

1 A bill to be entitled

2 An act relating to advanced practice registered
3 nurses; amending s. 464.003, F.S.; revising and
4 providing definitions; redesignating advanced
5 registered nurse practitioners as advanced practice
6 registered nurses; providing for independent advanced
7 practice registered nurses to practice advanced or
8 specialized nursing; revising composition of a joint
9 committee to include an independent advanced practice
10 registered nurse; exempting an independent advanced
11 practice registered nurse from a requirement that
12 certain medical acts be supervised by a physician;
13 amending s. 464.012, F.S.; revising advanced practice
14 registered nurse certification requirements;
15 authorizing advanced practice registered nurses to
16 administer, dispense, and prescribe medicinal drugs
17 pursuant to a protocol; creating s. 464.0125, F.S.;
18 providing for the registration of independent advanced
19 practice registered nurses who meet certain
20 requirements; specifying acts that independent
21 advanced practice registered nurses are authorized to
22 perform without physician supervision or protocol;
23 providing for biennial renewal of registration,
24 including continuing education requirements; providing
25 for application and biennial renewal fees; providing
26 rulemaking authority; amending s. 464.015, F.S.;

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

27 providing title protection for independent advanced
28 practice registered nurses; creating s. 464.0155,
29 F.S.; requiring independent advanced practice
30 registered nurses to report adverse incidents to the
31 Department of Health in a certain manner; providing
32 for department review of adverse incidents;
33 authorizing the department to take disciplinary action
34 in cases of adverse incidents; amending s. 464.016,
35 F.S.; providing penalties for illegally using certain
36 titles; amending s. 464.018, F.S.; adding grounds for
37 disciplinary actions against nurses; amending s.
38 39.303, F.S.; revising requirements relating to review
39 of certain cases of abuse or neglect and standards for
40 face-to-face medical evaluations by a child protection
41 team; amending s. 39.304, F.S.; authorizing an
42 independent advanced practice registered nurse to
43 perform or order an examination and diagnose a child
44 under certain circumstances without parental consent;
45 amending s. 90.503, F.S.; redefining the term
46 "psychotherapist" to include an independent advanced
47 practice registered nurse with a specified scope of
48 practice; amending s. 112.0455, F.S.; authorizing an
49 independent advanced practice registered nurse to
50 collect specimens for drug testing; amending s.
51 121.0515, F.S.; designating an advanced practice
52 registered nurse as a special risk member under

53 certain conditions; amending ss. 310.071, 310.073, and
54 310.081, F.S.; revising deputy pilot certification and
55 state pilot licensure requirements to permit an
56 independent advanced practice registered nurse to
57 administer the required physical examination;
58 broadening an exception to the prohibition against the
59 use of controlled substances by an applicant for a
60 deputy pilot certificate or a state pilot license to
61 allow the use of controlled substances prescribed by
62 an independent advanced practice registered nurse or
63 an advanced practice registered nurse; requiring an
64 independent advanced practice registered nurse
65 performing the physical examination to know the
66 minimum licensure standards and certify that such
67 standards are met; amending s. 320.0848, F.S.;;
68 authorizing an independent advanced practice
69 registered nurse to certify that a person is disabled;
70 amending s. 381.00315, F.S.; authorizing the
71 reactivation of an independent advanced practice
72 registered nurse license in a public health emergency;
73 amending s. 381.00593, F.S.; redefining the term
74 "health care practitioner" to include an independent
75 advanced practice registered nurse; amending ss.
76 381.026, 383.141, 627.357, and 766.1115, F.S.;;
77 revising the term "health care provider" to include an
78 independent advanced practice registered nurse;

79 | amending s. 382.008, F.S.; authorizing an independent
80 | advanced practice nurse or an advanced practice
81 | registered nurse to file a certificate of death or
82 | fetal death under certain circumstances; authorizing a
83 | certified nurse midwife to provide certain information
84 | to a funeral director within a specified time period;
85 | revising the term "primary or attending physician";
86 | amending s. 390.0111, F.S.; including an independent
87 | advanced practice registered nurse in the list of
88 | health care practitioners authorized to review an
89 | ultrasound with a woman prior to an abortion
90 | procedure; amending s. 390.012, F.S.; including an
91 | independent advanced practice registered nurse in the
92 | list of health care practitioners authorized to
93 | provide postoperative monitoring and required to be
94 | available throughout an abortion procedure, remain at
95 | the abortion clinic until all patients are discharged,
96 | and attempt to assess the patient's recovery within a
97 | specified time; amending s. 394.455, F.S.; revising
98 | the term "psychiatric nurse" to include an independent
99 | advanced practice registered nurse certified in a
100 | specified specialty; amending s. 394.463, F.S.;
101 | authorizing an independent advanced practice
102 | registered nurse or advanced practice registered nurse
103 | to initiate an involuntary examination for mental
104 | illness under certain circumstances; providing for

105 examination of a patient by a psychiatric nurse;
106 authorizing a psychiatric nurse to approve the release
107 of a patient under certain conditions; amending s.
108 395.0191, F.S.; providing for eligibility of an
109 independent advanced practice registered nurse for
110 clinical privileges; providing an exception to the
111 requirement for onsite medical direction for certain
112 independent advanced practice registered nurses;
113 amending s. 395.605, F.S.; including independent
114 advanced practice registered nurses in a list of
115 health care practitioners that must supervise the care
116 of a patient or be on duty for a specified duration in
117 an emergency care setting; amending s. 397.311, F.S.;
118 revising the term "qualified professional" to include
119 an independent advanced practice registered nurse;
120 conforming terminology; amending s. 397.405, F.S.;
121 providing that an independent advanced practice
122 registered nurse's practice may not be limited under
123 certain circumstances; amending s. 397.501, F.S.;
124 prohibiting the denial of certain services to an
125 individual who takes medication prescribed by an
126 independent advanced practice registered nurse or an
127 advanced practice registered nurse; amending s.
128 400.021, F.S.; revising the term "geriatric outpatient
129 clinic" to include a site staffed by an independent
130 advanced practice registered nurse; amending s.

131 400.0255, F.S.; including independent advanced
132 practice registered nurses in a list of health care
133 practitioners who must sign a notice of discharge or
134 transfer; amending s. 400.172, F.S.; revising
135 provisions relating to who may provide a prospective
136 respite care resident with certain medical information
137 to include independent advanced practice registered
138 nurses and advanced practice registered nurses;
139 amending s. 400.462, F.S.; defining the term
140 "independent advanced practice registered nurse";
141 amending s. 400.487, F.S.; including independent
142 advanced practice registered nurses in a list of
143 health care practitioners who must establish treatment
144 orders for certain patients and under certain
145 circumstances; amending s. 400.506, F.S.; applying
146 requirements applicable to medical plans of treatment
147 to independent advanced practice registered nurses;
148 amending s. 400.9905, F.S.; exempting entities where
149 health care services are provided by independent
150 advanced practice registered nurses from clinic
151 licensure requirements; amending s. 401.445, F.S.;
152 prohibiting recovery of damages in court against an
153 independent advanced practice registered nurse under
154 certain circumstances; requiring an independent
155 advanced practice registered nurse to attempt to
156 obtain consent of a person prior to providing

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157 emergency services; amending s. 409.905, F.S.;

158 providing for the payment of independent advanced

159 practice registered nurses by the Agency for Health

160 Care Administration for mandatory Medicaid services;

161 providing for the qualification of rural health

162 clinics to be paid by the agency; amending s. 409.908,

163 F.S.; providing for the reimbursement of Medicaid

164 services provided by independent advanced practice

165 registered nurses; amending s. 409.9081, F.S.;

166 requiring copayments under the Medicaid program to be

167 paid for independent advanced practice registered

168 nurse services; amending s. 409.973, F.S.; requiring

169 managed care plans to cover independent advanced

170 practice registered nurse services; amending s.

171 429.26, F.S.; prohibiting independent advanced

172 practice registered nurses from having a financial

173 interest in the assisted living facility that employs

174 them; including independent advanced practice

175 registered nurses in a list of health care

176 practitioners from whom an assisted living facility

177 resident may obtain an examination prior to admission;

178 amending s. 429.918, F.S.; revising the term "ADRD

179 participant" to include participants who have a

180 documented diagnosis of Alzheimer's disease or a

181 dementia-related disorder from an independent advanced

182 practice registered nurse; including independent

183 advanced practice registered nurses in a list of
184 health care practitioners from whom an ADRD
185 participant may obtain signed medical documentation;
186 amending s. 440.102, F.S.; authorizing, for the
187 purpose of drug-free workforce program requirements,
188 an independent advanced practice registered nurse to
189 collect a specimen for a drug test; amending s.
190 456.048, F.S.; requiring independent advanced practice
191 registered nurses to maintain medical malpractice
192 insurance or provide proof of financial
193 responsibility; exempting independent advanced
194 practice registered nurses from such requirements
195 under certain circumstances; amending s. 456.053,
196 F.S.; revising the term "board" to include the Board
197 of Nursing; revising the terms "health care provider"
198 and "sole provider" to include independent advanced
199 practice registered nurses; authorizing an independent
200 advanced practice registered nurse to make referrals
201 under certain circumstances; amending s. 456.072,
202 F.S.; requiring the suspension and fining of an
203 independent advanced practice registered nurse or
204 advanced practice registered nurse for prescribing or
205 dispensing a controlled substances in a certain
206 manner; amending s. 456.44, F.S.; providing certain
207 requirements for independent advanced practice
208 registered nurses and advanced practice registered

209 nurses who prescribe controlled substances for the
 210 treatment of chronic nonmalignant pain; amending s.
 211 458.3265, F.S.; requiring an independent advanced
 212 practice registered nurse to perform a physical
 213 examination of a patient at a pain management clinic
 214 under certain circumstances; amending ss. 458.348 and
 215 459.025, F.S.; deleting obsolete provisions; amending
 216 s. 459.0137, F.S.; requiring an independent advanced
 217 practice registered nurse to perform a physical
 218 examination of a patient at a pain management clinic
 219 under certain circumstances; amending s. 464.0205,
 220 F.S.; authorizing a retired volunteer nurse to work
 221 under the direct supervision of an independent
 222 advanced practice registered nurse; amending s.
 223 480.0475; authorizing the operation of a massage
 224 establishment during specified times if a massage is
 225 prescribed by an independent advanced practice
 226 registered nurse; amending s. 483.041, F.S.; revising
 227 the term "licensed practitioner" to include an
 228 independent advanced practice registered nurse;
 229 amending s. 483.181, F.S.; requiring clinical
 230 laboratories to accept a human specimen submitted by
 231 an independent advanced practice registered nurse;
 232 amending s. 486.021, F.S.; authorizing a physical
 233 therapist to implement a plan of treatment provided by
 234 an independent advanced practice registered nurse;

235 amending s. 490.012, F.S.; allowing certain qualified
236 independent advanced practice registered nurses to use
237 the word, or a form of the word, "psychotherapy";
238 amending s. 491.0057, F.S.; authorizing certain
239 qualified independent advanced practice registered
240 nurses to be licensed as marriage and family
241 therapists; amending s. 491.012, F.S.; authorizing
242 certain qualified independent advanced practice
243 registered nurses to use specified terms; amending s.
244 493.6108, F.S.; authorizing an independent advanced
245 practice registered nurse to certify the physical
246 fitness of a certain class of applicants to bear a
247 weapon or firearm; amending s. 626.9707, F.S.;
248 prohibiting discrimination by an insurer of a person
249 with sickle-cell trait for services authorized to be
250 provided by an independent advanced practice
251 registered nurse; amending s. 627.6471, F.S.;
252 requiring insurers under certain circumstances to
253 provide eligibility criteria for qualified independent
254 advanced practice registered nurses; amending s.
255 627.6472, F.S.; requiring insurers under certain
256 circumstances to provide eligibility criteria for
257 qualified independent advanced practice registered
258 nurses; prohibiting an exclusive provider organization
259 from discriminating against participation by a
260 qualified independent advanced practice registered

261 nurse; amending s. 627.736, F.S.; requiring personal
262 injury protection insurance to cover a certain amount
263 of medical services provided by an independent
264 advanced practice registered nurse, practitioners
265 supervised by an independent advanced practice
266 registered nurse, or an entity wholly owned by one or
267 more independent advanced practice registered nurses;
268 providing for reimbursement amounts for independent
269 advanced practice registered nurses; amending s.
270 633.412, F.S.; permitting an applicant for
271 certification as a firefighter to obtain a medical
272 examination by an independent advanced practice
273 registered nurse; amending s. 641.3923, F.S.;
274 prohibiting a health maintenance organization from
275 discriminating against the participation of an
276 independent advanced practice registered nurse;
277 amending s. 641.495, F.S.; requiring a health
278 maintenance organization to disclose in certain
279 documents that certain services may be provided by
280 independent advanced practice registered nurses;
281 amending s. 744.703, F.S.; adding independent advanced
282 practice registered nurses to a list of authorized
283 professionals with whom a public guardian may contract
284 to carry out guardianship functions; amending s.
285 766.102, F.S.; providing requirements for
286 qualification as an expert witness in a medical

287 negligence case concerning the standard of care for an
288 independent advanced practice registered nurse;
289 amending s. 766.103, F.S.; prohibiting recovery of
290 damages against an independent advanced practice
291 registered nurse under certain conditions; amending s.
292 766.1116, F.S.; revising the term "health care
293 practitioner" to include an independent advanced
294 practice registered nurse; amending s. 766.118, F.S.;
295 revising the term "practitioner" to include an
296 independent advanced practice registered nurse;
297 amending s. 768.135, F.S.; providing immunity from
298 liability for an independent advanced practice
299 registered nurse who provides volunteer services under
300 certain circumstances; amending s. 782.071, F.S.;
301 allowing a person serving community service in a
302 trauma center or hospital to be under the supervision
303 of an independent advanced practice registered nurse
304 or an advanced practice registered nurse; amending s.
305 794.08, F.S.; providing that the section does not
306 apply to procedures conducted by an independent
307 advanced practice registered nurse under certain
308 circumstances; amending s. 893.02, F.S.; revising the
309 term "practitioner" to include an independent advanced
310 practice registered nurse and an advanced practice
311 registered nurse; amending s. 943.13, F.S.;

312 authorizing a law enforcement officer or correctional

313 officer to satisfy qualifications for employment or
314 appointment by passing a physical examination
315 conducted by an independent advanced practice
316 registered nurse; amending s. 945.603, F.S.;

317 authorizing the Correctional Medical Authority to
318 review and make recommendations as to the use of
319 advanced practice registered nurses to act as
320 physician extenders; amending s. 1002.20, F.S.;

321 preventing a school district and its employees and
322 agents from being held liable for the use of
323 epinephrine auto-injectors under certain circumstances
324 regardless if authorized by an independent advanced
325 practice registered nurse; amending s. 1002.42, F.S.;

326 preventing a private school and its employees and
327 agents from being held liable for the use of
328 epinephrine auto-injectors under certain circumstances
329 regardless if authorized by an independent advanced
330 practice registered nurse; amending s. 1006.062, F.S.;

331 authorizing nonmedical assistive personnel to perform
332 health services if trained by an independent advanced
333 practice registered nurse; requiring monitoring of
334 such personnel by an independent advanced practice
335 registered nurse; including independent advanced
336 practice registered nurses in a list of practitioners
337 who must determine whether such personnel may perform
338 certain invasive medical services; amending s.

339 1006.20, F.S.; authorizing students athletes to
 340 satisfy a medical evaluation requirement by having an
 341 independent advanced practice registered nurse perform
 342 the evaluation; amending ss. 110.12315, 252.515,
 343 395.602, 397.427, 456.0391, 456.0392, 456.041,
 344 458.331, 459.015, 464.004, 467.003, 483.801, 744.331,
 345 1009.65, 1009.66, and 1009.67, F.S.; conforming
 346 terminology; providing an effective date.

347

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

349

350 Section 1. Subsections (16) through (23) of section
 351 464.003, Florida Statutes, are renumbered as subsections (17)
 352 through (24), respectively, present subsections (2), (3), (20),
 353 and (22) are amended, and a new subsection (16) is added to that
 354 section, to read:

355 464.003 Definitions.—As used in this part, the term:

356 (2) "Advanced or specialized nursing practice" or "to
 357 practice advanced or specialized nursing" means, in addition to
 358 the practice of professional nursing, the performance of
 359 advanced-level nursing acts approved by the board which, by
 360 virtue of postbasic specialized education, training, and
 361 experience, are appropriately performed by an independent
 362 advanced practice registered nurse or an advanced practice
 363 registered nurse ~~practitioner~~. Within the context of advanced or
 364 specialized nursing practice, the independent advanced practice

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365 registered nurse and advanced practice registered nurse
366 ~~practitioner~~ may perform acts of nursing diagnosis and nursing
367 treatment of alterations of the health status. The independent
368 advanced practice registered nurse and advanced practice
369 registered nurse ~~practitioner~~ may also perform acts of medical
370 diagnosis, and treatment, ~~prescription,~~ and operation which are
371 identified and approved by a joint committee composed of three
372 members appointed by the Board of Nursing, one of whom must be
373 an independent advanced practice registered nurse and one ~~two~~ of
374 whom must be an advanced practice registered nurse
375 ~~practitioners;~~ three members appointed by the Board of Medicine,
376 two of whom must have had work experience with advanced practice
377 registered nurses ~~nurse practitioners;~~ and the State Surgeon
378 General or the State Surgeon General's designee. Each committee
379 member appointed by a board shall be appointed to a term of 4
380 years unless a shorter term is required to establish or maintain
381 staggered terms. The Board of Nursing shall adopt rules
382 authorizing the performance of any such acts approved by the
383 joint committee. Unless otherwise specified by the joint
384 committee and unless such acts are performed by independent
385 advanced practice registered nurses, such medical acts must be
386 performed under the general supervision of a practitioner
387 licensed under chapter 458, chapter 459, or chapter 466 within
388 the framework of standing protocols which identify the medical
389 acts to be performed and the conditions for their performance.
390 The department may, by rule, require that a copy of the protocol

391 be filed with the department along with the notice required by
 392 s. 458.348 or s. 459.025.

393 (3) "Advanced practice registered nurse ~~practitioner~~"
 394 means any person licensed in this state to practice professional
 395 nursing and certified in advanced or specialized nursing
 396 practice, including certified registered nurse anesthetists,
 397 certified nurse midwives, and certified nurse practitioners.

398 (16) "Independent advanced practice registered nurse"
 399 means an advanced practice registered nurse who maintains an
 400 active and unencumbered certification under s. 464.012(2) and
 401 registration under s. 464.0125 to practice advanced or
 402 specialized nursing independently and without the supervision of
 403 a physician or a protocol.

404 ~~(21)-(20)~~ "Practice of professional nursing" means the
 405 performance of those acts requiring substantial specialized
 406 knowledge, judgment, and nursing skill based upon applied
 407 principles of psychological, biological, physical, and social
 408 sciences which shall include, but not be limited to:

409 (a) The observation, assessment, nursing diagnosis,
 410 planning, intervention, and evaluation of care; health teaching
 411 and counseling of the ill, injured, or infirm; and the promotion
 412 of wellness, maintenance of health, and prevention of illness of
 413 others.

414 (b) The prescribing and administration of medications and
 415 treatments as ~~prescribed or~~ authorized by a ~~duly licensed~~
 416 ~~practitioner authorized by~~ the laws of this state ~~to prescribe~~

417 ~~such medications and treatments.~~

418 (c) The supervision and teaching of other personnel in the
 419 theory and performance of any of the acts described in this
 420 subsection.

421
 422 A professional nurse is responsible and accountable for making
 423 decisions that are based upon the individual's educational
 424 preparation and experience in nursing.

425 ~~(23)-(22)~~ "Registered nurse" means any person licensed in
 426 this state to practice professional nursing, except such
 427 licensed person may only administer medications and treatments
 428 authorized by a duly licensed practitioner authorized by the
 429 laws of this state to prescribe such medications and treatments.

430 Section 2. Section 464.012, Florida Statutes, is amended
 431 to read:

432 464.012 Certification of advanced practice registered
 433 nurses ~~nurse practitioners~~; fees.—

434 (1) Any nurse desiring to be certified as an advanced
 435 practice registered nurse ~~practitioner~~ shall apply to the board
 436 ~~department~~ and submit proof that the nurse ~~he or she~~ holds a
 437 current license to practice professional nursing and that the
 438 nurse ~~he or she~~ meets ~~one or more of~~ the following requirements
 439 ~~as determined by the board:~~

440 ~~(a) Satisfactory completion of a formal postbasic~~
 441 ~~educational program of at least one academic year, the primary~~
 442 ~~purpose of which is to prepare nurses for advanced or~~

443 ~~specialized practice.~~

444 ~~(a)~~(b) Certification by an appropriate specialty board.
445 Such certification shall be required for initial state
446 certification and any recertification as a nurse practitioner,
447 registered nurse anesthetist, or nurse midwife. The board may by
448 rule provide for provisional state certification of graduate
449 nurse practitioners, nurse anesthetists, and nurse midwives for
450 a period of time determined to be appropriate for preparing for
451 and passing the national certification examination.

452 ~~(b)~~(e) Graduation from a ~~program leading to a~~ master's
453 degree program in a nursing clinical specialty area with
454 preparation in specialized practitioner skills. ~~For applicants~~
455 ~~graduating on or after October 1, 1998, graduation from a~~
456 ~~master's degree program shall be required for initial~~
457 ~~certification as a nurse practitioner under paragraph (4) (c).~~
458 ~~For applicants graduating on or after October 1, 2001,~~
459 ~~graduation from a master's degree program shall be required for~~
460 ~~initial certification as a registered nurse anesthetist under~~
461 ~~paragraph (4) (a).~~

462 (2) The board shall provide by rule the appropriate
463 requirements for advanced practice registered nurses ~~nurse~~
464 ~~practitioners~~ in the categories of certified registered nurse
465 anesthetist, certified nurse midwife, and certified nurse
466 practitioner.

467 (3) An advanced practice registered nurse ~~practitioner~~
468 shall perform those functions authorized in this section within

469 the framework of an established protocol that is filed with the
 470 board upon biennial license renewal and within 30 days after
 471 entering into a supervisory relationship with a physician or
 472 changes to the protocol. The board shall review the protocol to
 473 ensure compliance with applicable regulatory standards for
 474 protocols. The board shall refer to the department licensees
 475 submitting protocols that are not compliant with the regulatory
 476 standards for protocols. A practitioner currently licensed under
 477 chapter 458, chapter 459, or chapter 466 shall maintain
 478 supervision for directing the specific course of medical
 479 treatment. Within the established framework, an advanced
 480 practice registered nurse ~~practitioner~~ may:

- 481 (a) Monitor and alter drug therapies.
- 482 (b) Initiate appropriate therapies for certain conditions.
- 483 (c) Perform additional functions as may be determined by
 484 rule in accordance with s. 464.003(2).
- 485 (d) Order diagnostic tests and physical and occupational
 486 therapy.
- 487 (e) Administer, dispense, and prescribe medicinal drugs,
 488 including controlled substances.

489 (4) In addition to the general functions specified in
 490 subsection (3), an advanced practice registered nurse
 491 ~~practitioner~~ may perform the following acts within his or her
 492 specialty:

- 493 (a) The certified registered nurse anesthetist may, to the
 494 extent authorized by established protocol approved by the

495 | medical staff of the facility in which the anesthetic service is
496 | performed, perform any or all of the following:

497 | 1. Determine the health status of the patient as it
498 | relates to the risk factors and to the anesthetic management of
499 | the patient through the performance of the general functions.

500 | 2. Based on history, physical assessment, and supplemental
501 | laboratory results, determine, with the consent of the
502 | responsible physician, the appropriate type of anesthesia within
503 | the framework of the protocol.

504 | 3. Order under the protocol preanesthetic medication.

