at least ~~not less~~  
170 ~~than~~ 24 hours but not ~~or~~ more than 36 hours of continuing  
171 professional education in dental subjects, biennially, in  
172 programs prescribed or approved by the board or in equivalent  
173 programs of continuing education. Programs of continuing  
174 education approved by the board are ~~shall be~~ programs of

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175 learning which, in the opinion of the board, contribute directly  
176 to the dental education of the dental hygienist. The board shall  
177 adopt rules and guidelines to administer and enforce ~~the~~  
178 ~~provisions of this section. An In applying for license renewal,~~  
179 ~~the dental hygienist shall submit a sworn affidavit, on a form~~  
180 ~~acceptable to the department, attesting that she or he has~~  
181 ~~completed the continuing education required in this section in~~  
182 ~~accordance with the guidelines and provisions of this section~~  
183 ~~and listing the date, location, sponsor, subject matter, and~~  
184 ~~hours of completed continuing education courses. The applicant~~  
185 shall retain in her or his records such receipts, vouchers, or  
186 certificates as may be necessary to document completion of the  
187 continuing education courses listed in accordance with this  
188 section. ~~With cause, the board may request such documentation by~~  
189 ~~the applicant, and the board may request such documentation from~~  
190 ~~applicants selected at random without cause. Compliance with the~~  
191 continuing education requirements is ~~shall be~~ mandatory for  
192 issuance of the renewal certificate. The board may ~~shall have~~  
193 ~~the authority to~~ excuse licensees, as a group or as individuals,  
194 from the continuing educational requirements, or any part  
195 thereof, if ~~in the event~~ an unusual circumstance, emergency, or  
196 hardship has prevented compliance with this section.

197 Section 8. Paragraph (d) of subsection (5) of section  
198 466.032, Florida Statutes, is amended to read:

199 466.032 Registration.—

200 (5) A ~~The~~ dental laboratory owner or at least one employee  
201 of any dental laboratory renewing registration on or after July  
202 1, 2010, shall complete 18 hours of continuing education  
203 biennially. Programs of continuing education shall be programs

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204 of learning that contribute directly to the education of the  
205 dental technician and may include, but are not limited to,  
206 attendance at lectures, study clubs, college courses, or  
207 scientific sessions of conventions and research.

208 ~~(d) Any dental laboratory renewing a registration on or~~  
209 ~~after July 1, 2010, shall submit a sworn affidavit, on a form~~  
210 ~~approved by the department, attesting that either the dental~~  
211 ~~laboratory owner or one dental technician employed by the~~  
212 ~~registered dental laboratory has completed the continuing~~  
213 ~~education required in this subsection in accordance with the~~  
214 ~~guidelines and provisions of this subsection and listing the~~  
215 ~~date, location, sponsor, subject matter, and hours of completed~~  
216 ~~continuing education courses. The dental laboratory shall retain~~  
217 ~~in its records such receipts, vouchers, or certificates as may~~  
218 ~~be necessary to document completion of the continuing education~~  
219 ~~courses listed in accordance with this subsection. With cause,~~  
220 ~~the department may request that the documentation be provided by~~  
221 ~~the applicant. The department may also request the documentation~~  
222 ~~from applicants selected at random without cause.~~

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

225 484.047 Renewal of license.-

226 (2) In addition to other requirements for license renewal  
227 provided in this section and by the board, the department shall  
228 renew a license upon receipt of the renewal application and, the  
229 renewal fee, ~~and a written statement affirming compliance with~~  
230 ~~all other requirements set forth in this section and by the~~  
231 ~~board.~~ A licensee must maintain, if applicable, a certificate  
232 from a manufacturer or independent testing agent certifying that



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233 the testing room meets the requirements of s. 484.0501(6) and,  
234 if applicable, a certificate from a manufacturer or independent  
235 testing agent stating that all audiometric testing equipment  
236 used by the licensee has been calibrated on an annual basis  
237 acoustically to American National Standards Institute standard  
238 specifications. Possession of the certificates is ~~shall be~~ a  
239 prerequisite to renewal.

240 Section 10. Subsection (4) of section 486.109, Florida  
241 Statutes, is amended to read:

242 486.109 Continuing education.—

243 (4) Each licensee shall maintain ~~be responsible for~~  
244 ~~maintaining~~ sufficient records ~~in a format as determined by rule~~  
245 ~~which shall be subject to a random audit by the department to~~  
246 demonstrate ~~assure~~ compliance with this section.

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