505 | 4. Perform under the protocol procedures commonly used to
506 | render the patient insensible to pain during the performance of
507 | surgical, obstetrical, therapeutic, or diagnostic clinical
508 | procedures. These procedures include ordering and administering
509 | regional, spinal, and general anesthesia; inhalation agents and
510 | techniques; intravenous agents and techniques; and techniques of
511 | hypnosis.

512 | 5. Order or perform monitoring procedures indicated as
513 | pertinent to the anesthetic health care management of the
514 | patient.

515 | 6. Support life functions during anesthesia health care,
516 | including induction and intubation procedures, the use of
517 | appropriate mechanical supportive devices, and the management of
518 | fluid, electrolyte, and blood component balances.

519 | 7. Recognize and take appropriate corrective action for
520 | abnormal patient responses to anesthesia, adjunctive medication,

521 or other forms of therapy.

522 8. Recognize and treat a cardiac arrhythmia while the
523 patient is under anesthetic care.

524 9. Participate in management of the patient while in the
525 postanesthesia recovery area, including ordering the
526 administration of fluids and drugs.

527 10. Place special peripheral and central venous and
528 arterial lines for blood sampling and monitoring as appropriate.

529 (b) The certified nurse midwife may, to the extent
530 authorized by an established protocol which has been approved by
531 the medical staff of the health care facility in which the
532 midwifery services are performed, or approved by the nurse
533 midwife's physician backup when the delivery is performed in a
534 patient's home, perform any or all of the following:

535 1. Perform superficial minor surgical procedures.

536 2. Manage the patient during labor and delivery to include
537 amniotomy, episiotomy, and repair.

538 3. Order, initiate, and perform appropriate anesthetic
539 procedures.

540 4. Perform postpartum examination.

541 5. Order appropriate medications.

542 6. Provide family-planning services and well-woman care.

543 7. Manage the medical care of the normal obstetrical
544 patient and the initial care of a newborn patient.

545 (c) The certified nurse practitioner may perform any or
546 all of the following acts within the framework of established

547 | protocol:

- 548 | 1. Manage selected medical problems.
- 549 | 2. Order physical and occupational therapy.
- 550 | 3. Initiate, monitor, or alter therapies for certain
- 551 | uncomplicated acute illnesses.
- 552 | 4. Monitor and manage patients with stable chronic
- 553 | diseases.
- 554 | 5. Establish behavioral problems and diagnosis and make
- 555 | treatment recommendations.

556 | (5) The board shall certify, and the department shall
 557 | issue a certificate to, any nurse meeting the qualifications in
 558 | this section. The board shall establish an application fee not
 559 | to exceed \$100 and a biennial renewal fee not to exceed \$50. The
 560 | board is authorized to adopt such other rules as are necessary
 561 | to implement the provisions of this section.

562 | Section 3. Section 464.0125, Florida Statutes, is created
 563 | to read:

564 | 464.0125 Registration of independent advanced practice
 565 | registered nurses; fees.—

566 | (1) To be registered as an independent advanced practice
 567 | registered nurse, an applicant must hold an active and
 568 | unencumbered certificate under s. 464.012, and must have:

569 | (a) Completed, in any jurisdiction of the United States,
 570 | at least 2,000 clinical practice hours within a 3-year period
 571 | immediately preceding the submission of the application and
 572 | while practicing as an advanced practice registered nurse.

573 (b) Not been subject to any disciplinary action under s.
 574 464.018 or s. 456.072, or any similar disciplinary action in any
 575 other jurisdiction, during the 5 years immediately preceding the
 576 submission of the application.

577 (c) Completed a graduate level course in pharmacology.

578 (2) The board may provide by rule additional requirements
 579 appropriate for each applicant practicing in a specialty under
 580 s. 464.012(4).

581 (3) An independent advanced practice registered nurse may
 582 perform, without physician supervision or a protocol, the acts
 583 authorized in s. 464.012(3), acts within his or her specialty as
 584 described in s. 464.012(4), and any of the following:

585 (a) For a patient who requires the services of a health
 586 care facility, as defined in s. 408.032(8):

587 1. Admit the patient to the facility.

588 2. Manage the care that the patient receives in the
 589 facility.

590 3. Discharge the patient from the facility.

591 (b) Provide a signature, certification, stamp,
 592 verification, affidavit, or other endorsement that is otherwise
 593 required by law to be provided by a physician.

594 (4) An advanced practice registered nurse registered under
 595 this section must submit to the department proof of registration
 596 along with the information required under s. 456.0391, and the
 597 department shall include the registration in the advanced
 598 practice registered nurse's practitioner profile created

599 pursuant to s. 456.041.

600 (5) To be eligible for biennial renewal of registration,
 601 an independent advanced practice registered nurse must complete
 602 at least 10 hours of continuing education approved by the board
 603 in pharmacology in addition to completing the continuing
 604 education requirements established by board rule pursuant to s.
 605 464.013. The biennial renewal for registration shall coincide
 606 with the independent advanced practice registered nurse's
 607 biennial renewal period for advanced practice registered nurse
 608 certification. If the initial renewal period occurs before
 609 January 1, 2015, an independent advanced practice registered
 610 nurse is not required to complete the continuing education
 611 requirement under this subsection until the following biennial
 612 renewal period.

613 (6) The board shall register any nurse meeting the
 614 qualifications in this section. The board shall establish an
 615 application fee not to exceed \$100 and a biennial renewal fee
 616 not to exceed \$50. The board is authorized to adopt rules as
 617 necessary to implement this section.

618 Section 4. Subsections (8) and (9) of section 464.015,
 619 Florida Statutes, are amended to read:

620 464.015 Titles and abbreviations; restrictions; penalty.-

621 (8) Only a person certified under s. 464.012 ~~persons who~~
 622 ~~hold valid certificates~~ to practice as an advanced practice
 623 ~~registered nurse-practitioners~~ in this state may use the title
 624 "Advanced Practice Registered Nurse ~~Practitioner~~" and the

625 abbreviation "A.P.R.N." Only a person registered under s.
 626 464.0125 to practice as an independent advanced practice
 627 registered nurse in this state may use the title "Independent
 628 Advanced Practice Registered Nurse" and the abbreviation
 629 "I.A.P.R.N." ~~"A.R.N.P."~~

630 (9) A person may not practice or advertise as, or assume
 631 the title of, registered nurse, licensed practical nurse,
 632 clinical nurse specialist, certified registered nurse
 633 anesthetist, certified nurse midwife, certified nurse
 634 practitioner, ~~or~~ advanced practice registered nurse, or
 635 independent advanced practice registered nurse practitioner or
 636 use the abbreviation "R.N.," "L.P.N.," "C.N.S.," "C.R.N.A.,"
 637 "C.N.M.," "C.N.P.," "A.P.R.N.," or "I.A.P.R.N." ~~"A.R.N.P."~~ or
 638 take any other action that would lead the public to believe that
 639 person was certified or registered as such or is performing
 640 nursing services pursuant to the exception set forth in s.
 641 464.022(8), unless that person is licensed, ~~or~~ certified, or
 642 registered to practice as such.

643 Section 5. Section 464.0155, Florida Statutes, is created
 644 to read:

645 464.0155 Reports of adverse incidents by independent
 646 advanced practice registered nurses.-

647 (1) Effective January 1, 2015, an independent advanced
 648 practice registered nurse must report an adverse incident to the
 649 department in accordance with this section.

650 (2) The report must be in writing, sent to the department

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651 by certified mail, and postmarked within 15 days after the
652 adverse incident if the adverse incident occurs when the patient
653 is at the office of the independent advanced practice registered
654 nurse. If the adverse incident occurs when the patient is not at
655 the office of the independent advanced practice registered
656 nurse, the report must be postmarked within 15 days after the
657 independent advanced practice registered nurse discovers, or
658 reasonably should have discovered, the occurrence of the adverse
659 incident.

660 (3) For the purpose of this section, the term "adverse
661 incident" means any of the following events when it is
662 reasonable to believe that the event is attributable to the
663 prescription of a controlled substance by the independent
664 advanced practice registered nurse:

665 (a) A condition that requires the transfer of a patient to
666 a hospital licensed under chapter 395.

667 (b) Permanent physical injury to the patient.

668 (c) Death of the patient.

669 (4) The department shall review each adverse incident and
670 determine whether the independent advanced practice registered
671 nurse caused the adverse incident. The board may take
672 disciplinary action upon such a finding, in which case s.
673 456.073 applies.

674 Section 6. Paragraph (a) of subsection (2) of section
675 464.016, Florida Statutes, is amended to read:

676 464.016 Violations and penalties.—

677 (2) Each of the following acts constitutes a misdemeanor
 678 of the first degree, punishable as provided in s. 775.082 or s.
 679 775.083:

680 (a) Using the name or title "Nurse," "Registered Nurse,"
 681 "Licensed Practical Nurse," "Clinical Nurse Specialist,"
 682 "Certified Registered Nurse Anesthetist," "Certified Nurse
 683 Midwife," "Certified Nurse Practitioner," "Advanced Practice
 684 Registered Nurse ~~Practitioner,~~ "Independent Advanced Practice
 685 Registered Nurse," or any other name or title that ~~which~~ implies
 686 that a person was licensed or certified as same, unless such
 687 person is duly licensed or certified.

688 Section 7. Paragraphs (p) through (z) are added to
 689 subsection (1) of section 464.018, Florida Statutes, to read:

690 464.018 Disciplinary actions.—

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

693 (p) Prescribing, dispensing, administering, mixing, or
 694 otherwise preparing a legend drug, including any controlled
 695 substance, other than in the course of the professional practice
 696 of the independent advanced practice registered nurse or
 697 advanced practice registered nurse. For the purposes of this
 698 paragraph, it shall be legally presumed that prescribing,
 699 dispensing, administering, mixing, or otherwise preparing legend
 700 drugs, including all controlled substances, inappropriately or
 701 in excessive or inappropriate quantities is not in the best
 702 interest of the patient and is not in the course of the

703 professional practice of the independent advanced practice
 704 registered nurse or advanced practice registered nurse, without
 705 regard to the nurse's intent.

706 (q) Dispensing a controlled substance listed in Schedule
 707 II or Schedule III in violation of s. 465.0276.

708 (r) Presigning blank prescription forms.

709 (s) Prescribing any medicinal drug appearing on Schedule
 710 II in chapter 893 by the nurse for office use.

711 (t) Prescribing, ordering, dispensing, administering,
 712 supplying, selling, or giving any Schedule II drug that is an
 713 amphetamine or sympathomimetic amine or any compound thereof,
 714 pursuant to chapter 893, to or for any person except for:

715 1. The treatment of narcolepsy; hyperkinesis; behavioral
 716 syndrome characterized by the developmentally inappropriate
 717 symptoms of moderate to severe distractability, short attention
 718 span, hyperactivity, emotional liability, and impulsivity; or
 719 drug-induced brain dysfunction;

720 2. The differential diagnostic psychiatric evaluation of
 721 depression or the treatment of depression shown to be refractory
 722 to other therapeutic modalities; or

723 3. The clinical investigation of the effects of such drugs
 724 or compounds when an investigative protocol therefor is
 725 submitted to, reviewed, and approved by the board before such
 726 investigation begins.

727 (u) Prescribing, ordering, dispensing, administering,
 728 supplying, selling, or giving growth hormones, testosterone or

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729 its analogs, human chorionic gonadotropin (HCG), or other
730 hormones for the purpose of muscle building or to enhance
731 athletic performance. For the purposes of this subsection, the
732 term "muscle building" does not include the treatment of injured
733 muscle. A prescription written for the drug products listed
734 above may be dispensed by the pharmacist with the presumption
735 that the prescription is for legitimate medical use.

736 (v) Prescribing, ordering, dispensing, administering,
737 supplying, selling, or giving amygdalin (laetrile) to any
738 person.

739 (w) Promoting or advertising on any prescription form of a
740 community pharmacy, unless the form also states, "This
741 prescription may be filled at any pharmacy of your choice."

742 (x) Promoting or advertising through any communication
743 media the use, sale, or dispensing of any controlled substance
744 appearing on any schedule in chapter 893.

745 (y) Prescribing or dispensing any medicinal drug appearing
746 on any schedule set forth in chapter 893 by the independent
747 advanced practice registered nurse, or advanced practice
748 registered nurse for himself or herself or administering any
749 such drug by the nurse to himself or herself unless such drug is
750 prescribed for the nurse by another practitioner authorized to
751 prescribe medicinal drugs.

752 (z) For an independent advanced practice registered nurse
753 registered under s. 464.0125:

754 1. Paying or receiving any commission, bonus, kickback, or

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755 rebate, or engaging in any split-fee arrangement in any form
756 whatsoever with a health care practitioner, organization,
757 agency, or person, either directly or indirectly, for patients
758 referred to providers of health care goods and services,
759 including, but not limited to, hospitals, nursing homes,
760 clinical laboratories, ambulatory surgical centers, or
761 pharmacies. The provisions of this paragraph may not be
762 construed to prevent an independent advanced practice registered
763 nurse from receiving a fee for professional consultation
764 services.

765 2. Exercising influence within a patient-independent
766 advanced practice registered nurse relationship for purposes of
767 engaging a patient in sexual activity. A patient shall be
768 presumed to be incapable of giving free, full, and informed
769 consent to sexual activity with his or her independent advanced
770 practice registered nurse.

771 3. Making deceptive, untrue, or fraudulent representations
772 in or related to the practice of advanced or specialized nursing
773 or employing a trick or scheme in the practice of advanced or
774 specialized nursing.

775 4. Soliciting patients, either personally or through an
776 agent, through the use of fraud, intimidation, undue influence,
777 or a form of overreaching or vexatious conduct. A solicitation
778 is any communication that directly or implicitly requests an
779 immediate oral response from the recipient.

780 5. Failing to keep legible, as defined by department rule

781 in consultation with the board, medical records that identify
782 the independent advanced practice registered nurse by name and
783 professional title who is responsible for rendering, ordering,
784 supervising, or billing for each diagnostic or treatment
785 procedure and that justify the course of treatment of the
786 patient, including, but not limited to, patient histories;
787 examination results; test results; records of drugs prescribed,
788 dispensed, or administered; and reports of consultations or
789 referrals.

790 6. Exercising influence on a patient or client in a manner
791 as to exploit the patient or client for financial gain of the
792 licensee or of a third party, which shall include, but not be
793 limited to, the promoting or selling of services, goods,
794 appliances, or drugs.

795 7. Performing professional services that have not been
796 duly authorized by the patient or client, or his or her legal
797 representative, except as provided in s. 766.103 or s. 768.13.

798 8. Performing any procedure or prescribing any therapy
799 that, by the prevailing standards of advanced or specialized
800 nursing practice in the community, would constitute
801 experimentation on a human subject, without first obtaining
802 full, informed, and written consent.

803 9. Delegating professional responsibilities to a person
804 when the licensee delegating the responsibilities knows or has
805 reason to know that the person is not qualified by training,
806 experience, or licensure to perform them.

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807 10. Conspiring with another independent advanced practice
808 registered nurse or with any other person to commit an act, or
809 committing an act, which would tend to coerce, intimidate, or
810 preclude another independent advanced practice registered nurse
811 from lawfully advertising his or her services.

812 11. Advertising or holding oneself out as having
813 certification in a specialty that the independent advanced
814 practice registered nurse has not received.

815 12. Failing to comply with the requirements of ss. 381.026
816 and 381.0261 to provide patients with information about their
817 patient rights and how to file a patient complaint.

818 13. Providing deceptive or fraudulent expert witness
819 testimony related to the advanced or specialized practice of
820 nursing.

821 Section 8. Paragraph (c) of subsection (3) and paragraph
822 (a) of subsection (4) of section 39.303, Florida Statutes, are
823 amended to read:

824 39.303 Child protection teams; services; eligible cases.—
825 The Children's Medical Services Program in the Department of
826 Health shall develop, maintain, and coordinate the services of
827 one or more multidisciplinary child protection teams in each of
828 the service districts of the Department of Children and Family
829 Services. Such teams may be composed of appropriate
830 representatives of school districts and appropriate health,
831 mental health, social service, legal service, and law
832 enforcement agencies. The Legislature finds that optimal

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833 coordination of child protection teams and sexual abuse
834 treatment programs requires collaboration between the Department
835 of Health and the Department of Children and Family Services.
836 The two departments shall maintain an interagency agreement that
837 establishes protocols for oversight and operations of child
838 protection teams and sexual abuse treatment programs. The State
839 Surgeon General and the Deputy Secretary for Children's Medical
840 Services, in consultation with the Secretary of Children and
841 Family Services, shall maintain the responsibility for the
842 screening, employment, and, if necessary, the termination of
843 child protection team medical directors, at headquarters and in
844 the 15 districts. Child protection team medical directors shall
845 be responsible for oversight of the teams in the districts.

846 (3) All abuse and neglect cases transmitted for
847 investigation to a district by the hotline must be
848 simultaneously transmitted to the Department of Health child
849 protection team for review. For the purpose of determining
850 whether face-to-face medical evaluation by a child protection
851 team is necessary, all cases transmitted to the child protection
852 team which meet the criteria in subsection (2) must be timely
853 reviewed by:

854 (c) An advanced practice registered nurse certified, or an
855 independent advanced practice registered nurse registered,
856 ~~practitioner licensed~~ under chapter 464, who has a specialty
857 ~~speciality~~ in pediatrics or family medicine and is a member of a
858 child protection team;

859 (4) A face-to-face medical evaluation by a child
 860 protection team is not necessary when:

861 (a) The child was examined for the alleged abuse or
 862 neglect by a physician or an independent advanced practice
 863 registered nurse, who is not a member of the child protection
 864 team, and a consultation between the child protection team
 865 board-certified pediatrician, advanced practice registered nurse
 866 ~~practitioner,~~ physician assistant working under the supervision
 867 of a child protection team board-certified pediatrician, or
 868 registered nurse working under the direct supervision of a child
 869 protection team board-certified pediatrician, and the examining
 870 practitioner ~~physician~~ concludes that a further medical
 871 evaluation is unnecessary;

872
 873 Notwithstanding paragraphs (a), (b), and (c), a child protection
 874 team pediatrician, as authorized in subsection (3), may
 875 determine that a face-to-face medical evaluation is necessary.

876 Section 9. Paragraph (b) of subsection (1) of section
 877 39.304, Florida Statutes, is amended to read:

878 39.304 Photographs, medical examinations, X rays, and
 879 medical treatment of abused, abandoned, or neglected child.—

880 (1)

881 (b) If the areas of trauma visible on a child indicate a
 882 need for a medical examination, or if the child verbally
 883 complains or otherwise exhibits distress as a result of injury
 884 through suspected child abuse, abandonment, or neglect, or is

885 alleged to have been sexually abused, the person required to
 886 investigate may cause the child to be referred for diagnosis to
 887 a licensed physician, an independent advanced practice
 888 registered nurse, or an emergency department in a hospital
 889 without the consent of the child's parents or legal custodian.
 890 Such examination may be performed by a ~~any~~ licensed physician, a
 891 registered independent advanced practice registered nurse, or a
 892 certified ~~an~~ advanced practice registered nurse ~~practitioner~~
 893 ~~licensed pursuant to part I of chapter 464.~~ Any examining
 894 practitioner ~~licensed physician,~~ or ~~advanced registered nurse~~
 895 ~~practitioner licensed pursuant to part I of chapter 464,~~ who has
 896 reasonable cause to suspect that an injury was the result of
 897 child abuse, abandonment, or neglect may authorize a
 898 radiological examination to be performed on the child without
 899 the consent of the child's parent or legal custodian.

900 Section 10. Paragraph (a) of subsection (1) of section
 901 90.503, Florida Statutes, is amended to read:

902 90.503 Psychotherapist-patient privilege.—

903 (1) For purposes of this section:

904 (a) A "psychotherapist" is:

905 1. A person authorized to practice medicine in any state
 906 or nation, or reasonably believed by the patient so to be, who
 907 is engaged in the diagnosis or treatment of a mental or
 908 emotional condition, including alcoholism and other drug
 909 addiction;

910 2. A person licensed or certified as a psychologist under

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911 the laws of any state or nation, who is engaged primarily in the
912 diagnosis or treatment of a mental or emotional condition,
913 including alcoholism and other drug addiction;

914 3. A person licensed or certified as a clinical social
915 worker, marriage and family therapist, or mental health
916 counselor under the laws of this state, who is engaged primarily
917 in the diagnosis or treatment of a mental or emotional
918 condition, including alcoholism and other drug addiction;

919 4. Treatment personnel of facilities licensed by the state
920 pursuant to chapter 394, chapter 395, or chapter 397, of
921 facilities designated by the Department of Children and Families
922 ~~Family Services~~ pursuant to chapter 394 as treatment facilities,
923 or of facilities defined as community mental health centers
924 pursuant to s. 394.907(1), who are engaged primarily in the
925 diagnosis or treatment of a mental or emotional condition,
926 including alcoholism and other drug addiction; or

927 5. An independent advanced practice registered nurse or
928 advanced practice registered nurse ~~practitioner certified under~~
929 ~~s. 464.012~~, whose primary scope of practice is the diagnosis or
930 treatment of mental or emotional conditions, including chemical
931 abuse, and limited only to actions performed in accordance with
932 part I of chapter 464.

933 Section 11. Subsection (3) of section 110.12315, Florida
934 Statutes, is amended to read:

935 110.12315 Prescription drug program.—The state employees'
936 prescription drug program is established. This program shall be

937 administered by the Department of Management Services, according
 938 to the terms and conditions of the plan as established by the
 939 relevant provisions of the annual General Appropriations Act and
 940 implementing legislation, subject to the following conditions:

941 (3) The Department of Management Services shall establish
 942 the reimbursement schedule for prescription pharmaceuticals
 943 dispensed under the program. Reimbursement rates for a
 944 prescription pharmaceutical must be based on the cost of the
 945 generic equivalent drug if a generic equivalent exists, unless
 946 the health care practitioner ~~physician~~ prescribing the
 947 pharmaceutical clearly states on the prescription that the brand
 948 name drug is medically necessary or that the drug product is
 949 included on the formulary of drug products that may not be
 950 interchanged as provided in chapter 465, in which case
 951 reimbursement must be based on the cost of the brand name drug
 952 as specified in the reimbursement schedule adopted by the
 953 Department of Management Services.

954 Section 12. Paragraph (e) of subsection (8) of section
 955 112.0455, Florida Statutes, is amended to read:

956 112.0455 Drug-Free Workplace Act.—

957 (8) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen
 958 collection and testing for drugs under this section shall be
 959 performed in accordance with the following procedures:

960 (e) A specimen for a drug test may be taken or collected
 961 by any of the following persons:

962 1. A physician, a physician's assistant, an independent

963 advanced practice registered nurse, an advanced practice
964 registered nurse, a registered ~~professional~~ nurse, a licensed
965 practical nurse, ~~a nurse practitioner,~~ or a certified paramedic
966 who is present at the scene of an accident for the purpose of
967 rendering emergency medical service or treatment.

968 2. A qualified person employed by a licensed laboratory.

969 Section 13. Paragraph (f) of subsection (3) of section
970 121.0515, Florida Statutes, is amended to read:

971 121.0515 Special Risk Class.—

972 (3) CRITERIA.—A member, to be designated as a special risk
973 member, must meet the following criteria:

974 (f) Effective January 1, 2001, the member must be employed
975 in one of the following classes and must spend at least 75
976 percent of his or her time performing duties which involve
977 contact with patients or inmates in a correctional or forensic
978 facility or institution:

- 979 1. Dietitian (class codes 5203 and 5204);
- 980 2. Public health nutrition consultant (class code 5224);
- 981 3. Psychological specialist (class codes 5230 and 5231);
- 982 4. Psychologist (class code 5234);
- 983 5. Senior psychologist (class codes 5237 and 5238);
- 984 6. Regional mental health consultant (class code 5240);
- 985 7. Psychological Services Director—DCF (class code 5242);
- 986 8. Pharmacist (class codes 5245 and 5246);
- 987 9. Senior pharmacist (class codes 5248 and 5249);
- 988 10. Dentist (class code 5266);

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- 989 11. Senior dentist (class code 5269);
- 990 12. Registered nurse (class codes 5290 and 5291);
- 991 13. Senior registered nurse (class codes 5292 and 5293);
- 992 14. Registered nurse specialist (class codes 5294 and
- 993 5295);
- 994 15. Clinical associate (class codes 5298 and 5299);
- 995 16. Advanced practice registered nurse ~~practitioner~~ (class
- 996 codes 5297 and 5300);
- 997 17. Advanced practice registered nurse ~~practitioner~~
- 998 specialist (class codes 5304 and 5305);
- 999 18. Registered nurse supervisor (class codes 5306 and
- 1000 5307);
- 1001 19. Senior registered nurse supervisor (class codes 5308
- 1002 and 5309);
- 1003 20. Registered nursing consultant (class codes 5312 and
- 1004 5313);
- 1005 21. Quality management program supervisor (class code
- 1006 5314);
- 1007 22. Executive nursing director (class codes 5320 and
- 1008 5321);
- 1009 23. Speech and hearing therapist (class code 5406); or
- 1010 24. Pharmacy manager (class code 5251);
- 1011 Section 14. Paragraph (a) of subsection (3) of section
- 1012 252.515, Florida Statutes, is amended to read:
- 1013 252.515 Postdisaster Relief Assistance Act; immunity from
- 1014 civil liability.—

- 1015 (3) As used in this section, the term:
- 1016 (a) "Emergency first responder" means:
- 1017 1. A physician licensed under chapter 458.
- 1018 2. An osteopathic physician licensed under chapter 459.
- 1019 3. A chiropractic physician licensed under chapter 460.
- 1020 4. A podiatric physician licensed under chapter 461.
- 1021 5. A dentist licensed under chapter 466.
- 1022 6. An advanced practice registered nurse ~~practitioner~~
- 1023 certified under s. 464.012.
- 1024 7. A physician assistant licensed under s. 458.347 or s.
- 1025 459.022.
- 1026 8. A worker employed by a public or private hospital in
- 1027 the state.
- 1028 9. A paramedic as defined in s. 401.23(17).
- 1029 10. An emergency medical technician as defined in s.
- 1030 401.23(11).
- 1031 11. A firefighter as defined in s. 633.102.
- 1032 12. A law enforcement officer as defined in s. 943.10.
- 1033 13. A member of the Florida National Guard.
- 1034 14. Any other personnel designated as emergency personnel
- 1035 by the Governor pursuant to a declared emergency.
- 1036 Section 15. Paragraph (c) of subsection (1) of section
- 1037 310.071, Florida Statutes, is amended to read:
- 1038 310.071 Deputy pilot certification.—
- 1039 (1) In addition to meeting other requirements specified in
- 1040 this chapter, each applicant for certification as a deputy pilot

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1041 must:

1042 (c) Be in good physical and mental health, as evidenced by
1043 documentary proof of having satisfactorily passed a complete
1044 physical examination administered by a licensed physician or an
1045 independent advanced practice registered nurse within the
1046 preceding 6 months. The board shall adopt rules to establish
1047 requirements for passing the physical examination, which rules
1048 shall establish minimum standards for the physical or mental
1049 capabilities necessary to carry out the professional duties of a
1050 certificated deputy pilot. Such standards shall include zero
1051 tolerance for any controlled substance regulated under chapter
1052 893 unless that individual is under the care of a physician, an
1053 independent advanced practice registered nurse, or an advanced
1054 practice registered nurse and that controlled substance was
1055 prescribed by that physician, independent advanced practice
1056 registered nurse, or advanced practice registered nurse. To
1057 maintain eligibility as a certificated deputy pilot, each
1058 certificated deputy pilot must annually provide documentary
1059 proof of having satisfactorily passed a complete physical
1060 examination administered by a licensed physician or an
1061 independent advanced practice registered nurse. The examining
1062 practitioner ~~physician~~ must know the minimum standards and
1063 certify that the certificateholder satisfactorily meets the
1064 standards. The standards for certificateholders shall include a
1065 drug test.

1066 Section 16. Subsection (3) of section 310.073, Florida

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1067 Statutes, is amended to read:

1068 310.073 State pilot licensing.—In addition to meeting
1069 other requirements specified in this chapter, each applicant for
1070 license as a state pilot must:

1071 (3) Be in good physical and mental health, as evidenced by
1072 documentary proof of having satisfactorily passed a complete
1073 physical examination administered by a licensed physician or an
1074 independent advanced practice registered nurse within the
1075 preceding 6 months. The board shall adopt rules to establish
1076 requirements for passing the physical examination, which rules
1077 shall establish minimum standards for the physical or mental
1078 capabilities necessary to carry out the professional duties of a
1079 licensed state pilot. Such standards shall include zero
1080 tolerance for any controlled substance regulated under chapter
1081 893 unless that individual is under the care of a physician, an
1082 independent advanced practice registered nurse, or an advanced
1083 practice registered nurse and that controlled substance was
1084 prescribed by that physician, independent advanced practice
1085 registered nurse, or advanced practice registered nurse. To
1086 maintain eligibility as a licensed state pilot, each licensed
1087 state pilot must annually provide documentary proof of having
1088 satisfactorily passed a complete physical examination
1089 administered by a licensed physician or an independent advanced
1090 practice registered nurse. The examining practitioner ~~physician~~
1091 must know the minimum standards and certify that the licensee
1092 satisfactorily meets the standards. The standards for licensees

1093 shall include a drug test.

1094 Section 17. Paragraph (b) of subsection (3) of section
 1095 310.081, Florida Statutes, is amended to read:

1096 310.081 Department to examine and license state pilots and
 1097 certificate deputy pilots; vacancies.-

1098 (3) Pilots shall hold their licenses or certificates
 1099 pursuant to the requirements of this chapter so long as they:

1100 (b) Are in good physical and mental health as evidenced by
 1101 documentary proof of having satisfactorily passed a physical
 1102 examination administered by a licensed physician, an independent
 1103 advanced practice registered nurse, or a physician assistant
 1104 within each calendar year. The board shall adopt rules to
 1105 establish requirements for passing the physical examination,
 1106 which rules shall establish minimum standards for the physical
 1107 or mental capabilities necessary to carry out the professional
 1108 duties of a licensed state pilot or a certificated deputy pilot.
 1109 Such standards shall include zero tolerance for any controlled
 1110 substance regulated under chapter 893 unless that individual is
 1111 under the care of a physician, an independent advanced practice
 1112 registered nurse, or an advanced practice registered nurse and
 1113 that controlled substance was prescribed by that physician,
 1114 independent advanced practice registered nurse, or advanced
 1115 practice registered nurse. To maintain eligibility as a
 1116 certificated deputy pilot or licensed state pilot, each
 1117 certificated deputy pilot or licensed state pilot must annually
 1118 provide documentary proof of having satisfactorily passed a

1119 complete physical examination administered by a licensed
 1120 physician or an independent advanced practice registered nurse.
 1121 The physician or independent advanced practice registered nurse
 1122 must know the minimum standards and certify that the
 1123 certificateholder or licensee satisfactorily meets the
 1124 standards. The standards for certificateholders and for
 1125 licensees shall include a drug test.

1126
 1127 Upon resignation or in the case of disability permanently
 1128 affecting a pilot's ability to serve, the state license or
 1129 certificate issued under this chapter shall be revoked by the
 1130 department.

1131 Section 18. Paragraph (b) of subsection (1) of section
 1132 320.0848, Florida Statutes, is amended to read:

1133 320.0848 Persons who have disabilities; issuance of
 1134 disabled parking permits; temporary permits; permits for certain
 1135 providers of transportation services to persons who have
 1136 disabilities.—

1137 (1)

1138 (b)1. The person must be currently certified as being
 1139 legally blind or as having any of the following disabilities
 1140 that render him or her unable to walk 200 feet without stopping
 1141 to rest:

1142 a. Inability to walk without the use of or assistance from
 1143 a brace, cane, crutch, prosthetic device, or other assistive
 1144 device, or without the assistance of another person. If the

1145 assistive device significantly restores the person's ability to
1146 walk to the extent that the person can walk without severe
1147 limitation, the person is not eligible for the exemption parking
1148 permit.

1149 b. The need to permanently use a wheelchair.

1150 c. Restriction by lung disease to the extent that the
1151 person's forced (respiratory) expiratory volume for 1 second,
1152 when measured by spirometry, is less than 1 liter, or the
1153 person's arterial oxygen is less than 60 mm/hg on room air at
1154 rest.

1155 d. Use of portable oxygen.

1156 e. Restriction by cardiac condition to the extent that the
1157 person's functional limitations are classified in severity as
1158 Class III or Class IV according to standards set by the American
1159 Heart Association.

1160 f. Severe limitation in the person's ability to walk due
1161 to an arthritic, neurological, or orthopedic condition.

1162 2. The certification of disability which is required under
1163 subparagraph 1. must be provided by a physician licensed under
1164 chapter 458, chapter 459, or chapter 460; ~~by a podiatric~~
1165 ~~physician licensed under chapter 461; by an optometrist~~
1166 ~~licensed under chapter 463; by an independent advanced practice~~
1167 ~~registered nurse registered, or an advanced practice registered~~
1168 ~~nurse certified, practitioner licensed under part I of chapter~~
1169 ~~464; under the protocol of a licensed physician as stated in~~
1170 ~~this subparagraph, by a physician assistant licensed under~~

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1171 chapter 458 or chapter 459;7 or ~~by~~ a similarly licensed
1172 physician from another state if the application is accompanied
1173 by documentation of the physician's licensure in the other state
1174 and a form signed by the out-of-state physician verifying his or
1175 her knowledge of this state's eligibility guidelines.

1176 Section 19. Paragraph (b) of subsection (1) of section
1177 381.00315, Florida Statutes, is amended to read:

1178 381.00315 Public health advisories; public health
1179 emergencies; quarantines.—The State Health Officer is
1180 responsible for declaring public health emergencies and
1181 quarantines and issuing public health advisories.

1182 (1) As used in this section, the term:

1183 (b) "Public health emergency" means any occurrence, or
1184 threat thereof, whether natural or man made, which results or
1185 may result in substantial injury or harm to the public health
1186 from infectious disease, chemical agents, nuclear agents,
1187 biological toxins, or situations involving mass casualties or
1188 natural disasters. Prior to declaring a public health emergency,
1189 the State Health Officer shall, to the extent possible, consult
1190 with the Governor and shall notify the Chief of Domestic
1191 Security. The declaration of a public health emergency shall
1192 continue until the State Health Officer finds that the threat or
1193 danger has been dealt with to the extent that the emergency
1194 conditions no longer exist and he or she terminates the
1195 declaration. However, a declaration of a public health emergency
1196 may not continue for longer than 60 days unless the Governor

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1197 concurs in the renewal of the declaration. The State Health
1198 Officer, upon declaration of a public health emergency, may take
1199 actions that are necessary to protect the public health. Such
1200 actions include, but are not limited to:

1201 1. Directing manufacturers of prescription drugs or over-
1202 the-counter drugs who are permitted under chapter 499 and
1203 wholesalers of prescription drugs located in this state who are
1204 permitted under chapter 499 to give priority to the shipping of
1205 specified drugs to pharmacies and health care providers within
1206 geographic areas that have been identified by the State Health
1207 Officer. The State Health Officer must identify the drugs to be
1208 shipped. Manufacturers and wholesalers located in the state must
1209 respond to the State Health Officer's priority shipping
1210 directive before shipping the specified drugs.

1211 2. Notwithstanding chapters 465 and 499 and rules adopted
1212 thereunder, directing pharmacists employed by the department to
1213 compound bulk prescription drugs and provide these bulk
1214 prescription drugs to physicians and nurses of county health
1215 departments or any qualified person authorized by the State
1216 Health Officer for administration to persons as part of a
1217 prophylactic or treatment regimen.

1218 3. Notwithstanding s. 456.036, temporarily reactivating
1219 the inactive license of the following health care practitioners,
1220 when such practitioners are needed to respond to the public
1221 health emergency: physicians licensed under chapter 458 or
1222 chapter 459; physician assistants licensed under chapter 458 or

1223 chapter 459; independent advanced practice registered nurses
 1224 registered, licensed practical nurses or, registered nurses
 1225 licensed, and advanced practice registered nurses certified
 1226 ~~nurse practitioners licensed~~ under part I of chapter 464;
 1227 respiratory therapists licensed under part V of chapter 468; and
 1228 emergency medical technicians and paramedics certified under
 1229 part III of chapter 401. Only those health care practitioners
 1230 specified in this paragraph who possess an unencumbered inactive
 1231 license and who request that such license be reactivated are
 1232 eligible for reactivation. An inactive license that is
 1233 reactivated under this paragraph shall return to inactive status
 1234 when the public health emergency ends or prior to the end of the
 1235 public health emergency if the State Health Officer determines
 1236 that the health care practitioner is no longer needed to provide
 1237 services during the public health emergency. Such licenses may
 1238 only be reactivated for a period not to exceed 90 days without
 1239 meeting the requirements of s. 456.036 or chapter 401, as
 1240 applicable.

1241 4. Ordering an individual to be examined, tested,
 1242 vaccinated, treated, or quarantined for communicable diseases
 1243 that have significant morbidity or mortality and present a
 1244 severe danger to public health. Individuals who are unable or
 1245 unwilling to be examined, tested, vaccinated, or treated for
 1246 reasons of health, religion, or conscience may be subjected to
 1247 quarantine.

1248 a. Examination, testing, vaccination, or treatment may be

1249 performed by any qualified person authorized by the State Health
 1250 Officer.

1251 b. If the individual poses a danger to the public health,
 1252 the State Health Officer may subject the individual to
 1253 quarantine. If there is no practical method to quarantine the
 1254 individual, the State Health Officer may use any means necessary
 1255 to vaccinate or treat the individual.

1256
 1257 Any order of the State Health Officer given to effectuate this
 1258 paragraph shall be immediately enforceable by a law enforcement
 1259 officer under s. 381.0012.

1260 Section 20. Subsection (3) of section 381.00593, Florida
 1261 Statutes, is amended to read:

1262 381.00593 Public school volunteer health care practitioner
 1263 program.—

1264 (3) For purposes of this section, the term "health care
 1265 practitioner" means a physician licensed under chapter 458; an
 1266 osteopathic physician licensed under chapter 459; a chiropractic
 1267 physician licensed under chapter 460; a podiatric physician
 1268 licensed under chapter 461; an optometrist licensed under
 1269 chapter 463; an independent advanced practice registered nurse
 1270 registered, an advanced practice registered nurse certified
 1271 practitioner, or a registered nurse, or ~~licensed~~ practical nurse
 1272 licensed under part I of chapter 464; a pharmacist licensed
 1273 under chapter 465; a dentist or dental hygienist licensed under
 1274 chapter 466; a midwife licensed under chapter 467; a speech-

1275 language pathologist or audiologist licensed under part I of
 1276 chapter 468; a dietitian/nutritionist licensed under part X of
 1277 chapter 468; or a physical therapist licensed under chapter 486.

1278 Section 21. Paragraph (c) of subsection (2) of section
 1279 381.026, Florida Statutes, is amended to read:

1280 381.026 Florida Patient's Bill of Rights and
 1281 Responsibilities.—

1282 (2) DEFINITIONS.—As used in this section and s. 381.0261,
 1283 the term:

1284 (c) "Health care provider" means a physician licensed
 1285 under chapter 458, an osteopathic physician licensed under
 1286 chapter 459, ~~or~~ a podiatric physician licensed under chapter
 1287 461, or an independent advanced practice registered nurse
 1288 registered under part I of chapter 464.

1289 Section 22. Paragraph (a) of subsection (2) and
 1290 subsections (3) through (5) of section 382.008, Florida
 1291 Statutes, are amended to read:

1292 382.008 Death and fetal death registration.—

1293 (2) (a) The funeral director who first assumes custody of a
 1294 dead body or fetus shall file the certificate of death or fetal
 1295 death. In the absence of the funeral director, the physician,
 1296 independent advanced practice registered nurse, advanced
 1297 practice registered nurse, or other person in attendance at or
 1298 after the death or the district medical examiner of the county
 1299 in which the death occurred or the body was found shall file the
 1300 certificate of death or fetal death. The person who files the

1301 certificate shall obtain personal data from the next of kin or
 1302 the best qualified person or source available. The medical
 1303 certification of cause of death shall be furnished to the
 1304 funeral director, either in person or via certified mail or
 1305 electronic transfer, by the physician, independent advanced
 1306 practice registered nurse, advanced practice registered nurse,
 1307 or medical examiner responsible for furnishing such information.
 1308 For fetal deaths, the physician, certified nurse midwife,
 1309 midwife, or hospital administrator shall provide any medical or
 1310 health information to the funeral director within 72 hours after
 1311 expulsion or extraction.

1312 (3) Within 72 hours after receipt of a death or fetal
 1313 death certificate from the funeral director, the medical
 1314 certification of cause of death shall be completed and made
 1315 available to the funeral director by the decedent's primary or
 1316 attending practitioner ~~physician~~ or, if s. 382.011 applies, the
 1317 district medical examiner of the county in which the death
 1318 occurred or the body was found. The primary or attending
 1319 practitioner ~~physician~~ or the medical examiner shall certify
 1320 over his or her signature the cause of death to the best of his
 1321 or her knowledge and belief. As used in this section, the term
 1322 "primary or attending practitioner ~~physician~~" means a physician,
 1323 independent advanced practice registered nurse, or advanced
 1324 practice registered nurse, who treated the decedent through
 1325 examination, medical advice, or medication during the 12 months
 1326 preceding the date of death.

1327 (a) The local registrar may grant the funeral director an
 1328 extension of time upon a good and sufficient showing of any of
 1329 the following conditions:

1330 1. An autopsy is pending.

1331 2. Toxicology, laboratory, or other diagnostic reports
 1332 have not been completed.

1333 3. The identity of the decedent is unknown and further
 1334 investigation or identification is required.

1335 (b) If the decedent's primary or attending practitioner,
 1336 ~~physician~~ or the district medical examiner of the county in
 1337 which the death occurred or the body was found, indicates that
 1338 he or she will sign and complete the medical certification of
 1339 cause of death but will not be available until after the 5-day
 1340 registration deadline, the local registrar may grant an
 1341 extension of 5 days. If a further extension is required, the
 1342 funeral director must provide written justification to the
 1343 registrar.

1344 (4) If the department or local registrar grants an
 1345 extension of time to provide the medical certification of cause
 1346 of death, the funeral director shall file a temporary
 1347 certificate of death or fetal death which shall contain all
 1348 available information, including the fact that the cause of
 1349 death is pending. The decedent's primary or attending
 1350 practitioner ~~physician~~ or the district medical examiner of the
 1351 county in which the death occurred or the body was found shall
 1352 provide an estimated date for completion of the permanent

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1353 certificate.

1354 (5) A permanent certificate of death or fetal death,
1355 containing the cause of death and any other information that was
1356 previously unavailable, shall be registered as a replacement for
1357 the temporary certificate. The permanent certificate may also
1358 include corrected information if the items being corrected are
1359 noted on the back of the certificate and dated and signed by the
1360 funeral director, physician, independent advanced practice
1361 registered nurse, advanced practice registered nurse, or
1362 district medical examiner of the county in which the death
1363 occurred or the body was found, as appropriate.

1364 Section 23. Paragraph (c) of subsection (1) of section
1365 383.141, Florida Statutes, is amended to read:

1366 383.141 Prenatally diagnosed conditions; patient to be
1367 provided information; definitions; information clearinghouse;
1368 advisory council.—

1369 (1) As used in this section, the term:

1370 (c) "Health care provider" means a practitioner licensed
1371 or registered under chapter 458 or chapter 459, or an
1372 independent advanced practice registered nurse registered, or an
1373 advanced practice registered nurse ~~practitioner~~ certified, under
1374 part I of chapter 464.

1375 Section 24. Paragraph (a) of subsection (3) of section
1376 390.0111, Florida Statutes, is amended to read:

1377 390.0111 Termination of pregnancies.—

1378 (3) CONSENTS REQUIRED.—A termination of pregnancy may not

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1379 be performed or induced except with the voluntary and informed
1380 written consent of the pregnant woman or, in the case of a
1381 mental incompetent, the voluntary and informed written consent
1382 of her court-appointed guardian.

1383 (a) Except in the case of a medical emergency, consent to
1384 a termination of pregnancy is voluntary and informed only if:

1385 1. The physician who is to perform the procedure, or the
1386 referring physician, has, at a minimum, orally, in person,
1387 informed the woman of:

1388 a. The nature and risks of undergoing or not undergoing
1389 the proposed procedure that a reasonable patient would consider
1390 material to making a knowing and willful decision of whether to
1391 terminate a pregnancy.

1392 b. The probable gestational age of the fetus, verified by
1393 an ultrasound, at the time the termination of pregnancy is to be
1394 performed.

1395 (I) The ultrasound must be performed by the physician who
1396 is to perform the abortion or by a person having documented
1397 evidence that he or she has completed a course in the operation
1398 of ultrasound equipment as prescribed by rule and who is working
1399 in conjunction with the physician.

1400 (II) The person performing the ultrasound must offer the
1401 woman the opportunity to view the live ultrasound images and
1402 hear an explanation of them. If the woman accepts the
1403 opportunity to view the images and hear the explanation, a
1404 physician or a registered nurse, licensed practical nurse,

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1405 advanced practice registered nurse ~~practitioner~~, independent
1406 advanced practice registered nurse, or physician assistant
1407 working in conjunction with the physician must contemporaneously
1408 review and explain the images to the woman before the woman
1409 gives informed consent to having an abortion procedure
1410 performed.

1411 (III) The woman has a right to decline to view and hear
1412 the explanation of the live ultrasound images after she is
1413 informed of her right and offered an opportunity to view the
1414 images and hear the explanation. If the woman declines, the
1415 woman shall complete a form acknowledging that she was offered
1416 an opportunity to view and hear the explanation of the images
1417 but that she declined that opportunity. The form must also
1418 indicate that the woman's decision was not based on any undue
1419 influence from any person to discourage her from viewing the
1420 images or hearing the explanation and that she declined of her
1421 own free will.

1422 (IV) Unless requested by the woman, the person performing
1423 the ultrasound may not offer the opportunity to view the images
1424 and hear the explanation and the explanation may not be given
1425 if, at the time the woman schedules or arrives for her
1426 appointment to obtain an abortion, a copy of a restraining
1427 order, police report, medical record, or other court order or
1428 documentation is presented which provides evidence that the
1429 woman is obtaining the abortion because the woman is a victim of
1430 rape, incest, domestic violence, or human trafficking or that

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1431 the woman has been diagnosed as having a condition that, on the
1432 basis of a physician's good faith clinical judgment, would
1433 create a serious risk of substantial and irreversible impairment
1434 of a major bodily function if the woman delayed terminating her
1435 pregnancy.

1436 c. The medical risks to the woman and fetus of carrying
1437 the pregnancy to term.

1438 2. Printed materials prepared and provided by the
1439 department have been provided to the pregnant woman, if she
1440 chooses to view these materials, including:

1441 a. A description of the fetus, including a description of
1442 the various stages of development.

1443 b. A list of entities that offer alternatives to
1444 terminating the pregnancy.

1445 c. Detailed information on the availability of medical
1446 assistance benefits for prenatal care, childbirth, and neonatal
1447 care.

1448 3. The woman acknowledges in writing, before the
1449 termination of pregnancy, that the information required to be
1450 provided under this subsection has been provided.

1451
1452 Nothing in this paragraph is intended to prohibit a physician
1453 from providing any additional information which the physician
1454 deems material to the woman's informed decision to terminate her
1455 pregnancy.

1456 Section 25. Paragraphs (c), (e), and (f) of subsection (3)

1457 of section 390.012, Florida Statutes, are amended to read:

1458 390.012 Powers of agency; rules; disposal of fetal
1459 remains.—

1460 (3) For clinics that perform or claim to perform abortions
1461 after the first trimester of pregnancy, the agency shall adopt
1462 rules pursuant to ss. 120.536(1) and 120.54 to implement the
1463 provisions of this chapter, including the following:

1464 (c) Rules relating to abortion clinic personnel. At a
1465 minimum, these rules shall require that:

1466 1. The abortion clinic designate a medical director who is
1467 licensed to practice medicine in this state and who has
1468 admitting privileges at a licensed hospital in this state or has
1469 a transfer agreement with a licensed hospital within reasonable
1470 proximity of the clinic.

1471 2. If a physician is not present after an abortion is
1472 performed, a registered nurse, licensed practical nurse,
1473 advanced practice registered nurse ~~practitioner~~, independent
1474 advanced practice registered nurse, or physician assistant shall
1475 be present and remain at the clinic to provide postoperative
1476 monitoring and care until the patient is discharged.

1477 3. Surgical assistants receive training in counseling,
1478 patient advocacy, and the specific responsibilities associated
1479 with the services the surgical assistants provide.

1480 4. Volunteers receive training in the specific
1481 responsibilities associated with the services the volunteers
1482 provide, including counseling and patient advocacy as provided

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1483 in the rules adopted by the director for different types of
1484 volunteers based on their responsibilities.

1485 (e) Rules relating to the abortion procedure. At a
1486 minimum, these rules shall require:

1487 1. That a physician, registered nurse, licensed practical
1488 nurse, advanced practice registered nurse ~~practitioner~~,
1489 independent advanced practice registered nurse, or physician
1490 assistant is available to all patients throughout the abortion
1491 procedure.

1492 2. Standards for the safe conduct of abortion procedures
1493 that conform to obstetric standards in keeping with established
1494 standards of care regarding the estimation of fetal age as
1495 defined in rule.

1496 3. Appropriate use of general and local anesthesia,
1497 analgesia, and sedation if ordered by the physician.

1498 4. Appropriate precautions, such as the establishment of
1499 intravenous access at least for patients undergoing post-first
1500 trimester abortions.

1501 5. Appropriate monitoring of the vital signs and other
1502 defined signs and markers of the patient's status throughout the
1503 abortion procedure and during the recovery period until the
1504 patient's condition is deemed to be stable in the recovery room.

1505 (f) Rules that prescribe minimum recovery room standards.
1506 At a minimum, these rules shall require that:

1507 1. Postprocedure recovery rooms are supervised and staffed
1508 to meet the patients' needs.

1509 2. Immediate postprocedure care consists of observation in
 1510 a supervised recovery room for as long as the patient's
 1511 condition warrants.

1512 3. The clinic arranges hospitalization if any complication
 1513 beyond the medical capability of the staff occurs or is
 1514 suspected.

1515 4. A registered nurse, licensed practical nurse, advanced
 1516 practice registered nurse ~~practitioner~~, independent advanced
 1517 practice registered nurse, or physician assistant who is trained
 1518 in the management of the recovery area and is capable of
 1519 providing basic cardiopulmonary resuscitation and related
 1520 emergency procedures remains on the premises of the abortion
 1521 clinic until all patients are discharged.

1522 5. A physician shall sign the discharge order and be
 1523 readily accessible and available until the last patient is
 1524 discharged to facilitate the transfer of emergency cases if
 1525 hospitalization of the patient or viable fetus is necessary.

1526 6. A physician discusses Rho(D) immune globulin with each
 1527 patient for whom it is indicated and ensures that it is offered
 1528 to the patient in the immediate postoperative period or that it
 1529 will be available to her within 72 hours after completion of the
 1530 abortion procedure. If the patient refuses the Rho(D) immune
 1531 globulin, a refusal form approved by the agency shall be signed
 1532 by the patient and a witness and included in the medical record.

1533 7. Written instructions with regard to postabortion
 1534 coitus, signs of possible problems, and general aftercare are

1535 given to each patient. Each patient shall have specific written
 1536 instructions regarding access to medical care for complications,
 1537 including a telephone number to call for medical emergencies.

1538 8. There is a specified minimum length of time that a
 1539 patient remains in the recovery room by type of abortion
 1540 procedure and duration of gestation.

1541 9. The physician ensures that a registered nurse, licensed
 1542 practical nurse, advanced practice registered nurse
 1543 ~~practitioner~~, independent advanced practice registered nurse, or
 1544 physician assistant from the abortion clinic makes a good faith
 1545 effort to contact the patient by telephone, with the patient's
 1546 consent, within 24 hours after surgery to assess the patient's
 1547 recovery.

1548 10. Equipment and services are readily accessible to
 1549 provide appropriate emergency resuscitative and life support
 1550 procedures pending the transfer of the patient or viable fetus
 1551 to the hospital.

1552 Section 26. Subsection (23) of section 394.455, Florida
 1553 Statutes, is amended to read:

1554 394.455 Definitions.—As used in this part, unless the
 1555 context clearly requires otherwise, the term:

1556 (23) "Psychiatric nurse" means a registered nurse licensed
 1557 under part I of chapter 464 who has a master's degree or a
 1558 doctorate in psychiatric nursing and 2 years of post-master's
 1559 clinical experience under the supervision of a physician, or an
 1560 independent advanced practice registered nurse registered under,

1561 or an advanced practice registered nurse certified under, part I
1562 of chapter 464, who obtains national certification as a
1563 psychiatric-mental health advanced practice nurse.

1564 Section 27. Paragraphs (a) and (f) of subsection (2) of
1565 section 394.463, Florida Statutes, are amended to read:

1566 394.463 Involuntary examination.—

1567 (2) INVOLUNTARY EXAMINATION.—

1568 (a) An involuntary examination may be initiated by any one
1569 of the following means:

1570 1. A court may enter an ex parte order stating that a
1571 person appears to meet the criteria for involuntary examination,
1572 giving the findings on which that conclusion is based. The ex
1573 parte order for involuntary examination must be based on sworn
1574 testimony, written or oral. If other less restrictive means are
1575 not available, such as voluntary appearance for outpatient
1576 evaluation, a law enforcement officer, or other designated agent
1577 of the court, shall take the person into custody and deliver him
1578 or her to the nearest receiving facility for involuntary
1579 examination. The order of the court shall be made a part of the
1580 patient's clinical record. No fee shall be charged for the
1581 filing of an order under this subsection. Any receiving facility
1582 accepting the patient based on this order must send a copy of
1583 the order to the Agency for Health Care Administration on the
1584 next working day. The order shall be valid only until executed
1585 or, if not executed, for the period specified in the order
1586 itself. If no time limit is specified in the order, the order

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1587 shall be valid for 7 days after the date that the order was
1588 signed.

1589 2. A law enforcement officer shall take a person who
1590 appears to meet the criteria for involuntary examination into
1591 custody and deliver the person or have him or her delivered to
1592 the nearest receiving facility for examination. The officer
1593 shall execute a written report detailing the circumstances under
1594 which the person was taken into custody, and the report shall be
1595 made a part of the patient's clinical record. Any receiving
1596 facility accepting the patient based on this report must send a
1597 copy of the report to the Agency for Health Care Administration
1598 on the next working day.

1599 3. A physician, clinical psychologist, psychiatric nurse,
1600 independent advanced practice registered nurse, advanced
1601 practice registered nurse, mental health counselor, marriage and
1602 family therapist, or clinical social worker may execute a
1603 certificate stating that he or she has examined a person within
1604 the preceding 48 hours and finds that the person appears to meet
1605 the criteria for involuntary examination and stating the
1606 observations upon which that conclusion is based. If other less
1607 restrictive means are not available, such as voluntary
1608 appearance for outpatient evaluation, a law enforcement officer
1609 shall take the person named in the certificate into custody and
1610 deliver him or her to the nearest receiving facility for
1611 involuntary examination. The law enforcement officer shall
1612 execute a written report detailing the circumstances under which

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1613 the person was taken into custody. The report and certificate
1614 shall be made a part of the patient's clinical record. Any
1615 receiving facility accepting the patient based on this
1616 certificate must send a copy of the certificate to the Agency
1617 for Health Care Administration on the next working day.

1618 (f) A patient shall be examined by a physician, ~~or~~
1619 clinical psychologist, or psychiatric nurse at a receiving
1620 facility without unnecessary delay and may, upon the order of a
1621 physician, be given emergency treatment if it is determined that
1622 such treatment is necessary for the safety of the patient or
1623 others. The patient may not be released by the receiving
1624 facility or its contractor without the documented approval of a
1625 psychiatrist, a clinical psychologist, or a psychiatric nurse,
1626 or, if the receiving facility is a hospital, the release may
1627 also be approved by an attending emergency department physician
1628 with experience in the diagnosis and treatment of mental and
1629 nervous disorders and after completion of an involuntary
1630 examination pursuant to this subsection. However, a patient may
1631 not be held in a receiving facility for involuntary examination
1632 longer than 72 hours.

1633 Section 28. Paragraphs (a) and (b) of subsection (2) and
1634 subsection (4) of section 395.0191, Florida Statutes, are
1635 amended to read:

1636 395.0191 Staff membership and clinical privileges.—

1637 (2) (a) Each licensed facility shall establish rules and
1638 procedures for consideration of an application for clinical

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1639 | privileges submitted by an independent advanced practice
1640 | registered nurse registered, or an advanced practice registered
1641 | nurse practitioner licensed and certified, under part I of
1642 | chapter 464, in accordance with the provisions of this section.
1643 | A ~~No~~ licensed facility may not ~~shall~~ deny such application
1644 | solely because the applicant is registered or certified licensed
1645 | under part I of chapter 464 or because the applicant is not a
1646 | participant in the Florida Birth-Related Neurological Injury
1647 | Compensation Plan.

1648 | (b) An advanced practice registered nurse ~~practitioner~~ who
1649 | is a ~~certified as a~~ registered nurse anesthetist ~~licensed~~ under
1650 | part I of chapter 464 shall administer anesthesia under the
1651 | onsite medical direction of a professional licensed under
1652 | chapter 458, chapter 459, or chapter 466, and in accordance with
1653 | an established protocol approved by the medical staff. The
1654 | medical direction shall specifically address the needs of the
1655 | individual patient. This paragraph does not apply to an
1656 | independent advanced practice registered nurse who is a
1657 | certified registered nurse anesthetist under part I of chapter
1658 | 464.

1659 | (4) Nothing herein shall restrict in any way the authority
1660 | of the medical staff of a licensed facility to review for
1661 | approval or disapproval all applications for appointment and
1662 | reappointment to all categories of staff and to make
1663 | recommendations on each applicant to the governing board,
1664 | including the delineation of privileges to be granted in each

1665 case. In making such recommendations and in the delineation of
 1666 privileges, each applicant shall be considered individually
 1667 pursuant to criteria for a doctor licensed under chapter 458,
 1668 chapter 459, chapter 461, or chapter 466;~~or~~ or for an independent
 1669 advanced practice registered nurse registered, or an advanced
 1670 practice registered nurse ~~practitioner licensed and certified,~~
 1671 under part I of chapter 464;~~or~~ or for a psychologist licensed
 1672 under chapter 490, as applicable. The applicant's eligibility
 1673 for staff membership or clinical privileges shall be determined
 1674 by the applicant's background, experience, health, training, and
 1675 demonstrated competency; the applicant's adherence to applicable
 1676 professional ethics; the applicant's reputation; and the
 1677 applicant's ability to work with others and by such other
 1678 elements as determined by the governing board, consistent with
 1679 this part.

1680 Section 29. Subsection (3) of section 395.602, Florida
 1681 Statutes, is amended to read:

1682 395.602 Rural hospitals.—

1683 (3) USE OF FUNDS.—It is the intent of the Legislature that
 1684 funds as appropriated shall be utilized by the department for
 1685 the purpose of increasing the number of primary care physicians,
 1686 physician assistants, certified nurse midwives, certified nurse
 1687 practitioners, and nurses in rural areas, either through the
 1688 Medical Education Reimbursement and Loan Repayment Program as
 1689 defined by s. 1009.65 or through a federal loan repayment
 1690 program which requires state matching funds. The department may

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1691 use funds appropriated for the Medical Education Reimbursement
1692 and Loan Repayment Program as matching funds for federal loan
1693 repayment programs for health care personnel, such as that
1694 authorized in Pub. L. No. 100-177, s. 203. If the department
1695 receives federal matching funds, the department shall only
1696 implement the federal program. Reimbursement through either
1697 program shall be limited to:

1698 (a) Primary care physicians, physician assistants,
1699 certified nurse midwives, certified nurse practitioners, and
1700 nurses employed by or affiliated with rural hospitals, as
1701 defined in this act; and

1702 (b) Primary care physicians, physician assistants,
1703 certified nurse midwives, certified nurse practitioners, and
1704 nurses employed by or affiliated with rural area health
1705 education centers, as defined in this section. These personnel
1706 shall practice:

1707 1. In a county with a population density of no greater
1708 than 100 persons per square mile; or

1709 2. Within the boundaries of a hospital tax district which
1710 encompasses a population of no greater than 100 persons per
1711 square mile.

1712

1713 If the department administers a federal loan repayment program,
1714 priority shall be given to obligating state and federal matching
1715 funds pursuant to paragraphs (a) and (b). The department may use
1716 federal matching funds in other health workforce shortage areas

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1717 and medically underserved areas in the state for loan repayment
1718 programs for primary care physicians, physician assistants,
1719 certified nurse midwives, certified nurse practitioners, and
1720 nurses who are employed by publicly financed health care
1721 programs that serve medically indigent persons.

1722 Section 30. Paragraphs (b) and (c) of subsection (8) of
1723 section 395.605, Florida Statutes, are amended to read:

1724 395.605 Emergency care hospitals.—

1725 (8)

1726 (b) All patients shall be under the care of a physician or
1727 an independent advanced practice registered nurse or under the
1728 care of an advanced practice registered a nurse ~~practitioner~~ or
1729 physician assistant supervised by a physician.

1730 (c) A physician, an independent advanced practice
1731 registered nurse, an advanced practice registered nurse
1732 ~~practitioner~~, or a physician assistant shall be on duty at all
1733 times, or a physician shall be on call and available within 30
1734 minutes at all times.

1735 Section 31. Subsection (26) of section 397.311, Florida
1736 Statutes, is amended to read:

1737 397.311 Definitions.—As used in this chapter, except part
1738 VIII, the term:

1739 (26) "Qualified professional" means a physician or a
1740 physician assistant licensed under chapter 458 or chapter 459; a
1741 professional licensed under chapter 490 or chapter 491; an
1742 independent advanced practice registered nurse or advanced

1743 practice registered nurse, who has ~~practitioner having~~ a
 1744 specialty in psychiatry and is registered or certified ~~licensed~~
 1745 under part I of chapter 464; or a person who is certified
 1746 through a department-recognized certification process for
 1747 substance abuse treatment services and who holds, at a minimum,
 1748 a bachelor's degree. A person who is certified in substance
 1749 abuse treatment services by a state-recognized certification
 1750 process in another state at the time of employment with a
 1751 licensed substance abuse provider in this state may perform the
 1752 functions of a qualified professional as defined in this chapter
 1753 but must meet certification requirements contained in this
 1754 subsection no later than 1 year after his or her date of
 1755 employment.

1756 Section 32. Section 397.405, Florida Statutes, is amended
 1757 to read:

1758 397.405 Exemptions from licensure.—The following are
 1759 exempt from the licensing provisions of this chapter:

1760 (1) A hospital or hospital-based component licensed under
 1761 chapter 395.

1762 (2) A nursing home facility as defined in s. 400.021.

1763 (3) A substance abuse education program established
 1764 pursuant to s. 1003.42.

1765 (4) A facility or institution operated by the Federal
 1766 Government.

1767 (5) A physician or physician assistant licensed under
 1768 chapter 458 or chapter 459.

- 1769 (6) A psychologist licensed under chapter 490.
- 1770 (7) A social worker, marriage and family therapist, or
 1771 mental health counselor licensed under chapter 491.
- 1772 (8) A legally cognizable church or nonprofit religious
 1773 organization or denomination providing substance abuse services,
 1774 including prevention services, which are solely religious,
 1775 spiritual, or ecclesiastical in nature. A church or nonprofit
 1776 religious organization or denomination providing any of the
 1777 licensed service components itemized under s. 397.311(18) is not
 1778 exempt from substance abuse licensure but retains its exemption
 1779 with respect to all services which are solely religious,
 1780 spiritual, or ecclesiastical in nature.
- 1781 (9) Facilities licensed under chapter 393 which, in
 1782 addition to providing services to persons with developmental
 1783 disabilities, also provide services to persons developmentally
 1784 at risk as a consequence of exposure to alcohol or other legal
 1785 or illegal drugs while in utero.
- 1786 (10) DUI education and screening services provided
 1787 pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291.
 1788 Persons or entities providing treatment services must be
 1789 licensed under this chapter unless exempted from licensing as
 1790 provided in this section.
- 1791 (11) A facility licensed under s. 394.875 as a crisis
 1792 stabilization unit.
- 1793
- 1794 The exemptions from licensure in this section do not apply to

1795 any service provider that receives an appropriation, grant, or
 1796 contract from the state to operate as a service provider as
 1797 defined in this chapter or to any substance abuse program
 1798 regulated pursuant to s. 397.406. Furthermore, this chapter may
 1799 not be construed to limit the practice of a physician or
 1800 physician assistant licensed under chapter 458 or chapter 459, a
 1801 psychologist licensed under chapter 490, a psychotherapist
 1802 licensed under chapter 491, or an independent advanced practice
 1803 registered nurse registered, or an advanced practice registered
 1804 nurse certified, practitioner licensed under part I of chapter
 1805 464, who provides substance abuse treatment, unless a
 1806 practitioner represents so long as the physician, physician
 1807 assistant, psychologist, psychotherapist, or advanced registered
 1808 nurse practitioner does not represent to the public that the
 1809 practitioner he or she is a licensed service provider and
 1810 provides does not provide services to individuals pursuant to
 1811 part V of this chapter. Failure to comply with any requirement
 1812 necessary to maintain an exempt status under this section is a
 1813 misdemeanor of the first degree, punishable as provided in s.
 1814 775.082 or s. 775.083.

1815 Section 33. Subsections (5), (9), and (10) of section
 1816 397.427, Florida Statutes, are amended to read:

1817 397.427 Medication-assisted treatment service providers;
 1818 rehabilitation program; needs assessment and provision of
 1819 services; persons authorized to issue takeout medication;
 1820 unlawful operation; penalty.-

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1821 (5) Notwithstanding s. 465.019(2), a physician assistant,
1822 a registered nurse, an advanced practice registered nurse
1823 ~~practitioner~~, or a licensed practical nurse working for a
1824 licensed service provider may deliver takeout medication for
1825 opiate treatment to persons enrolled in a maintenance treatment
1826 program for medication-assisted treatment for opiate addiction
1827 if:

1828 (a) The medication-assisted treatment program for opiate
1829 addiction has an appropriate valid permit issued pursuant to
1830 rules adopted by the Board of Pharmacy;

1831 (b) The medication for treatment of opiate addiction has
1832 been delivered pursuant to a valid prescription written by the
1833 program's physician licensed pursuant to chapter 458 or chapter
1834 459;

1835 (c) The medication for treatment of opiate addiction which
1836 is ordered appears on a formulary and is prepackaged and
1837 prelabeled with dosage instructions and distributed from a
1838 source authorized under chapter 499;

1839 (d) Each licensed provider adopts written protocols which
1840 provide for supervision of the physician assistant, registered
1841 nurse, advanced practice registered nurse ~~practitioner~~, or
1842 licensed practical nurse by a physician licensed pursuant to
1843 chapter 458 or chapter 459 and for the procedures by which
1844 patients' medications may be delivered by the physician
1845 assistant, registered nurse, advanced practice registered nurse
1846 ~~practitioner~~, or licensed practical nurse. Such protocols shall

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1847 be signed by the supervising physician and either the
1848 administering registered nurse, the advanced practice registered
1849 nurse ~~practitioner~~, or the licensed practical nurse.

1850 (e) Each licensed service provider maintains and has
1851 available for inspection by representatives of the Board of
1852 Pharmacy all medical records and patient care protocols,
1853 including records of medications delivered to patients, in
1854 accordance with the board.

1855 (9) A physician assistant, a registered nurse, an advanced
1856 practice registered nurse ~~practitioner~~, or a licensed practical
1857 nurse working for a licensed service provider may deliver
1858 medication as prescribed by rule if:

1859 (a) The service provider is authorized to provide
1860 medication-assisted treatment;

1861 (b) The medication has been administered pursuant to a
1862 valid prescription written by the program's physician who is
1863 licensed under chapter 458 or chapter 459; and

1864 (c) The medication ordered appears on a formulary or meets
1865 federal requirements for medication-assisted treatment.

1866 (10) Each licensed service provider that provides
1867 medication-assisted treatment must adopt written protocols as
1868 specified by the department and in accordance with federally
1869 required rules, regulations, or procedures. The protocol shall
1870 provide for the supervision of the physician assistant,
1871 registered nurse, advanced practice registered nurse
1872 ~~practitioner~~, or licensed practical nurse working under the

1873 supervision of a physician who is licensed under chapter 458 or
 1874 chapter 459. The protocol must specify how the medication will
 1875 be used in conjunction with counseling or psychosocial treatment
 1876 and that the services provided will be included on the treatment
 1877 plan. The protocol must specify the procedures by which
 1878 medication-assisted treatment may be administered by the
 1879 supervised ~~physician assistant, registered nurse, advanced~~
 1880 ~~registered nurse practitioner, or licensed practical nurse.~~
 1881 These protocols shall be signed by the supervising physician and
 1882 the supervised ~~administering physician assistant, registered~~
 1883 ~~nurse, advanced registered nurse practitioner, or licensed~~
 1884 ~~practical nurse.~~

1885 Section 34. Paragraph (a) of subsection (2) of section
 1886 397.501, Florida Statutes, is amended to read:

1887 397.501 Rights of individuals.—Individuals receiving
 1888 substance abuse services from any service provider are
 1889 guaranteed protection of the rights specified in this section,
 1890 unless otherwise expressly provided, and service providers must
 1891 ensure the protection of such rights.

1892 (2) RIGHT TO NONDISCRIMINATORY SERVICES.—

1893 (a) Service providers may not deny an individual access to
 1894 substance abuse services solely on the basis of race, gender,
 1895 ethnicity, age, sexual preference, human immunodeficiency virus
 1896 status, prior service departures against medical advice,
 1897 disability, or number of relapse episodes. Service providers may
 1898 not deny an individual who takes medication prescribed by a

1899 | physician, independent advanced practice registered nurse, or
 1900 | advanced practice registered nurse access to substance abuse
 1901 | services solely on that basis. Service providers who receive
 1902 | state funds to provide substance abuse services may not, if
 1903 | space and sufficient state resources are available, deny access
 1904 | to services based solely on inability to pay.

1905 | Section 35. Subsection (8) of section 400.021, Florida
 1906 | Statutes, is amended to read:

1907 | 400.021 Definitions.—When used in this part, unless the
 1908 | context otherwise requires, the term:

1909 | (8) "Geriatric outpatient clinic" means a site for
 1910 | providing outpatient health care to persons 60 years of age or
 1911 | older, which is staffed by a registered nurse, a physician
 1912 | assistant, or a licensed practical nurse under the direct
 1913 | supervision of a registered nurse, independent advanced practice
 1914 | registered nurse, advanced practice registered nurse
 1915 | ~~practitioner,~~ physician assistant, or physician.

1916 | Section 36. Subsection (3) of section 400.0255, Florida
 1917 | Statutes, is amended to read:

1918 | 400.0255 Resident transfer or discharge; requirements and
 1919 | procedures; hearings.—

1920 | (3) When a discharge or transfer is initiated by the
 1921 | nursing home, the nursing home administrator employed by the
 1922 | nursing home that is discharging or transferring the resident,
 1923 | or an individual employed by the nursing home who is designated
 1924 | by the nursing home administrator to act on behalf of the

1925 administration, must sign the notice of discharge or transfer.
 1926 Any notice indicating a medical reason for transfer or discharge
 1927 must either be signed by the resident's attending physician or
 1928 the medical director of the facility, or include an attached
 1929 written order for the discharge or transfer. The notice or the
 1930 order must be signed by the resident's physician, medical
 1931 director, treating physician, independent advanced practice
 1932 registered nurse, advanced practice registered nurse
 1933 ~~practitioner~~, or physician assistant.

1934 Section 37. Subsection (3) of section 400.172, Florida
 1935 Statutes, is amended to read:

1936 400.172 Respite care provided in nursing home facilities.—

1937 (3) A prospective respite care resident must provide
 1938 medical information from a physician, physician assistant,
 1939 independent advanced practice registered nurse, or advanced
 1940 practice registered nurse ~~practitioner~~ and any other information
 1941 provided by the primary caregiver required by the facility
 1942 before or when the person is admitted to receive respite care.
 1943 The medical information must include a physician's or an
 1944 independent advanced practice registered nurse's order for
 1945 respite care and proof of a physical examination by a licensed
 1946 physician, physician assistant, independent advanced practice
 1947 registered nurse, or advanced practice registered nurse
 1948 ~~practitioner~~. The ~~physician's~~ order and physical examination may
 1949 be used to provide intermittent respite care for up to 12 months
 1950 after the date the order is written.

1951 Section 38. Subsections (20) through (29) of section
 1952 400.462, Florida Statutes, are renumbered as subsections (21)
 1953 through (30), respectively, subsection (3) is amended, and a new
 1954 subsection (20) is added to that section, to read:

1955 400.462 Definitions.—As used in this part, the term:

1956 (3) "Advanced practice registered nurse ~~practitioner~~"
 1957 means a person licensed in this state to practice professional
 1958 nursing and certified in advanced or specialized nursing
 1959 practice, as defined in s. 464.003.

1960 (20) "Independent advanced practice registered nurse"
 1961 means a person licensed in this state to practice professional
 1962 nursing and registered to practice advanced or specialized
 1963 nursing independently and without physician supervision or a
 1964 protocol, as defined in s. 464.003.

1965 Section 39. Subsection (2) of section 400.487, Florida
 1966 Statutes, is amended to read:

1967 400.487 Home health service agreements; physician's,
 1968 physician assistant's, independent advanced practice registered
 1969 nurse's, and advanced practice registered nurse's ~~nurse~~
 1970 ~~practitioner's~~ treatment orders; patient assessment;
 1971 establishment and review of plan of care; provision of services;
 1972 orders not to resuscitate.—

1973 (2) When required by the provisions of chapter 464; part
 1974 I, part III, or part V of chapter 468; or chapter 486, the
 1975 attending physician, physician assistant, independent advanced
 1976 practice registered nurse, or advanced practice registered nurse

1977 | ~~practitioner~~, acting within his or her respective scope of
 1978 | practice, shall establish treatment orders for a patient who is
 1979 | to receive skilled care. The treatment orders must be signed by
 1980 | the physician, physician assistant, independent advanced
 1981 | practice registered nurse, or advanced practice registered nurse
 1982 | ~~practitioner~~ before a claim for payment for the skilled services
 1983 | is submitted by the home health agency. If the claim is
 1984 | submitted to a managed care organization, the treatment orders
 1985 | must be signed within the time allowed under the provider
 1986 | agreement. The treatment orders shall be reviewed, as frequently
 1987 | as the patient's illness requires, by the physician, physician
 1988 | assistant, independent advanced practice registered nurse, or
 1989 | advanced practice registered nurse ~~practitioner~~ in consultation
 1990 | with the home health agency.

1991 | Section 40. Paragraph (a) of subsection (13) of section
 1992 | 400.506, Florida Statutes, is amended to read:

1993 | 400.506 Licensure of nurse registries; requirements;
 1994 | penalties.—

1995 | (13) All persons referred for contract in private
 1996 | residences by a nurse registry must comply with the following
 1997 | requirements for a plan of treatment:

1998 | (a) When, in accordance with the privileges and
 1999 | restrictions imposed upon a nurse under part I of chapter 464,
 2000 | the delivery of care to a patient is under the direction or
 2001 | supervision of a physician or when a physician is responsible
 2002 | for the medical care of the patient, a medical plan of treatment

2003 must be established for each patient receiving care or treatment
 2004 provided by a licensed nurse in the home. The original medical
 2005 plan of treatment must be timely signed by the physician,
 2006 physician assistant, independent advanced practice registered
 2007 nurse, or advanced practice registered nurse ~~practitioner,~~
 2008 acting within his or her respective scope of practice, and
 2009 reviewed in consultation with the licensed nurse at least every
 2010 2 months. Any additional order or change in orders must be
 2011 obtained from, reduced to writing by, and timely signed by the
 2012 physician, physician assistant, independent advanced practice
 2013 registered nurse, or advanced practice registered nurse
 2014 ~~practitioner and reduced to writing and timely signed by the~~
 2015 ~~physician, physician assistant, or advanced registered nurse~~
 2016 ~~practitioner.~~ The delivery of care under a medical plan of
 2017 treatment must be substantiated by the appropriate nursing notes
 2018 or documentation made by the nurse in compliance with nursing
 2019 practices established under part I of chapter 464.

2020 Section 41. Paragraph (g) of subsection (4) of section
 2021 400.9905, Florida Statutes, is amended to read:

2022 400.9905 Definitions.—

2023 (4) "Clinic" means an entity where health care services
 2024 are provided to individuals and which tenders charges for
 2025 reimbursement for such services, including a mobile clinic and a
 2026 portable equipment provider. As used in this part, the term does
 2027 not include and the licensure requirements of this part do not
 2028 apply to:

2029 (g) A sole proprietorship, group practice, partnership, or
 2030 corporation that provides health care services by licensed
 2031 health care practitioners under chapter 457, chapter 458,
 2032 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
 2033 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
 2034 chapter 490, chapter 491, or part I, part III, part X, part
 2035 XIII, or part XIV of chapter 468, or s. 464.012 or s. 464.0125,
 2036 and that is wholly owned by one or more licensed health care
 2037 practitioners, or the licensed health care practitioners set
 2038 forth in this paragraph and the spouse, parent, child, or
 2039 sibling of a licensed health care practitioner if one of the
 2040 owners who is a licensed health care practitioner is supervising
 2041 the business activities and is legally responsible for the
 2042 entity's compliance with all federal and state laws. However, a
 2043 health care practitioner may not supervise services beyond the
 2044 scope of the practitioner's license, except that, for the
 2045 purposes of this part, a clinic owned by a licensee in s.
 2046 456.053(3)(b) which provides only services authorized pursuant
 2047 to s. 456.053(3)(b) may be supervised by a licensee specified in
 2048 s. 456.053(3)(b).

2049
 2050 Notwithstanding this subsection, an entity shall be deemed a
 2051 clinic and must be licensed under this part in order to receive
 2052 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
 2053 627.730-627.7405, unless exempted under s. 627.736(5)(h).

2054 Section 42. Subsections (1) and (2) of section 401.445,

2055 Florida Statutes, are amended to read:

2056 401.445 Emergency examination and treatment of
 2057 incapacitated persons.—

2058 (1) ~~No~~ Recovery is not ~~shall be~~ allowed in any court in
 2059 this state against any emergency medical technician, paramedic,
 2060 or physician as defined in this chapter, any independent
 2061 advanced practice registered nurse registered under s. 464.0125,
 2062 any advanced practice registered nurse ~~practitioner~~ certified
 2063 under s. 464.012, or any physician assistant licensed under s.
 2064 458.347 or s. 459.022, or any person acting under the direct
 2065 medical supervision of a physician, in an action brought for
 2066 examining or treating a patient without his or her informed
 2067 consent if:

2068 (a) The patient at the time of examination or treatment is
 2069 intoxicated, under the influence of drugs, or otherwise
 2070 incapable of providing informed consent as provided in s.
 2071 766.103;

2072 (b) The patient at the time of examination or treatment is
 2073 experiencing an emergency medical condition; and

2074 (c) The patient would reasonably, under all the
 2075 surrounding circumstances, undergo such examination, treatment,
 2076 or procedure if the patient ~~he or she~~ were advised by the
 2077 emergency medical technician, paramedic, physician, independent
 2078 advanced practice registered nurse, advanced practice registered
 2079 nurse ~~practitioner~~, or physician assistant in accordance with s.
 2080 766.103(3).

2081
 2082 Examination and treatment provided under this subsection shall
 2083 be limited to reasonable examination of the patient to determine
 2084 the medical condition of the patient and treatment reasonably
 2085 necessary to alleviate the emergency medical condition or to
 2086 stabilize the patient.

2087 (2) In examining and treating a person who is apparently
 2088 intoxicated, under the influence of drugs, or otherwise
 2089 incapable of providing informed consent, the emergency medical
 2090 technician, paramedic, physician, independent advanced practice
 2091 registered nurse, advanced practice registered nurse
 2092 ~~practitioner~~, or physician assistant, or any person acting under
 2093 the direct medical supervision of a physician, shall proceed
 2094 wherever possible with the consent of the person. If the person
 2095 reasonably appears to be incapacitated and refuses his or her
 2096 consent, the person may be examined, treated, or taken to a
 2097 hospital or other appropriate treatment resource if he or she is
 2098 in need of emergency attention, without his or her consent, but
 2099 unreasonable force shall not be used.

2100 Section 43. Subsections (1) and (11) of section 409.905,
 2101 Florida Statutes, are amended to read:

2102 409.905 Mandatory Medicaid services.—The agency may make
 2103 payments for the following services, which are required of the
 2104 state by Title XIX of the Social Security Act, furnished by
 2105 Medicaid providers to recipients who are determined to be
 2106 eligible on the dates on which the services were provided. Any

2107 service under this section shall be provided only when medically
 2108 necessary and in accordance with state and federal law.
 2109 Mandatory services rendered by providers in mobile units to
 2110 Medicaid recipients may be restricted by the agency. Nothing in
 2111 this section shall be construed to prevent or limit the agency
 2112 from adjusting fees, reimbursement rates, lengths of stay,
 2113 number of visits, number of services, or any other adjustments
 2114 necessary to comply with the availability of moneys and any
 2115 limitations or directions provided for in the General
 2116 Appropriations Act or chapter 216.

2117 (1) INDEPENDENT ADVANCED PRACTICE REGISTERED NURSE AND
 2118 ADVANCED PRACTICE REGISTERED NURSE ~~PRACTITIONER~~ SERVICES.—The
 2119 agency shall pay for services provided to a recipient by a
 2120 registered independent advanced practice registered nurse, a
 2121 certified ~~licensed~~ advanced practice registered nurse
 2122 ~~practitioner~~ who has a valid collaboration agreement with a
 2123 licensed physician on file with the Department of Health, or a
 2124 certified registered nurse anesthetist who provides anesthesia
 2125 services in accordance with established protocol required by
 2126 state law and approved by the medical staff of the facility in
 2127 which the anesthetic service is performed. Reimbursement for
 2128 such services must be provided in an amount that equals not less
 2129 than 80 percent of the reimbursement to a physician who provides
 2130 the same services, unless otherwise provided for in the General
 2131 Appropriations Act.

2132 (11) RURAL HEALTH CLINIC SERVICES.—The agency shall pay

2133 for outpatient primary health care services for a recipient
 2134 provided by a clinic certified by and participating in the
 2135 Medicare program which is located in a federally designated,
 2136 rural, medically underserved area and has on its staff one or
 2137 more certified ~~licensed primary care~~ nurse practitioners or
 2138 physician assistants, and a licensed staff supervising
 2139 physician, ~~or~~ a consulting supervising physician, or an
 2140 independent advanced practice registered nurse.

2141 Section 44. Paragraph (a) of subsection (3) and subsection
 2142 (7) of section 409.908, Florida Statutes, are amended to read:

2143 409.908 Reimbursement of Medicaid providers.—Subject to
 2144 specific appropriations, the agency shall reimburse Medicaid
 2145 providers, in accordance with state and federal law, according
 2146 to methodologies set forth in the rules of the agency and in
 2147 policy manuals and handbooks incorporated by reference therein.
 2148 These methodologies may include fee schedules, reimbursement
 2149 methods based on cost reporting, negotiated fees, competitive
 2150 bidding pursuant to s. 287.057, and other mechanisms the agency
 2151 considers efficient and effective for purchasing services or
 2152 goods on behalf of recipients. If a provider is reimbursed based
 2153 on cost reporting and submits a cost report late and that cost
 2154 report would have been used to set a lower reimbursement rate
 2155 for a rate semester, then the provider's rate for that semester
 2156 shall be retroactively calculated using the new cost report, and
 2157 full payment at the recalculated rate shall be effected
 2158 retroactively. Medicare-granted extensions for filing cost

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2159 reports, if applicable, shall also apply to Medicaid cost
2160 reports. Payment for Medicaid compensable services made on
2161 behalf of Medicaid eligible persons is subject to the
2162 availability of moneys and any limitations or directions
2163 provided for in the General Appropriations Act or chapter 216.
2164 Further, nothing in this section shall be construed to prevent
2165 or limit the agency from adjusting fees, reimbursement rates,
2166 lengths of stay, number of visits, or number of services, or
2167 making any other adjustments necessary to comply with the
2168 availability of moneys and any limitations or directions
2169 provided for in the General Appropriations Act, provided the
2170 adjustment is consistent with legislative intent.

2171 (3) Subject to any limitations or directions provided for
2172 in the General Appropriations Act, the following Medicaid
2173 services and goods may be reimbursed on a fee-for-service basis.
2174 For each allowable service or goods furnished in accordance with
2175 Medicaid rules, policy manuals, handbooks, and state and federal
2176 law, the payment shall be the amount billed by the provider, the
2177 provider's usual and customary charge, or the maximum allowable
2178 fee established by the agency, whichever amount is less, with
2179 the exception of those services or goods for which the agency
2180 makes payment using a methodology based on capitation rates,
2181 average costs, or negotiated fees.

2182 (a) Independent advanced practice registered nurse or
2183 advanced practice registered nurse ~~practitioner~~ services.

2184 (7) A provider of family planning services shall be

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2185 reimbursed the lesser of the amount billed by the provider or an
 2186 all-inclusive amount per type of visit for physicians,
 2187 independent advanced practice registered nurses, and advanced
 2188 practice registered nurses ~~nurse-practitioners~~, as established
 2189 by the agency in a fee schedule.

2190 Section 45. Subsection (2) of section 409.9081, Florida
 2191 Statutes, is amended to read:

2192 409.9081 Copayments.—

2193 (2) The agency shall, subject to federal regulations and
 2194 any directions or limitations provided for in the General
 2195 Appropriations Act, require copayments for the following
 2196 additional services: hospital inpatient, laboratory and X-ray
 2197 services, transportation services, home health care services,
 2198 community mental health services, rural health services,
 2199 federally qualified health clinic services, and independent
 2200 advanced practice registered nurse or advanced practice
 2201 registered nurse ~~practitioner~~ services. The agency may only
 2202 establish copayments for prescribed drugs or for any other
 2203 federally authorized service if such copayment is specifically
 2204 provided for in the General Appropriations Act or other law.

2205 Section 46. Paragraph (a) of subsection (1) of section
 2206 409.973, Florida Statutes, is amended to read:

2207 409.973 Benefits.—

2208 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
 2209 minimum, the following services:

2210 (a) Independent advanced practice registered nurse and

2211 advanced practice registered nurse ~~practitioner~~ services.
 2212 Section 47. Subsections (2), (4), and (5) of section
 2213 429.26, Florida Statutes, are amended to read:
 2214 429.26 Appropriateness of placements; examinations of
 2215 residents.—
 2216 (2) A physician, physician assistant, independent advanced
 2217 practice registered nurse, or advanced practice registered nurse
 2218 ~~practitioner~~ who is employed by an assisted living facility to
 2219 provide an initial examination for admission purposes may not
 2220 have financial interest in the facility.
 2221 (4) If possible, each resident shall have been examined by
 2222 a licensed physician, a licensed physician assistant, a
 2223 registered independent advanced practice registered nurse, or a
 2224 certified advanced practice registered ~~licensed nurse~~
 2225 ~~practitioner~~ within 60 days before admission to the facility.
 2226 The signed and completed medical examination report shall be
 2227 submitted to the owner or administrator of the facility who
 2228 shall use the information contained therein to assist in the
 2229 determination of the appropriateness of the resident's admission
 2230 and continued stay in the facility. The medical examination
 2231 report shall become a permanent part of the record of the
 2232 resident at the facility and shall be made available to the
 2233 agency during inspection or upon request. An assessment that has
 2234 been completed through the Comprehensive Assessment and Review
 2235 for Long-Term Care Services (CARES) Program fulfills the
 2236 requirements for a medical examination under this subsection and

2237 s. 429.07(3)(b)6.

2238 (5) Except as provided in s. 429.07, if a medical
 2239 examination has not been completed within 60 days before the
 2240 admission of the resident to the facility, a licensed physician,
 2241 licensed physician assistant, registered independent advanced
 2242 practice registered nurse, or certified advanced practice
 2243 registered ~~licensed~~ nurse ~~practitioner~~ shall examine the
 2244 resident and complete a medical examination form provided by the
 2245 agency within 30 days following the admission to the facility to
 2246 enable the facility owner or administrator to determine the
 2247 appropriateness of the admission. The medical examination form
 2248 shall become a permanent part of the record of the resident at
 2249 the facility and shall be made available to the agency during
 2250 inspection by the agency or upon request.

2251 Section 48. Paragraph (a) of subsection (2) and paragraph
 2252 (a) of subsection (7) of section 429.918, Florida Statutes, are
 2253 amended to read:

2254 429.918 Licensure designation as a specialized Alzheimer's
 2255 services adult day care center.—

2256 (2) As used in this section, the term:

2257 (a) "ADRD participant" means a participant who has a
 2258 documented diagnosis of Alzheimer's disease or a dementia-
 2259 related disorder (ADRD) from a licensed physician, licensed
 2260 physician assistant, registered independent advanced practice
 2261 registered nurse, or a certified ~~licensed~~ advanced practice
 2262 registered nurse ~~practitioner~~.

2263 (7) (a) An ADRD participant admitted to an adult day care
 2264 center having a license designated under this section, or the
 2265 caregiver when applicable, must:

2266 1. Require ongoing supervision to maintain the highest
 2267 level of medical or custodial functioning and have a
 2268 demonstrated need for a responsible party to oversee his or her
 2269 care.

2270 2. Not actively demonstrate aggressive behavior that
 2271 places himself, herself, or others at risk of harm.

2272 3. Provide the following medical documentation signed by a
 2273 licensed physician, licensed physician assistant, registered
 2274 independent advanced practice registered nurse, or certified a
 2275 licensed advanced practice registered nurse practitioner:

2276 a. Any physical, health, or emotional conditions that
 2277 require medical care.

2278 b. A listing of the ADRD participant's current prescribed
 2279 and over-the-counter medications and dosages, diet restrictions,
 2280 mobility restrictions, and other physical limitations.

2281 4. Provide documentation signed by a health care provider
 2282 licensed in this state which indicates that the ADRD participant
 2283 is free of the communicable form of tuberculosis and free of
 2284 signs and symptoms of other communicable diseases.

2285 Section 49. Paragraph (e) of subsection (5) of section
 2286 440.102, Florida Statutes, is amended to read:

2287 440.102 Drug-free workplace program requirements.—The
 2288 following provisions apply to a drug-free workplace program

2289 implemented pursuant to law or to rules adopted by the Agency
 2290 for Health Care Administration:

2291 (5) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen
 2292 collection and testing for drugs under this section shall be
 2293 performed in accordance with the following procedures:

2294 (e) A specimen for a drug test may be taken or collected
 2295 by any of the following persons:

2296 1. A physician, a physician assistant, an independent
 2297 advanced practice registered nurse, an advanced practice
 2298 registered nurse, a registered ~~professional~~ nurse, a licensed
 2299 practical nurse, or ~~a nurse practitioner~~ or a certified
 2300 paramedic who is present at the scene of an accident for the
 2301 purpose of rendering emergency medical service or treatment.

2302 2. A qualified person employed by a licensed or certified
 2303 laboratory as described in subsection (9).

2304 Section 50. Subsection (2) and paragraph (d) of subsection
 2305 (4) of section 456.0391, Florida Statutes, are amended to read:

2306 456.0391 Advanced practice registered nurses ~~nurse~~
 2307 ~~practitioners~~; information required for certification.—

2308 (2) The Department of Health shall send a notice to each
 2309 person certified under s. 464.012 at the certificateholder's
 2310 last known address of record regarding the requirements for
 2311 information to be submitted by advanced practice registered
 2312 nurses ~~nurse practitioners~~ pursuant to this section in
 2313 conjunction with the renewal of such certificate.

2314 (4)

2315 (d) Any applicant for initial certification or renewal of
 2316 certification as an advanced practice registered nurse
 2317 ~~practitioner~~ who submits to the Department of Health a set of
 2318 fingerprints and information required for the criminal history
 2319 check required under this section shall not be required to
 2320 provide a subsequent set of fingerprints or other duplicate
 2321 information required for a criminal history check to the Agency
 2322 for Health Care Administration, the Department of Juvenile
 2323 Justice, or the Department of Children and Family Services for
 2324 employment or licensure with such agency or department, if the
 2325 applicant has undergone a criminal history check as a condition
 2326 of initial certification or renewal of certification as an
 2327 advanced practice registered nurse ~~practitioner~~ with the
 2328 Department of Health, notwithstanding any other provision of law
 2329 to the contrary. In lieu of such duplicate submission, the
 2330 Agency for Health Care Administration, the Department of
 2331 Juvenile Justice, and the Department of Children and Family
 2332 Services shall obtain criminal history information for
 2333 employment or licensure of persons certified under s. 464.012 by
 2334 such agency or department from the Department of Health's health
 2335 care practitioner credentialing system.

2336 Section 51. Subsection (2) of section 456.0392, Florida
 2337 Statutes, is amended to read:

2338 456.0392 Prescription labeling.—

2339 (2) A prescription for a drug ~~that is not listed as a~~
 2340 ~~controlled substance in chapter 893~~ which is written by an

2341 advanced practice registered nurse ~~practitioner~~ certified under
 2342 s. 464.012 is presumed, subject to rebuttal, to be valid and
 2343 within the parameters of the prescriptive authority delegated by
 2344 a practitioner licensed under chapter 458, chapter 459, or
 2345 chapter 466.

2346 Section 52. Paragraph (a) of subsection (1) and subsection
 2347 (6) of section 456.041, Florida Statutes, are amended to read:

2348 456.041 Practitioner profile; creation.—

2349 (1) (a) The Department of Health shall compile the
 2350 information submitted pursuant to s. 456.039 into a practitioner
 2351 profile of the applicant submitting the information, except that
 2352 the Department of Health shall develop a format to compile
 2353 uniformly any information submitted under s. 456.039 (4) (b).
 2354 Beginning July 1, 2001, the Department of Health may compile the
 2355 information submitted pursuant to s. 456.0391 into a
 2356 practitioner profile of the applicant submitting the
 2357 information. The protocol submitted pursuant to s. 464.012 (3)
 2358 must be included in the practitioner profile of the advanced
 2359 practice registered nurse ~~practitioner~~.

2360 (6) The Department of Health shall provide in each
 2361 practitioner profile for every physician or advanced practice
 2362 registered nurse ~~practitioner~~ terminated for cause from
 2363 participating in the Medicaid program, pursuant to s. 409.913,
 2364 or sanctioned by the Medicaid program a statement that the
 2365 practitioner has been terminated from participating in the
 2366 Florida Medicaid program or sanctioned by the Medicaid program.

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2367 Section 53. Subsection (1) and paragraphs (a), (d), and
 2368 (e) of subsection (2) of section 456.048, Florida Statutes, are
 2369 amended to read:

2370 456.048 Financial responsibility requirements for certain
 2371 health care practitioners.—

2372 (1) As a prerequisite for licensure or license renewal,
 2373 the Board of Acupuncture, the Board of Chiropractic Medicine,
 2374 the Board of Podiatric Medicine, and the Board of Dentistry
 2375 shall, by rule, require that all health care practitioners
 2376 licensed under the respective board, and the Board of Medicine
 2377 and the Board of Osteopathic Medicine shall, by rule, require
 2378 that all anesthesiologist assistants licensed pursuant to s.
 2379 458.3475 or s. 459.023, and the Board of Nursing shall, by rule,
 2380 require that independent advanced practice registered nurses
 2381 registered under s. 464.0125 and advanced practice registered
 2382 nurses ~~nurse practitioners~~ certified under s. 464.012, and the
 2383 department shall, by rule, require that midwives maintain
 2384 medical malpractice insurance or provide proof of financial
 2385 responsibility in an amount and in a manner determined by the
 2386 board or department to be sufficient to cover claims arising out
 2387 of the rendering of or failure to render professional care and
 2388 services in this state.

2389 (2) The board or department may grant exemptions upon
 2390 application by practitioners meeting any of the following
 2391 criteria:

2392 (a) Any person licensed under chapter 457, s. 458.3475, s.

2393 459.023, chapter 460, chapter 461, s. 464.012, s. 464.0125,
 2394 chapter 466, or chapter 467 who practices exclusively as an
 2395 officer, employee, or agent of the Federal Government or of the
 2396 state or its agencies or its subdivisions. For the purposes of
 2397 this subsection, an agent of the state, its agencies, or its
 2398 subdivisions is a person who is eligible for coverage under any
 2399 self-insurance or insurance program authorized by the provisions
 2400 of s. 768.28(16) or who is a volunteer under s. 110.501(1).

2401 (d) Any person licensed or certified under chapter 457, s.
 2402 458.3475, s. 459.023, chapter 460, chapter 461, s. 464.012, s.
 2403 464.0125, chapter 466, or chapter 467 who practices only in
 2404 conjunction with his or her teaching duties at an accredited
 2405 school or in its main teaching hospitals. Such person may engage
 2406 in the practice of medicine to the extent that such practice is
 2407 incidental to and a necessary part of duties in connection with
 2408 the teaching position in the school.

2409 (e) Any person holding an active license or certification
 2410 under chapter 457, s. 458.3475, s. 459.023, chapter 460, chapter
 2411 461, s. 464.012, s. 464.0125, chapter 466, or chapter 467 who is
 2412 not practicing in this state. If such person initiates or
 2413 resumes practice in this state, he or she must notify the
 2414 department of such activity.

2415 Section 54. Paragraphs (a), (i), (o), and (r) of
 2416 subsection (3) and paragraph (g) of subsection (5) of section
 2417 456.053, Florida Statutes, are amended to read:

2418 456.053 Financial arrangements between referring health

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2419 care providers and providers of health care services.—

2420 (3) DEFINITIONS.—For the purpose of this section, the
2421 word, phrase, or term:

2422 (a) "Board" means any of the following boards relating to
2423 the respective professions: the Board of Medicine as created in
2424 s. 458.307; the Board of Osteopathic Medicine as created in s.
2425 459.004; the Board of Chiropractic Medicine as created in s.
2426 460.404; the Board of Podiatric Medicine as created in s.
2427 461.004; the Board of Optometry as created in s. 463.003; the
2428 Board of Pharmacy as created in s. 465.004; ~~and~~ the Board of
2429 Dentistry as created in s. 466.004; and the Board of Nursing as
2430 created in s. 464.004.

2431 (i) "Health care provider" means a ~~any~~ physician licensed
2432 under chapter 458, chapter 459, chapter 460, or chapter 461; an
2433 independent advanced practice registered nurse registered under
2434 s. 464.0125; ~~r~~ or a ~~any~~ health care provider licensed under
2435 chapter 463 or chapter 466.

2436 (o) "Referral" means any referral of a patient by a health
2437 care provider for health care services, including, without
2438 limitation:

2439 1. The forwarding of a patient by a health care provider
2440 to another health care provider or to an entity which provides
2441 or supplies designated health services or any other health care
2442 item or service; or

2443 2. The request or establishment of a plan of care by a
2444 health care provider, which includes the provision of designated

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2445 health services or other health care item or service.

2446 3. The following orders, recommendations, or plans of care
2447 shall not constitute a referral by a health care provider:

2448 a. By a radiologist for diagnostic-imaging services.

2449 b. By a physician specializing in the provision of
2450 radiation therapy services for such services.

2451 c. By a medical oncologist for drugs and solutions to be
2452 prepared and administered intravenously to such oncologist's
2453 patient, as well as for the supplies and equipment used in
2454 connection therewith to treat such patient for cancer and the
2455 complications thereof.

2456 d. By a cardiologist for cardiac catheterization services.

2457 e. By a pathologist for diagnostic clinical laboratory
2458 tests and pathological examination services, if furnished by or
2459 under the supervision of such pathologist pursuant to a
2460 consultation requested by another physician.

2461 f. By a health care provider who is the sole provider or
2462 member of a group practice for designated health services or
2463 other health care items or services that are prescribed or
2464 provided solely for such referring health care provider's or
2465 group practice's own patients, and that are provided or
2466 performed by or under the direct supervision of such referring
2467 health care provider or group practice; provided, however, ~~that~~
2468 ~~effective July 1, 1999,~~ a physician licensed pursuant to chapter
2469 458, chapter 459, chapter 460, or chapter 461 or an independent
2470 advanced practice registered nurse registered under s. 464.0125

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2471 may refer a patient to a sole provider or group practice for
2472 diagnostic imaging services, excluding radiation therapy
2473 services, for which the sole provider or group practice billed
2474 both the technical and the professional fee for or on behalf of
2475 the patient, if the referring physician or independent advanced
2476 practice registered nurse has no investment interest in the
2477 practice. The diagnostic imaging service referred to a group
2478 practice or sole provider must be a diagnostic imaging service
2479 normally provided within the scope of practice to the patients
2480 of the group practice or sole provider. The group practice or
2481 sole provider may accept no more than 15 percent of their
2482 patients receiving diagnostic imaging services from outside
2483 referrals, excluding radiation therapy services.

2484 g. By a health care provider for services provided by an
2485 ambulatory surgical center licensed under chapter 395.

2486 h. By a urologist for lithotripsy services.

2487 i. By a dentist for dental services performed by an
2488 employee of or health care provider who is an independent
2489 contractor with the dentist or group practice of which the
2490 dentist is a member.

2491 j. By a physician for infusion therapy services to a
2492 patient of that physician or a member of that physician's group
2493 practice.

2494 k. By a nephrologist for renal dialysis services and
2495 supplies, except laboratory services.

2496 l. By a health care provider whose principal professional

2497 | practice consists of treating patients in their private
 2498 | residences for services to be rendered in such private
 2499 | residences, except for services rendered by a home health agency
 2500 | licensed under chapter 400. For purposes of this sub-
 2501 | subparagraph, the term "private residences" includes patients'
 2502 | private homes, independent living centers, and assisted living
 2503 | facilities, but does not include skilled nursing facilities.

2504 | m. By a health care provider for sleep-related testing.

2505 | (r) "Sole provider" means one health care provider
 2506 | licensed under chapter 458, chapter 459, chapter 460, ~~or~~ chapter
 2507 | 461, or s. 464.0125, who maintains a separate medical office and
 2508 | a medical practice separate from any other health care provider
 2509 | and who bills for his or her services separately from the
 2510 | services provided by any other health care provider. A sole
 2511 | provider shall not share overhead expenses or professional
 2512 | income with any other person or group practice.

2513 | (5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as
 2514 | provided in this section:

2515 | (g) A violation of this section by a health care provider
 2516 | shall constitute grounds for disciplinary action to be taken by
 2517 | the applicable board pursuant to s. 458.331(2), s. 459.015(2),
 2518 | s. 460.413(2), s. 461.013(2), s. 463.016(2), s. 464.018, or s.
 2519 | 466.028(2). Any hospital licensed under chapter 395 found in
 2520 | violation of this section shall be subject to s. 395.0185(2).

2521 | Section 55. Subsection (7) of section 456.072, Florida
 2522 | Statutes, is amended to read:

2523 456.072 Grounds for discipline; penalties; enforcement.—
 2524 (7) Notwithstanding subsection (2), upon a finding that a
 2525 physician, an independent advanced practice registered nurse, or
 2526 an advanced practice registered nurse has prescribed or
 2527 dispensed a controlled substance, or caused a controlled
 2528 substance to be prescribed or dispensed, in a manner that
 2529 violates the standard of practice set forth in s. 458.331(1)(g)
 2530 or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o) or (s), s.
 2531 464.018(1)(p), or s. 466.028(1)(p) or (x), the practitioner
 2532 ~~physician~~ shall be suspended for a period of not less than 6
 2533 months and pay a fine of not less than \$10,000 per count.
 2534 Repeated violations shall result in increased penalties.

2535 Section 56. Paragraph (a) of subsection (2) and subsection
 2536 (3) of section 456.44, Florida Statutes, are amended to read:

2537 456.44 Controlled substance prescribing.—

2538 (2) REGISTRATION. ~~Effective January 1, 2012,~~ A physician
 2539 licensed under chapter 458, chapter 459, chapter 461, or chapter
 2540 466, or an independent advanced practice registered nurse
 2541 registered, or an advanced practice registered nurse certified,
 2542 under part I of chapter 464, who prescribes any controlled
 2543 substance, listed in Schedule II, Schedule III, or Schedule IV
 2544 as defined in s. 893.03, for the treatment of chronic
 2545 nonmalignant pain, must:

2546 (a) Designate himself or herself as a controlled substance
 2547 prescribing practitioner on the practitioner's ~~physician's~~
 2548 ~~practitioner~~ profile.

2549 (3) STANDARDS OF PRACTICE.—The standards of practice in
2550 this section do not supersede the level of care, skill, and
2551 treatment recognized in general law related to health care
2552 licensure.

2553 (a) A complete medical history and a physical examination
2554 must be conducted before beginning any treatment and must be
2555 documented in the medical record. The exact components of the
2556 physical examination shall be left to the judgment of the
2557 clinician who is expected to perform a physical examination
2558 proportionate to the diagnosis that justifies a treatment. The
2559 medical record must, at a minimum, document the nature and
2560 intensity of the pain, current and past treatments for pain,
2561 underlying or coexisting diseases or conditions, the effect of
2562 the pain on physical and psychological function, a review of
2563 previous medical records, previous diagnostic studies, and
2564 history of alcohol and substance abuse. The medical record shall
2565 also document the presence of one or more recognized medical
2566 indications for the use of a controlled substance. Each
2567 registrant must develop a written plan for assessing each
2568 patient's risk of aberrant drug-related behavior, which may
2569 include patient drug testing. Registrants must assess each
2570 patient's risk for aberrant drug-related behavior and monitor
2571 that risk on an ongoing basis in accordance with the plan.

2572 (b) Each registrant must develop a written individualized
2573 treatment plan for each patient. The treatment plan shall state
2574 objectives that will be used to determine treatment success,

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2575 such as pain relief and improved physical and psychosocial
2576 function, and shall indicate if any further diagnostic
2577 evaluations or other treatments are planned. After treatment
2578 begins, the practitioner ~~physician~~ shall adjust drug therapy to
2579 the individual medical needs of each patient. Other treatment
2580 modalities, including a rehabilitation program, shall be
2581 considered depending on the etiology of the pain and the extent
2582 to which the pain is associated with physical and psychosocial
2583 impairment. The interdisciplinary nature of the treatment plan
2584 shall be documented.

2585 (c) The practitioner ~~physician~~ shall discuss the risks and
2586 benefits of the use of controlled substances, including the
2587 risks of abuse and addiction, as well as physical dependence and
2588 its consequences, with the patient, persons designated by the
2589 patient, or the patient's surrogate or guardian if the patient
2590 is incompetent. The practitioner ~~physician~~ shall use a written
2591 controlled substance agreement between the practitioner
2592 ~~physician~~ and the patient outlining the patient's
2593 responsibilities, including, but not limited to:

2594 1. Number and frequency of controlled substance
2595 prescriptions and refills.

2596 2. Patient compliance and reasons for which drug therapy
2597 may be discontinued, such as a violation of the agreement.

2598 3. An agreement that controlled substances for the
2599 treatment of chronic nonmalignant pain shall be prescribed by a
2600 single treating practitioner ~~physician~~ unless otherwise

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2601 authorized by the treating practitioner ~~physician~~ and documented
2602 in the medical record.

2603 (d) The patient shall be seen by the practitioner
2604 ~~physician~~ at regular intervals, not to exceed 3 months, to
2605 assess the efficacy of treatment, ensure that controlled
2606 substance therapy remains indicated, evaluate the patient's
2607 progress toward treatment objectives, consider adverse drug
2608 effects, and review the etiology of the pain. Continuation or
2609 modification of therapy shall depend on the practitioner's
2610 ~~physician's~~ evaluation of the patient's progress. If treatment
2611 goals are not being achieved, despite medication adjustments,
2612 the practitioner ~~physician~~ shall reevaluate the appropriateness
2613 of continued treatment. The practitioner ~~physician~~ shall monitor
2614 patient compliance in medication usage, related treatment plans,
2615 controlled substance agreements, and indications of substance
2616 abuse or diversion at a minimum of 3-month intervals.

2617 (e) The practitioner ~~physician~~ shall refer the patient as
2618 necessary for additional evaluation and treatment in order to
2619 achieve treatment objectives. Special attention shall be given
2620 to those patients who are at risk for misusing their medications
2621 and those whose living arrangements pose a risk for medication
2622 misuse or diversion. The management of pain in patients with a
2623 history of substance abuse or with a comorbid psychiatric
2624 disorder requires extra care, monitoring, and documentation and
2625 requires consultation with or referral to an addiction medicine
2626 specialist or psychiatrist.

2627 (f) A practitioner ~~physician~~ registered under this section
 2628 must maintain accurate, current, and complete records that are
 2629 accessible and readily available for review and comply with the
 2630 requirements of this section, the applicable practice act, and
 2631 applicable board rules. The medical records must include, but
 2632 are not limited to:

- 2633 1. The complete medical history and a physical
- 2634 examination, including history of drug abuse or dependence.
- 2635 2. Diagnostic, therapeutic, and laboratory results.
- 2636 3. Evaluations and consultations.
- 2637 4. Treatment objectives.
- 2638 5. Discussion of risks and benefits.
- 2639 6. Treatments.
- 2640 7. Medications, including date, type, dosage, and quantity
- 2641 prescribed.
- 2642 8. Instructions and agreements.
- 2643 9. Periodic reviews.
- 2644 10. Results of any drug testing.
- 2645 11. A photocopy of the patient's government-issued photo
- 2646 identification.
- 2647 12. If a written prescription for a controlled substance
- 2648 is given to the patient, a duplicate of the prescription.
- 2649 13. The practitioner's ~~physician's~~ full name presented in
- 2650 a legible manner.

2651 (g) Patients with signs or symptoms of substance abuse
 2652 shall be immediately referred to a board-certified pain

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2653 management physician, an addiction medicine specialist, or a
2654 mental health addiction facility as it pertains to drug abuse or
2655 addiction unless the practitioner is a physician who is board-
2656 certified or board-eligible in pain management. Throughout the
2657 period of time before receiving the consultant's report, a
2658 prescribing practitioner ~~physician~~ shall clearly and completely
2659 document medical justification for continued treatment with
2660 controlled substances and those steps taken to ensure medically
2661 appropriate use of controlled substances by the patient. Upon
2662 receipt of the consultant's written report, the prescribing
2663 practitioner ~~physician~~ shall incorporate the consultant's
2664 recommendations for continuing, modifying, or discontinuing
2665 controlled substance therapy. The resulting changes in treatment
2666 shall be specifically documented in the patient's medical
2667 record. Evidence or behavioral indications of diversion shall be
2668 followed by discontinuation of controlled substance therapy, and
2669 the patient shall be discharged, and all results of testing and
2670 actions taken by the practitioner ~~physician~~ shall be documented
2671 in the patient's medical record.

2672
2673 This subsection does not apply to a board-eligible or board-
2674 certified anesthesiologist, physiatrist, rheumatologist, or
2675 neurologist, or to a board-certified physician who has surgical
2676 privileges at a hospital or ambulatory surgery center and
2677 primarily provides surgical services. This subsection does not
2678 apply to a board-eligible or board-certified medical specialist

2679 | who has also completed a fellowship in pain medicine approved by
 2680 | the Accreditation Council for Graduate Medical Education or the
 2681 | American Osteopathic Association, or who is board eligible or
 2682 | board certified in pain medicine by the American Board of Pain
 2683 | Medicine or a board approved by the American Board of Medical
 2684 | Specialties or the American Osteopathic Association and performs
 2685 | interventional pain procedures of the type routinely billed
 2686 | using surgical codes. This subsection does not apply to a
 2687 | practitioner ~~physician~~ who prescribes medically necessary
 2688 | controlled substances for a patient during an inpatient stay in
 2689 | a hospital licensed under chapter 395.

2690 | Section 57. Paragraph (c) of subsection (2) of section
 2691 | 458.3265, Florida Statutes, is amended to read:

2692 | 458.3265 Pain-management clinics.—

2693 | (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 2694 | apply to any physician who provides professional services in a
 2695 | pain-management clinic that is required to be registered in
 2696 | subsection (1).

2697 | (c) A physician, a physician assistant, an independent
 2698 | advanced practice registered nurse, or an advanced practice
 2699 | registered nurse ~~practitioner~~ must perform a physical
 2700 | examination of a patient on the same day that the physician
 2701 | prescribes a controlled substance to a patient at a pain-
 2702 | management clinic. If the physician prescribes more than a 72-
 2703 | hour dose of controlled substances for the treatment of chronic
 2704 | nonmalignant pain, the physician must document in the patient's

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2705 record the reason for prescribing that quantity.

2706 Section 58. Paragraph (dd) of subsection (1) of section
2707 458.331, Florida Statutes, is amended to read:

2708 458.331 Grounds for disciplinary action; action by the
2709 board and department.—

2710 (1) The following acts constitute grounds for denial of a
2711 license or disciplinary action, as specified in s. 456.072(2):

2712 (dd) Failing to supervise adequately the activities of
2713 those physician assistants, paramedics, emergency medical
2714 technicians, advanced practice registered nurses ~~nurse~~
2715 ~~practitioners~~, or anesthesiologist assistants acting under the
2716 supervision of the physician.

2717 Section 59. Paragraph (a) of subsection (1), subsection
2718 (2), and paragraphs (c) and (e) of subsection (4) of section
2719 458.348, Florida Statutes, are amended to read:

2720 458.348 Formal supervisory relationships, standing orders,
2721 and established protocols; notice; standards.—

2722 (1) NOTICE.—

2723 (a) When a physician enters into a formal supervisory
2724 relationship or standing orders with an emergency medical
2725 technician or paramedic licensed pursuant to s. 401.27, which
2726 relationship or orders contemplate the performance of medical
2727 acts, or when a physician enters into an established protocol
2728 with an advanced practice registered nurse ~~practitioner~~, which
2729 protocol contemplates the performance of medical acts identified
2730 and approved by the joint committee pursuant to s. 464.003(2) or

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2731 acts set forth in s. 464.012(3) and (4), the physician shall
2732 submit notice to the board. The notice shall contain a statement
2733 in substantially the following form:

2734 I, ...(name and professional license number of
2735 physician)..., of ...(address of physician)... have hereby
2736 entered into a formal supervisory relationship, standing orders,
2737 or an established protocol with ...(number of persons)...
2738 emergency medical technician(s), ...(number of persons)...
2739 paramedic(s), or ...(number of persons)... advanced practice
2740 registered nurse(s) ~~nurse practitioner(s)~~.

2741 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The
2742 joint committee created under s. 464.003(2) shall determine
2743 minimum standards for the content of established protocols
2744 pursuant to which an advanced practice registered nurse
2745 ~~practitioner~~ may perform medical acts identified and approved by
2746 the joint committee pursuant to s. 464.003(2) or acts set forth
2747 in s. 464.012(3) and (4) and shall determine minimum standards
2748 for supervision of such acts by the physician, unless the joint
2749 committee determines that any act set forth in s. 464.012(3) or
2750 (4) is not a medical act. Such standards shall be based on risk
2751 to the patient and acceptable standards of medical care and
2752 shall take into account the special problems of medically
2753 underserved areas. The standards developed by the joint
2754 committee shall be adopted as rules by the Board of Nursing and
2755 the Board of Medicine for purposes of carrying out their
2756 responsibilities pursuant to part I of chapter 464 and this

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2757 chapter, respectively, but neither board shall have disciplinary
2758 powers over the licensees of the other board.

2759 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—
2760 A physician who supervises an advanced practice registered nurse
2761 ~~practitioner~~ or physician assistant at a medical office other
2762 than the physician's primary practice location, where the
2763 advanced practice registered nurse ~~practitioner~~ or physician
2764 assistant is not under the onsite supervision of a supervising
2765 physician, must comply with the standards set forth in this
2766 subsection. For the purpose of this subsection, a physician's
2767 "primary practice location" means the address reflected on the
2768 physician's profile published pursuant to s. 456.041.

2769 (c) A physician who supervises an advanced practice
2770 registered nurse ~~practitioner~~ or physician assistant at a
2771 medical office other than the physician's primary practice
2772 location, where the advanced practice registered nurse
2773 ~~practitioner~~ or physician assistant is not under the onsite
2774 supervision of a supervising physician and the services offered
2775 at the office are primarily dermatologic or skin care services,
2776 which include aesthetic skin care services other than plastic
2777 surgery, must comply with the standards listed in subparagraphs
2778 1.-4. Notwithstanding s. 458.347(4)(e)6., a physician
2779 supervising a physician assistant pursuant to this paragraph may
2780 not be required to review and cosign charts or medical records
2781 prepared by such physician assistant.

2782 1. The physician shall submit to the board the addresses

2783 of all offices where the physician ~~he or she~~ is supervising an
 2784 advanced practice registered nurse ~~practitioner~~ or a physician's
 2785 assistant which are not the physician's primary practice
 2786 location.

2787 2. The physician must be board certified or board eligible
 2788 in dermatology or plastic surgery as recognized by the board
 2789 pursuant to s. 458.3312.

2790 3. All such offices that are not the physician's primary
 2791 place of practice must be within 25 miles of the physician's
 2792 primary place of practice or in a county that is contiguous to
 2793 the county of the physician's primary place of practice.
 2794 However, the distance between any of the offices may not exceed
 2795 75 miles.

2796 4. The physician may supervise only one office other than
 2797 the physician's primary place of practice ~~except that until July~~
 2798 ~~1, 2011, the physician may supervise up to two medical offices~~
 2799 ~~other than the physician's primary place of practice if the~~
 2800 ~~addresses of the offices are submitted to the board before July~~
 2801 ~~1, 2006. Effective July 1, 2011, the physician may supervise~~
 2802 ~~only one office other than the physician's primary place of~~
 2803 ~~practice, regardless of when the addresses of the offices were~~
 2804 ~~submitted to the board.~~

2805 (e) This subsection does not apply to health care services
 2806 provided in facilities licensed under chapter 395 or in
 2807 conjunction with a college of medicine, a college of nursing, an
 2808 accredited graduate medical program, or a nursing education

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2809 program; not-for-profit, family-planning clinics that are not
2810 licensed pursuant to chapter 390; rural and federally qualified
2811 health centers; health care services provided in a nursing home
2812 licensed under part II of chapter 400, an assisted living
2813 facility licensed under part I of chapter 429, a continuing care
2814 facility licensed under chapter 651, or a retirement community
2815 consisting of independent living units and a licensed nursing
2816 home or assisted living facility; anesthesia services provided
2817 in accordance with law; health care services provided in a
2818 designated rural health clinic; health care services provided to
2819 persons enrolled in a program designed to maintain elderly
2820 persons and persons with disabilities in a home or community-
2821 based setting; university primary care student health centers;
2822 school health clinics; or health care services provided in
2823 federal, state, or local government facilities. Subsection (3)
2824 and this subsection do not apply to offices at which the
2825 exclusive service being performed is laser hair removal by an
2826 advanced practice registered nurse ~~practitioner~~ or physician
2827 assistant.

2828 Section 60. Paragraph (c) of subsection (2) of section
2829 459.0137, Florida Statutes, is amended to read:

2830 459.0137 Pain-management clinics.—

2831 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
2832 apply to any osteopathic physician who provides professional
2833 services in a pain-management clinic that is required to be
2834 registered in subsection (1).

2835 (c) An osteopathic physician, a physician assistant, an
 2836 independent advanced practice registered nurse, or an advanced
 2837 practice registered nurse ~~practitioner~~ must perform a physical
 2838 examination of a patient on the same day that the physician
 2839 prescribes a controlled substance to a patient at a pain-
 2840 management clinic. If the osteopathic physician prescribes more
 2841 than a 72-hour dose of controlled substances for the treatment
 2842 of chronic nonmalignant pain, the osteopathic physician must
 2843 document in the patient's record the reason for prescribing that
 2844 quantity.

2845 Section 61. Paragraph (hh) of subsection (1) of section
 2846 459.015, Florida Statutes, is amended to read:

2847 459.015 Grounds for disciplinary action; action by the
 2848 board and department.—

2849 (1) The following acts constitute grounds for denial of a
 2850 license or disciplinary action, as specified in s. 456.072(2):

2851 (hh) Failing to supervise adequately the activities of
 2852 those physician assistants, paramedics, emergency medical
 2853 technicians, advanced practice registered nurses ~~nurse~~
 2854 ~~practitioners~~, anesthesiologist assistants, or other persons
 2855 acting under the supervision of the osteopathic physician.

2856 Section 62. Paragraph (a) of subsection (1) and subsection
 2857 (3) of section 459.025, Florida Statutes, are amended to read:

2858 459.025 Formal supervisory relationships, standing orders,
 2859 and established protocols; notice; standards.—

2860 (1) NOTICE.—

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2861 (a) When an osteopathic physician enters into a formal
2862 supervisory relationship or standing orders with an emergency
2863 medical technician or paramedic licensed pursuant to s. 401.27,
2864 which relationship or orders contemplate the performance of
2865 medical acts, or when an osteopathic physician enters into an
2866 established protocol with an advanced practice registered nurse
2867 ~~practitioner~~, which protocol contemplates the performance of
2868 medical acts identified and approved by the joint committee
2869 pursuant to s. 464.003(2) or acts set forth in s. 464.012(3) and
2870 (4), the osteopathic physician shall submit notice to the board.
2871 The notice must contain a statement in substantially the
2872 following form:

2873 I, ...(name and professional license number of osteopathic
2874 physician)..., of ...(address of osteopathic physician)... have
2875 hereby entered into a formal supervisory relationship, standing
2876 orders, or an established protocol with ...(number of
2877 persons)... emergency medical technician(s), ...(number of
2878 persons)... paramedic(s), or ...(number of persons)... advanced
2879 practice registered nurse(s) ~~nurse practitioner(s)~~.

2880 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—
2881 An osteopathic physician who supervises an advanced practice
2882 registered nurse ~~practitioner~~ or physician assistant at a
2883 medical office other than the osteopathic physician's primary
2884 practice location, where the advanced practice registered nurse
2885 ~~practitioner~~ or physician assistant is not under the onsite
2886 supervision of a supervising osteopathic physician, must comply

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2887 with the standards set forth in this subsection. For the purpose
2888 of this subsection, an osteopathic physician's "primary practice
2889 location" means the address reflected on the physician's profile
2890 published pursuant to s. 456.041.

2891 (a) An osteopathic physician who is engaged in providing
2892 primary health care services may not supervise more than four
2893 offices in addition to the osteopathic physician's primary
2894 practice location. For the purpose of this subsection, "primary
2895 health care" means health care services that are commonly
2896 provided to patients without referral from another practitioner,
2897 including obstetrical and gynecological services, and excludes
2898 practices providing primarily dermatologic and skin care
2899 services, which include aesthetic skin care services.

2900 (b) An osteopathic physician who is engaged in providing
2901 specialty health care services may not supervise more than two
2902 offices in addition to the osteopathic physician's primary
2903 practice location. For the purpose of this subsection,
2904 "specialty health care" means health care services that are
2905 commonly provided to patients with a referral from another
2906 practitioner and excludes practices providing primarily
2907 dermatologic and skin care services, which include aesthetic
2908 skin care services.

2909 (c) An osteopathic physician who supervises an advanced
2910 practice registered nurse ~~practitioner~~ or physician assistant at
2911 a medical office other than the osteopathic physician's primary
2912 practice location, where the advanced practice registered nurse

2913 ~~practitioner~~ or physician assistant is not under the onsite
 2914 supervision of a supervising osteopathic physician and the
 2915 services offered at the office are primarily dermatologic or
 2916 skin care services, which include aesthetic skin care services
 2917 other than plastic surgery, must comply with the standards
 2918 listed in subparagraphs 1.-4. Notwithstanding s.
 2919 459.022(4)(e)6., an osteopathic physician supervising a
 2920 physician assistant pursuant to this paragraph may not be
 2921 required to review and cosign charts or medical records prepared
 2922 by such physician assistant.

2923 1. The osteopathic physician shall submit to the Board of
 2924 Osteopathic Medicine the addresses of all offices where the
 2925 osteopathic physician ~~he or she~~ is supervising or has a protocol
 2926 with an advanced practice registered nurse ~~practitioner~~ or a
 2927 physician's assistant which are not the osteopathic physician's
 2928 primary practice location.

2929 2. The osteopathic physician must be board certified or
 2930 board eligible in dermatology or plastic surgery as recognized
 2931 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

2932 3. All such offices that are not the osteopathic
 2933 physician's primary place of practice must be within 25 miles of
 2934 the osteopathic physician's primary place of practice or in a
 2935 county that is contiguous to the county of the osteopathic
 2936 physician's primary place of practice. However, the distance
 2937 between any of the offices may not exceed 75 miles.

2938 4. The osteopathic physician may supervise only one office

2939 other than the osteopathic physician's primary place of practice
 2940 ~~except that until July 1, 2011, the osteopathic physician may~~
 2941 ~~supervise up to two medical offices other than the osteopathic~~
 2942 ~~physician's primary place of practice if the addresses of the~~
 2943 ~~offices are submitted to the Board of Osteopathic Medicine~~
 2944 ~~before July 1, 2006. Effective July 1, 2011, the osteopathic~~
 2945 ~~physician may supervise only one office other than the~~
 2946 ~~osteopathic physician's primary place of practice, regardless of~~
 2947 ~~when the addresses of the offices were submitted to the Board of~~
 2948 ~~Osteopathic Medicine.~~

2949 (d) An osteopathic physician who supervises an office in
 2950 addition to the osteopathic physician's primary practice
 2951 location must conspicuously post in each of the osteopathic
 2952 physician's offices a current schedule of the regular hours when
 2953 the osteopathic physician is present in that office and the
 2954 hours when the office is open while the osteopathic physician is
 2955 not present.

2956 (e) This subsection does not apply to health care services
 2957 provided in facilities licensed under chapter 395 or in
 2958 conjunction with a college of medicine or college of nursing or
 2959 an accredited graduate medical or nursing education program;
 2960 offices where the only service being performed is hair removal
 2961 by an advanced practice registered nurse ~~practitioner~~ or
 2962 physician assistant; not-for-profit, family-planning clinics
 2963 that are not licensed pursuant to chapter 390; rural and
 2964 federally qualified health centers; health care services

2965 provided in a nursing home licensed under part II of chapter
 2966 400, an assisted living facility licensed under part I of
 2967 chapter 429, a continuing care facility licensed under chapter
 2968 651, or a retirement community consisting of independent living
 2969 units and either a licensed nursing home or assisted living
 2970 facility; anesthesia services provided in accordance with law;
 2971 health care services provided in a designated rural health
 2972 clinic; health care services provided to persons enrolled in a
 2973 program designed to maintain elderly persons and persons with
 2974 disabilities in a home or community-based setting; university
 2975 primary care student health centers; school health clinics; or
 2976 health care services provided in federal, state, or local
 2977 government facilities.

2978 Section 63. Subsection (2) of section 464.004, Florida
 2979 Statutes, is amended to read:

2980 464.004 Board of Nursing; membership; appointment; terms.—

2981 (2) Seven members of the board must be registered nurses
 2982 who are residents of this state and who have been engaged in the
 2983 practice of professional nursing for at least 4 years, including
 2984 at least one advanced practice registered nurse ~~practitioner~~,
 2985 one nurse educator member of an approved program, and one nurse
 2986 executive. These seven board members should be representative of
 2987 the diverse areas of practice within the nursing profession. In
 2988 addition, three members of the board must be licensed practical
 2989 nurses who are residents of this state and who have been
 2990 actively engaged in the practice of practical nursing for at

2991 least 4 years prior to their appointment. The remaining three
 2992 members must be residents of the state who have never been
 2993 licensed as nurses and who are in no way connected with the
 2994 practice of nursing. No person may be appointed as a lay member
 2995 who is in any way connected with, or has any financial interest
 2996 in, any health care facility, agency, or insurer. At least one
 2997 member of the board must be 60 years of age or older.

2998 Section 64. Paragraph (a) of subsection (4) of section
 2999 464.0205, Florida Statutes, is amended to read:

3000 464.0205 Retired volunteer nurse certificate.—

3001 (4) A retired volunteer nurse receiving certification from
 3002 the board shall:

3003 (a) Work under the direct supervision of the director of a
 3004 county health department, a physician working under a limited
 3005 license issued pursuant to s. 458.317 or s. 459.0075, a
 3006 physician licensed under chapter 458 or chapter 459, an
 3007 independent advanced practice registered nurse registered under
 3008 s. 464.0125, an advanced practice registered nurse ~~practitioner~~
 3009 certified under s. 464.012, or a registered nurse licensed under
 3010 s. 464.008 or s. 464.009.

3011 Section 65. Subsection (2) of section 467.003, Florida
 3012 Statutes, is amended to read:

3013 467.003 Definitions.—As used in this chapter, unless the
 3014 context otherwise requires:

3015 (2) "Certified nurse midwife" means a person who is
 3016 certified ~~licensed~~ as an advanced practice registered nurse

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3017 ~~practitioner~~ under part I of chapter 464 and who is certified to
 3018 practice midwifery by the American College of Nurse Midwives.

3019 Section 66. Paragraph (b) of subsection (1) of section
 3020 480.0475, Florida Statutes, is amended to read:

3021 480.0475 Massage establishments; prohibited practices.—

3022 (1) A person may not operate a massage establishment
 3023 between the hours of midnight and 5 a.m. This subsection does
 3024 not apply to a massage establishment:

3025 (b) In which every massage performed between the hours of
 3026 midnight and 5 a.m. is performed by a massage therapist acting
 3027 under the prescription of a physician or physician assistant
 3028 licensed under chapter 458, an osteopathic physician or
 3029 physician assistant licensed under chapter 459, a chiropractic
 3030 physician licensed under chapter 460, a podiatric physician
 3031 licensed under chapter 461, an independent advanced practice
 3032 registered nurse registered, or an advanced practice registered
 3033 nurse certified, ~~practitioner licensed~~ under part I of chapter
 3034 464, or a dentist licensed under chapter 466; or

3035 Section 67. Subsection (7) of section 483.041, Florida
 3036 Statutes, is amended to read:

3037 483.041 Definitions.—As used in this part, the term:

3038 (7) "Licensed practitioner" means a physician licensed
 3039 under chapter 458, chapter 459, chapter 460, or chapter 461; a
 3040 certified optometrist licensed under chapter 463; a dentist
 3041 licensed under chapter 466; a person licensed under chapter 462;
 3042 an independent advanced practice registered nurse registered, or

3043 an advanced practice registered nurse certified, ~~practitioner~~
 3044 ~~licensed~~ under part I of chapter 464; or a duly licensed
 3045 practitioner from another state licensed under similar statutes
 3046 who orders examinations on materials or specimens for
 3047 nonresidents of the State of Florida, but who reside in the same
 3048 state as the requesting licensed practitioner.

3049 Section 68. Subsection (5) of section 483.181, Florida
 3050 Statutes, is amended to read:

3051 483.181 Acceptance, collection, identification, and
 3052 examination of specimens.—

3053 (5) A clinical laboratory licensed under this part must
 3054 accept a human specimen submitted for examination by a
 3055 practitioner licensed under chapter 458, chapter 459, chapter
 3056 460, chapter 461, chapter 462, chapter 463, s. 464.012, s.
 3057 464.0125, or chapter 466, if the specimen and test are the type
 3058 performed by the clinical laboratory. A clinical laboratory may
 3059 only refuse a specimen based upon a history of nonpayment for
 3060 services by the practitioner. A clinical laboratory shall not
 3061 charge different prices for tests based upon the chapter under
 3062 which a practitioner submitting a specimen for testing is
 3063 licensed.

3064 Section 69. Subsection (5) of section 483.801, Florida
 3065 Statutes, is amended to read:

3066 483.801 Exemptions.—This part applies to all clinical
 3067 laboratories and clinical laboratory personnel within this
 3068 state, except:

3069 (5) Advanced practice registered nurses certified nurse
 3070 ~~practitioners licensed~~ under part I of chapter 464 who perform
 3071 provider-performed microscopy procedures (PPMP) in an exclusive-
 3072 use laboratory setting.

3073 Section 70. Paragraph (a) of subsection (11) of section
 3074 486.021, Florida Statutes, is amended to read:

3075 486.021 Definitions.—In this chapter, unless the context
 3076 otherwise requires, the term:

3077 (11) "Practice of physical therapy" means the performance
 3078 of physical therapy assessments and the treatment of any
 3079 disability, injury, disease, or other health condition of human
 3080 beings, or the prevention of such disability, injury, disease,
 3081 or other condition of health, and rehabilitation as related
 3082 thereto by the use of the physical, chemical, and other
 3083 properties of air; electricity; exercise; massage; the
 3084 performance of acupuncture only upon compliance with the
 3085 criteria set forth by the Board of Medicine, when no penetration
 3086 of the skin occurs; the use of radiant energy, including
 3087 ultraviolet, visible, and infrared rays; ultrasound; water; the
 3088 use of apparatus and equipment in the application of the
 3089 foregoing or related thereto; the performance of tests of
 3090 neuromuscular functions as an aid to the diagnosis or treatment
 3091 of any human condition; or the performance of electromyography
 3092 as an aid to the diagnosis of any human condition only upon
 3093 compliance with the criteria set forth by the Board of Medicine.

3094 (a) A physical therapist may implement a plan of treatment

3095 developed by the physical therapist for a patient or provided
 3096 for a patient by a practitioner of record or by an independent
 3097 advanced practice registered nurse registered under s. 464.0125
 3098 or an advanced practice registered nurse certified ~~practitioner~~
 3099 ~~licensed~~ under s. 464.012. The physical therapist shall refer
 3100 the patient to or consult with a practitioner of record if the
 3101 patient's condition is found to be outside the scope of physical
 3102 therapy. If physical therapy treatment for a patient is required
 3103 beyond 21 days for a condition not previously assessed by a
 3104 practitioner of record, the physical therapist shall obtain a
 3105 practitioner of record who will review and sign the plan. For
 3106 purposes of this paragraph, a health care practitioner licensed
 3107 under chapter 458, chapter 459, chapter 460, chapter 461, or
 3108 chapter 466 and engaged in active practice is eligible to serve
 3109 as a practitioner of record.

3110 Section 71. Paragraph (d) of subsection (1) of section
 3111 490.012, Florida Statutes, is amended to read:

3112 490.012 Violations; penalties; injunction.-

3113 (1)

3114 (d) No person shall hold herself or himself out by any
 3115 title or description incorporating the word, or a permutation of
 3116 the word, "psychotherapy" unless such person holds a valid,
 3117 active license under chapter 458, chapter 459, chapter 490, or
 3118 chapter 491, or such person is registered as an independent
 3119 advanced practice registered nurse under s. 464.0125 or
 3120 certified as an advanced practice registered nurse under

3121 ~~practitioner, pursuant to s. 464.012 and, who~~ has been
 3122 determined by the Board of Nursing to be ~~as~~ a specialist in
 3123 psychiatric mental health.

3124 Section 72. Subsection (1) of section 491.0057, Florida
 3125 Statutes, is amended to read:

3126 491.0057 Dual licensure as a marriage and family
 3127 therapist.—The department shall license as a marriage and family
 3128 therapist any person who demonstrates to the board that he or
 3129 she:

3130 (1) Holds a valid, active license as a psychologist under
 3131 chapter 490 or as a clinical social worker or mental health
 3132 counselor under this chapter, or is registered under s. 464.0125
 3133 as an independent advanced practice registered nurse or
 3134 certified under s. 464.012 as an advanced practice registered
 3135 nurse and ~~practitioner who~~ has been determined by the Board of
 3136 Nursing to be ~~as~~ a specialist in psychiatric mental health.

3137 Section 73. Paragraph (d) of subsection (1) and subsection
 3138 (2) of section 491.012, Florida Statutes, are amended to read:

3139 491.012 Violations; penalty; injunction.—

3140 (1) It is unlawful and a violation of this chapter for any
 3141 person to:

3142 (d) Use the terms "psychotherapist," "sex therapist," or
 3143 "juvenile sexual offender therapist" unless such person is
 3144 licensed pursuant to this chapter or chapter 490, or is
 3145 registered under s. 464.0125 as an independent advanced practice
 3146 registered nurse or certified under s. 464.012 as an advanced

3147 practice registered nurse and ~~practitioner who~~ has been
 3148 determined by the Board of Nursing to be ~~as~~ a specialist in
 3149 psychiatric mental health and the use of such terms is within
 3150 the scope of her or his practice based on education, training,
 3151 and licensure.

3152 (2) It is unlawful and a violation of this chapter for any
 3153 person to describe her or his services using the following terms
 3154 or any derivative thereof, unless such person holds a valid,
 3155 active license under this chapter or chapter 490, or is
 3156 registered under s. 464.0125 as an independent advanced practice
 3157 registered nurse or is certified under s. 464.012 as an advanced
 3158 practice registered nurse and ~~practitioner who~~ has been
 3159 determined by the Board of Nursing to be ~~as~~ a specialist in
 3160 psychiatric mental health and the use of such terms is within
 3161 the scope of her or his practice based on education, training,
 3162 and licensure:

- 3163 (a) "Psychotherapy."
- 3164 (b) "Sex therapy."
- 3165 (c) "Sex counseling."
- 3166 (d) "Clinical social work."
- 3167 (e) "Psychiatric social work."
- 3168 (f) "Marriage and family therapy."
- 3169 (g) "Marriage and family counseling."
- 3170 (h) "Marriage counseling."
- 3171 (i) "Family counseling."
- 3172 (j) "Mental health counseling."

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3173 Section 74. Subsection (2) of section 493.6108, Florida
 3174 Statutes, is amended to read:

3175 493.6108 Investigation of applicants by Department of
 3176 Agriculture and Consumer Services.—

3177 (2) In addition to subsection (1), the department shall
 3178 make an investigation of the general physical fitness of the
 3179 Class "G" applicant to bear a weapon or firearm. Determination
 3180 of physical fitness shall be certified by a physician or
 3181 physician assistant currently licensed pursuant to chapter 458,
 3182 chapter 459, or any similar law of another state or authorized
 3183 to act as a licensed physician by a federal agency or
 3184 department, or by an independent advanced practice registered
 3185 nurse registered, or an advanced practice registered nurse
 3186 certified, under ~~practitioner currently licensed pursuant to~~
 3187 part I of chapter 464. Such certification shall be submitted on
 3188 a form provided by the department.

3189 Section 75. Subsection (1) of section 626.9707, Florida
 3190 Statutes, is amended to read:

3191 626.9707 Disability insurance; discrimination on basis of
 3192 sickle-cell trait prohibited.—

3193 (1) An ~~No~~ insurer authorized to transact insurance in this
 3194 state may not ~~shall~~ refuse to issue and deliver in this state
 3195 any policy of disability insurance, whether such policy is
 3196 defined as individual, group, blanket, franchise, industrial, or
 3197 otherwise, which is currently being issued for delivery in this
 3198 state and which affords benefits and coverage for any medical

3199 treatment or service authorized and permitted to be furnished by
 3200 a hospital, clinic, health clinic, neighborhood health clinic,
 3201 health maintenance organization, physician, physician's
 3202 assistant, independent advanced practice registered nurse,
 3203 advanced practice registered nurse ~~practitioner~~, or medical
 3204 service facility or personnel solely because the person to be
 3205 insured has the sickle-cell trait.

3206 Section 76. Paragraph (b) of subsection (1) of section
 3207 627.357, Florida Statutes, is amended to read:

3208 627.357 Medical malpractice self-insurance.—

3209 (1) DEFINITIONS.—As used in this section, the term:

3210 (b) "Health care provider" means any:

3211 1. Hospital licensed under chapter 395.

3212 2. Physician licensed, or physician assistant licensed,
 3213 under chapter 458.

3214 3. Osteopathic physician or physician assistant licensed
 3215 under chapter 459.

3216 4. Podiatric physician licensed under chapter 461.

3217 5. Health maintenance organization certificated under part
 3218 I of chapter 641.

3219 6. Ambulatory surgical center licensed under chapter 395.

3220 7. Chiropractic physician licensed under chapter 460.

3221 8. Psychologist licensed under chapter 490.

3222 9. Optometrist licensed under chapter 463.

3223 10. Dentist licensed under chapter 466.

3224 11. Pharmacist licensed under chapter 465.

3225 12. Registered nurse, licensed practical nurse,
 3226 independent advanced practice registered nurse, or advanced
 3227 practice registered nurse ~~practitioner~~ licensed, registered, or
 3228 certified ~~registered~~ under part I of chapter 464.

3229 13. Other medical facility.

3230 14. Professional association, partnership, corporation,
 3231 joint venture, or other association established by the
 3232 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,
 3233 10., 11., and 12. for professional activity.

3234 Section 77. Subsection (6) of section 627.6471, Florida
 3235 Statutes, is amended to read:

3236 627.6471 Contracts for reduced rates of payment;
 3237 limitations; coinsurance and deductibles.—

3238 (6) If psychotherapeutic services are covered by a policy
 3239 issued by the insurer, the insurer shall provide eligibility
 3240 criteria for each group of health care providers licensed under
 3241 chapter 458, chapter 459, chapter 490, or chapter 491, which
 3242 include psychotherapy within the scope of their practice as
 3243 provided by law, or for any person who is registered as an
 3244 independent advanced practice registered nurse under s. 464.0125
 3245 or certified as an advanced practice registered nurse
 3246 ~~practitioner in psychiatric mental health~~ under s. 464.012 and
 3247 who specializes in psychiatric mental health. When
 3248 psychotherapeutic services are covered, eligibility criteria
 3249 shall be established by the insurer to be included in the
 3250 insurer's criteria for selection of network providers. The

3251 insurer may not discriminate against a health care provider by
 3252 excluding such practitioner from its provider network solely on
 3253 the basis of the practitioner's license.

3254 Section 78. Subsections (15) and (17) of section 627.6472,
 3255 Florida Statutes, are amended to read:

3256 627.6472 Exclusive provider organizations.—

3257 (15) If psychotherapeutic services are covered by a policy
 3258 issued by the insurer, the insurer shall provide eligibility
 3259 criteria for all groups of health care providers licensed under
 3260 chapter 458, chapter 459, chapter 490, or chapter 491, which
 3261 include psychotherapy within the scope of their practice as
 3262 provided by law, or for any person who is registered as an
 3263 independent advanced practice registered nurse under s. 464.0125
 3264 or certified as an advanced practice registered nurse
 3265 practitioner in psychiatric mental health under s. 464.012 and
 3266 who specializes in psychiatric mental health. When
 3267 psychotherapeutic services are covered, eligibility criteria
 3268 shall be established by the insurer to be included in the
 3269 insurer's criteria for selection of network providers. The
 3270 insurer may not discriminate against a health care provider by
 3271 excluding such practitioner from its provider network solely on
 3272 the basis of the practitioner's license.

3273 (17) An exclusive provider organization may ~~shall~~ not
 3274 discriminate with respect to participation as to any independent
 3275 advanced practice registered nurse registered pursuant to s.
 3276 464.0125 or advanced practice registered nurse practitioner

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3277 ~~licensed and~~ certified pursuant to s. 464.012, who is acting
3278 within the scope of such registration or license ~~and~~
3279 certification, solely on the basis of such registration ~~license~~
3280 or certification. This subsection shall not be construed to
3281 prohibit a plan from including providers only to the extent
3282 necessary to meet the needs of the plan's enrollees or from
3283 establishing any measure designed to maintain quality and
3284 control costs consistent with the responsibilities of the plan.

3285 Section 79. Paragraph (a) of subsection (1) of section
3286 627.736, Florida Statutes, is amended to read:

3287 627.736 Required personal injury protection benefits;
3288 exclusions; priority; claims.—

3289 (1) REQUIRED BENEFITS.—An insurance policy complying with
3290 the security requirements of s. 627.733 must provide personal
3291 injury protection to the named insured, relatives residing in
3292 the same household, persons operating the insured motor vehicle,
3293 passengers in the motor vehicle, and other persons struck by the
3294 motor vehicle and suffering bodily injury while not an occupant
3295 of a self-propelled vehicle, subject to subsection (2) and
3296 paragraph (4) (e), to a limit of \$10,000 in medical and
3297 disability benefits and \$5,000 in death benefits resulting from
3298 bodily injury, sickness, disease, or death arising out of the
3299 ownership, maintenance, or use of a motor vehicle as follows:

3300 (a) Medical benefits.—Eighty percent of all reasonable
3301 expenses for medically necessary medical, surgical, X-ray,
3302 dental, and rehabilitative services, including prosthetic

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3303 devices and medically necessary ambulance, hospital, and nursing
3304 services if the individual receives initial services and care
3305 pursuant to subparagraph 1. within 14 days after the motor
3306 vehicle accident. The medical benefits provide reimbursement
3307 only for:

3308 1. Initial services and care that are lawfully provided,
3309 supervised, ordered, or prescribed by a physician licensed under
3310 chapter 458 or chapter 459, a dentist licensed under chapter
3311 466, ~~or~~ a chiropractic physician licensed under chapter 460, or
3312 an independent advanced practice registered nurse registered
3313 under s. 464.0125, or that are provided in a hospital or in a
3314 facility that owns, or is wholly owned by, a hospital. Initial
3315 services and care may also be provided by a person or entity
3316 licensed under part III of chapter 401 which provides emergency
3317 transportation and treatment.

3318 2. Upon referral by a provider described in subparagraph
3319 1., followup services and care consistent with the underlying
3320 medical diagnosis rendered pursuant to subparagraph 1. which may
3321 be provided, supervised, ordered, or prescribed only by a
3322 physician licensed under chapter 458 or chapter 459, a
3323 chiropractic physician licensed under chapter 460, a dentist
3324 licensed under chapter 466, an independent advanced practice
3325 registered nurse registered under s. 464.0125, or, to the extent
3326 permitted by applicable law and under the supervision of such
3327 physician, osteopathic physician, chiropractic physician, ~~or~~
3328 dentist, or independent advanced practice registered nurse

3329 registered under s. 464.0125, by a physician assistant licensed
 3330 under chapter 458 or chapter 459 or an advanced practice
 3331 registered nurse certified ~~practitioner licensed~~ under s.
 3332 464.012 ~~chapter 464~~. Followup services and care may also be
 3333 provided by the following persons or entities:

3334 a. A hospital or ambulatory surgical center licensed under
 3335 chapter 395.

3336 b. An entity wholly owned by one or more physicians
 3337 licensed under chapter 458 or chapter 459, chiropractic
 3338 physicians licensed under chapter 460, independent advanced
 3339 practice registered nurses registered under s. 464.0125, or
 3340 dentists licensed under chapter 466 or by such practitioners and
 3341 the spouse, parent, child, or sibling of such practitioners.

3342 c. An entity that owns or is wholly owned, directly or
 3343 indirectly, by a hospital or hospitals.

3344 d. A physical therapist licensed under chapter 486, based
 3345 upon a referral by a provider described in this subparagraph.

3346 e. A health care clinic licensed under part X of chapter
 3347 400 which is accredited by an accrediting organization whose
 3348 standards incorporate comparable regulations required by this
 3349 state, or

3350 (I) Has a medical director licensed under chapter 458,
 3351 chapter 459, or chapter 460;

3352 (II) Has been continuously licensed for more than 3 years
 3353 or is a publicly traded corporation that issues securities
 3354 traded on an exchange registered with the United States

3355 Securities and Exchange Commission as a national securities
 3356 exchange; and

3357 (III) Provides at least four of the following medical
 3358 specialties:

3359 (A) General medicine.

3360 (B) Radiography.

3361 (C) Orthopedic medicine.

3362 (D) Physical medicine.

3363 (E) Physical therapy.

3364 (F) Physical rehabilitation.

3365 (G) Prescribing or dispensing outpatient prescription
 3366 medication.

3367 (H) Laboratory services.

3368 3. Reimbursement for services and care provided in
 3369 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
 3370 licensed under chapter 458 or chapter 459, a dentist licensed
 3371 under chapter 466, an independent advanced practice registered
 3372 nurse registered under s. 464.0125, a physician assistant
 3373 licensed under chapter 458 or chapter 459, or an advanced
 3374 practice registered nurse certified practitioner~~licensed~~ under
 3375 s. 464.012 ~~chapter 464~~ has determined that the injured person
 3376 had an emergency medical condition.

3377 4. Reimbursement for services and care provided in
 3378 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
 3379 provider listed in subparagraph 1. or subparagraph 2. determines
 3380 that the injured person did not have an emergency medical

3381 condition.

3382 5. Medical benefits do not include massage as defined in
 3383 s. 480.033 or acupuncture as defined in s. 457.102, regardless
 3384 of the person, entity, or licensee providing massage or
 3385 acupuncture, and a licensed massage therapist or licensed
 3386 acupuncturist may not be reimbursed for medical benefits under
 3387 this section.

3388 6. The Financial Services Commission shall adopt by rule
 3389 the form that must be used by an insurer and a health care
 3390 provider specified in sub-subparagraph 2.b., sub-subparagraph
 3391 2.c., or sub-subparagraph 2.e. to document that the health care
 3392 provider meets the criteria of this paragraph. Such rule must
 3393 include a requirement for a sworn statement or affidavit.

3394
 3395 Only insurers writing motor vehicle liability insurance in this
 3396 state may provide the required benefits of this section, and
 3397 such insurer may not require the purchase of any other motor
 3398 vehicle coverage other than the purchase of property damage
 3399 liability coverage as required by s. 627.7275 as a condition for
 3400 providing such benefits. Insurers may not require that property
 3401 damage liability insurance in an amount greater than \$10,000 be
 3402 purchased in conjunction with personal injury protection. Such
 3403 insurers shall make benefits and required property damage
 3404 liability insurance coverage available through normal marketing
 3405 channels. An insurer writing motor vehicle liability insurance
 3406 in this state who fails to comply with such availability

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3407 requirement as a general business practice violates part IX of
3408 chapter 626, and such violation constitutes an unfair method of
3409 competition or an unfair or deceptive act or practice involving
3410 the business of insurance. An insurer committing such violation
3411 is subject to the penalties provided under that part, as well as
3412 those provided elsewhere in the insurance code.

3413 Section 80. Paragraph (e) of subsection (1) of section
3414 633.412, Florida Statutes, is amended to read:

3415 633.412 Firefighters; qualifications for certification.—

3416 (1) A person applying for certification as a firefighter
3417 must:

3418 (e) Be in good physical condition as determined by a
3419 medical examination given by a physician, surgeon, or physician
3420 assistant licensed to practice in the state under ~~pursuant to~~
3421 chapter 458; an osteopathic physician, surgeon, or physician
3422 assistant licensed to practice in the state under ~~pursuant to~~
3423 chapter 459; an independent advanced practice registered nurse
3424 registered, or an advanced practice registered nurse certified,
3425 ~~practitioner licensed~~ to practice in the state under part I of
3426 ~~pursuant to~~ chapter 464. Such examination may include, but need
3427 not be limited to, the National Fire Protection Association
3428 Standard 1582. A medical examination evidencing good physical
3429 condition shall be submitted to the division, on a form as
3430 provided by rule, before an individual is eligible for admission
3431 into a course under s. 633.408.

3432 Section 81. Section 641.3923, Florida Statutes, is amended

3433 to read:

3434 641.3923 Discrimination against providers prohibited.—A
 3435 health maintenance organization may ~~shall~~ not discriminate with
 3436 respect to participation as to any independent advanced practice
 3437 registered nurse registered pursuant to s. 464.0125 or advanced
 3438 practice registered nurse practitioner licensed and certified
 3439 pursuant to s. 464.012, who is acting within the scope of such
 3440 registration or license and certification, solely on the basis
 3441 of such registration license or certification. This section
 3442 shall not be construed to prohibit a plan from including
 3443 providers only to the extent necessary to meet the needs of the
 3444 plan's enrollees or from establishing any measure designed to
 3445 maintain quality and control costs consistent with the
 3446 responsibilities of the plan.

3447 Section 82. Subsection (8) of section 641.495, Florida
 3448 Statutes, is amended to read:

3449 641.495 Requirements for issuance and maintenance of
 3450 certificate.—

3451 (8) Each organization's contracts, certificates, and
 3452 subscriber handbooks shall contain a provision, if applicable,
 3453 disclosing that, for certain types of described medical
 3454 procedures, services may be provided by physician assistants,
 3455 independent advanced practice registered nurses, advanced
 3456 practice registered nurses ~~nurse practitioners~~, or other
 3457 individuals who are not licensed physicians.

3458 Section 83. Paragraph (a) of subsection (3) of section

3459 744.331, Florida Statutes, is amended to read:
 3460 744.331 Procedures to determine incapacity.—
 3461 (3) EXAMINING COMMITTEE.—
 3462 (a) Within 5 days after a petition for determination of
 3463 incapacity has been filed, the court shall appoint an examining
 3464 committee consisting of three members. One member must be a
 3465 psychiatrist or other physician. The remaining members must be
 3466 either a psychologist, gerontologist, another psychiatrist, or
 3467 other physician, a registered nurse, an advanced practice
 3468 registered nurse practitioner, a licensed social worker, a
 3469 person with an advanced degree in gerontology from an accredited
 3470 institution of higher education, or other person who by
 3471 knowledge, skill, experience, training, or education may, in the
 3472 court's discretion, advise the court in the form of an expert
 3473 opinion. One of three members of the committee must have
 3474 knowledge of the type of incapacity alleged in the petition.
 3475 Unless good cause is shown, the attending or family physician
 3476 may not be appointed to the committee. If the attending or
 3477 family physician is available for consultation, the committee
 3478 must consult with the physician. Members of the examining
 3479 committee may not be related to or associated with one another,
 3480 with the petitioner, with counsel for the petitioner or the
 3481 proposed guardian, or with the person alleged to be totally or
 3482 partially incapacitated. A member may not be employed by any
 3483 private or governmental agency that has custody of, or
 3484 furnishes, services or subsidies, directly or indirectly, to the

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3485 person or the family of the person alleged to be incapacitated
3486 or for whom a guardianship is sought. A petitioner may not serve
3487 as a member of the examining committee. Members of the examining
3488 committee must be able to communicate, either directly or
3489 through an interpreter, in the language that the alleged
3490 incapacitated person speaks or to communicate in a medium
3491 understandable to the alleged incapacitated person if she or he
3492 is able to communicate. The clerk of the court shall send notice
3493 of the appointment to each person appointed no later than 3 days
3494 after the court's appointment.

3495 Section 84. Subsection (1) of section 744.703, Florida
3496 Statutes, is amended to read:

3497 744.703 Office of public guardian; appointment,
3498 notification.—

3499 (1) The executive director of the Statewide Public
3500 Guardianship Office, after consultation with the chief judge and
3501 other circuit judges within the judicial circuit and with
3502 appropriate advocacy groups and individuals and organizations
3503 who are knowledgeable about the needs of incapacitated persons,
3504 may establish, within a county in the judicial circuit or within
3505 the judicial circuit, one or more offices of public guardian and
3506 if so established, shall create a list of persons best qualified
3507 to serve as the public guardian, who have been investigated
3508 pursuant to s. 744.3135. The public guardian must have knowledge
3509 of the legal process and knowledge of social services available
3510 to meet the needs of incapacitated persons. The public guardian

3511 shall maintain a staff or contract with professionally qualified
 3512 individuals to carry out the guardianship functions, including
 3513 an attorney who has experience in probate areas and another
 3514 person who has a master's degree in social work, or a
 3515 gerontologist, psychologist, registered nurse, independent
 3516 advanced practice registered nurse, or advanced practice
 3517 registered nurse practitioner. A public guardian that is a
 3518 nonprofit corporate guardian under s. 744.309(5) must receive
 3519 tax-exempt status from the United States Internal Revenue
 3520 Service.

3521 Section 85. Subsection (6) of section 766.102, Florida
 3522 Statutes, is amended to read:

3523 766.102 Medical negligence; standards of recovery; expert
 3524 witness.—

3525 (6) A physician licensed under chapter 458 or chapter 459
 3526 who qualifies as an expert witness under subsection (5) and who,
 3527 by reason of active clinical practice or instruction of
 3528 students, has knowledge of the applicable standard of care for
 3529 nurses, independent advanced practice registered nurses,
 3530 advanced practice registered nurses ~~nurse practitioners,~~
 3531 ~~certified registered nurse anesthetists, certified registered~~
 3532 ~~nurse midwives~~, physician assistants, or other medical support
 3533 staff may give expert testimony in a medical negligence action
 3534 with respect to the standard of care of such medical support
 3535 staff.

3536 Section 86. Subsection (3) of section 766.103, Florida

3537 Statutes, is amended to read:

3538 766.103 Florida Medical Consent Law.—

3539 (3) ~~No Recovery~~ is not shall be allowed in any court in
 3540 this state against any physician licensed under chapter 458,
 3541 osteopathic physician licensed under chapter 459, chiropractic
 3542 physician licensed under chapter 460, podiatric physician
 3543 licensed under chapter 461, dentist licensed under chapter 466,
 3544 independent advanced practice registered nurse registered under
 3545 s. 464.0125, advanced practice registered nurse ~~practitioner~~
 3546 certified under s. 464.012, or physician assistant licensed
 3547 under s. 458.347 or s. 459.022 in an action brought for
 3548 treating, examining, or operating on a patient without his or
 3549 her informed consent when:

3550 (a)1. The action of the physician, osteopathic physician,
 3551 chiropractic physician, podiatric physician, dentist,
 3552 independent advanced practice registered nurse, advanced
 3553 practice registered nurse ~~practitioner,~~ or physician assistant
 3554 in obtaining the consent of the patient or another person
 3555 authorized to give consent for the patient was in accordance
 3556 with an accepted standard of medical practice among members of
 3557 the medical profession with similar training and experience in
 3558 the same or similar medical community as that of the person
 3559 treating, examining, or operating on the patient for whom the
 3560 consent is obtained; and

3561 2. A reasonable individual, from the information provided
 3562 by the physician, osteopathic physician, chiropractic physician,

3563 | podiatric physician, dentist, independent advanced practice
 3564 | registered nurse, advanced practice registered nurse
 3565 | ~~practitioner~~, or physician assistant, under the circumstances,
 3566 | would have a general understanding of the procedure, the
 3567 | medically acceptable alternative procedures or treatments, and
 3568 | the substantial risks and hazards inherent in the proposed
 3569 | treatment or procedures, which are recognized among other
 3570 | physicians, osteopathic physicians, chiropractic physicians,
 3571 | podiatric physicians, or dentists in the same or similar
 3572 | community who perform similar treatments or procedures; or

3573 | (b) The patient would reasonably, under all the
 3574 | surrounding circumstances, have undergone such treatment or
 3575 | procedure had he or she been advised by the physician,
 3576 | osteopathic physician, chiropractic physician, podiatric
 3577 | physician, dentist, independent advanced practice registered
 3578 | nurse, advanced practice registered nurse ~~practitioner~~, or
 3579 | physician assistant in accordance with the provisions of
 3580 | paragraph (a).

3581 | Section 87. Paragraph (d) of subsection (3) of section
 3582 | 766.1115, Florida Statutes, is amended to read:

3583 | 766.1115 Health care providers; creation of agency
 3584 | relationship with governmental contractors.—

3585 | (3) DEFINITIONS.—As used in this section, the term:

3586 | (d) "Health care provider" or "provider" means:

- 3587 | 1. A birth center licensed under chapter 383.
 3588 | 2. An ambulatory surgical center licensed under chapter

- 3589 395.
- 3590 3. A hospital licensed under chapter 395.
- 3591 4. A physician or physician assistant licensed under
- 3592 chapter 458.
- 3593 5. An osteopathic physician or osteopathic physician
- 3594 assistant licensed under chapter 459.
- 3595 6. A chiropractic physician licensed under chapter 460.
- 3596 7. A podiatric physician licensed under chapter 461.
- 3597 8. A registered nurse, ~~nurse-midwife~~, licensed practical
- 3598 nurse, independent advanced practice registered nurse, or
- 3599 advanced practice registered nurse ~~practitioner~~ licensed,
- 3600 registered, or certified ~~registered~~ under part I of chapter 464
- 3601 or any facility that ~~which~~ employs nurses licensed, registered,
- 3602 or certified ~~registered~~ under part I of chapter 464 to supply
- 3603 all or part of the care delivered under this section.
- 3604 9. A midwife licensed under chapter 467.
- 3605 10. A health maintenance organization certificated under
- 3606 part I of chapter 641.
- 3607 11. A health care professional association and its
- 3608 employees or a corporate medical group and its employees.
- 3609 12. Any other medical facility the primary purpose of
- 3610 which is to deliver human medical diagnostic services or which
- 3611 delivers nonsurgical human medical treatment, and which includes
- 3612 an office maintained by a provider.
- 3613 13. A dentist or dental hygienist licensed under chapter
- 3614 466.

3615 14. A free clinic that delivers only medical diagnostic
 3616 services or nonsurgical medical treatment free of charge to all
 3617 low-income recipients.

3618 15. Any other health care professional, practitioner,
 3619 provider, or facility under contract with a governmental
 3620 contractor, including a student enrolled in an accredited
 3621 program that prepares the student for licensure as any one of
 3622 the professionals listed in subparagraphs 4.-9.

3623
 3624 The term includes any nonprofit corporation qualified as exempt
 3625 from federal income taxation under s. 501(a) of the Internal
 3626 Revenue Code, and described in s. 501(c) of the Internal Revenue
 3627 Code, which delivers health care services provided by licensed
 3628 professionals listed in this paragraph, any federally funded
 3629 community health center, and any volunteer corporation or
 3630 volunteer health care provider that delivers health care
 3631 services.

3632 Section 88. Subsection (1) of section 766.1116, Florida
 3633 Statutes, is amended to read:

3634 766.1116 Health care practitioner; waiver of license
 3635 renewal fees and continuing education requirements.—

3636 (1) As used in this section, the term "health care
 3637 practitioner" means a physician or physician assistant licensed
 3638 under chapter 458; an osteopathic physician or physician
 3639 assistant licensed under chapter 459; a chiropractic physician
 3640 licensed under chapter 460; a podiatric physician licensed under

3641 chapter 461; an independent advanced practice registered nurse,
 3642 an advanced practice registered nurse ~~practitioner~~, registered
 3643 nurse, or licensed practical nurse licensed, registered, or
 3644 certified under part I of chapter 464; a dentist or dental
 3645 hygienist licensed under chapter 466; or a midwife licensed
 3646 under chapter 467, who participates as a health care provider
 3647 under s. 766.1115.

3648 Section 89. Paragraph (c) of subsection (1) of section
 3649 766.118, Florida Statutes, is amended to read:

3650 766.118 Determination of noneconomic damages.—

3651 (1) DEFINITIONS.—As used in this section, the term:

3652 (c) "Practitioner" means any person licensed under chapter
 3653 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter
 3654 463, chapter 466, chapter 467, or chapter 486, registered under
 3655 s. 464.0125, or certified under s. 464.012. "Practitioner" also
 3656 means any association, corporation, firm, partnership, or other
 3657 business entity under which such practitioner practices or any
 3658 employee of such practitioner or entity acting in the scope of
 3659 his or her employment. For the purpose of determining the
 3660 limitations on noneconomic damages set forth in this section,
 3661 the term "practitioner" includes any person or entity for whom a
 3662 practitioner is vicariously liable and any person or entity
 3663 whose liability is based solely on such person or entity being
 3664 vicariously liable for the actions of a practitioner.

3665 Section 90. Subsection (3) of section 768.135, Florida
 3666 Statutes, is amended to read:

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3667 768.135 Volunteer team practitioners ~~physicians~~;
 3668 immunity.—

3669 (3) A practitioner licensed under chapter 458, chapter
 3670 459, chapter 460, ~~or~~ s. 464.012, or s. 464.0125 who gratuitously
 3671 and in good faith conducts an evaluation pursuant to s.
 3672 1006.20(2)(c) is not liable for any civil damages arising from
 3673 that evaluation unless the evaluation was conducted in a
 3674 wrongful manner.

3675 Section 91. Subsection (4) of section 782.071, Florida
 3676 Statutes, is amended to read:

3677 782.071 Vehicular homicide.—"Vehicular homicide" is the
 3678 killing of a human being, or the killing of a viable fetus by
 3679 any injury to the mother, caused by the operation of a motor
 3680 vehicle by another in a reckless manner likely to cause the
 3681 death of, or great bodily harm to, another.

3682 (4) In addition to any other punishment, the court may
 3683 order the person to serve 120 community service hours in a
 3684 trauma center or hospital that regularly receives victims of
 3685 vehicle accidents, under the supervision of an independent
 3686 advanced practice registered nurse, an advanced practice
 3687 registered nurse, a registered nurse, an emergency room
 3688 physician, or an emergency medical technician pursuant to a
 3689 voluntary community service program operated by the trauma
 3690 center or hospital.

3691 Section 92. Subsection (5) of section 794.08, Florida
 3692 Statutes, is amended to read:

3693 794.08 Female genital mutilation.—

3694 (5) This section does not apply to procedures performed by
 3695 or under the direction of a physician licensed under chapter
 3696 458;~~;~~ an osteopathic physician licensed under chapter 459;~~;~~ a
 3697 registered nurse ~~licensed under part I of chapter 464,~~ a
 3698 practical nurse ~~licensed under part I of chapter 464,~~ an
 3699 independent advanced practice registered nurse, or an advanced
 3700 practice registered nurse licensed, registered, or certified
 3701 practitioner licensed under part I of chapter 464;~~;~~ a midwife
 3702 licensed under chapter 467;~~;~~ or a physician assistant licensed
 3703 under chapter 458 or chapter 459, when necessary to preserve the
 3704 physical health of a female person. This section also does not
 3705 apply to any autopsy or limited dissection conducted pursuant to
 3706 chapter 406.

3707 Section 93. Subsection (21) of section 893.02, Florida
 3708 Statutes, is amended to read:

3709 893.02 Definitions.—The following words and phrases as
 3710 used in this chapter shall have the following meanings, unless
 3711 the context otherwise requires:

3712 (21) "Practitioner" means a physician licensed pursuant to
 3713 chapter 458, a dentist licensed pursuant to chapter 466, a
 3714 veterinarian licensed pursuant to chapter 474, an osteopathic
 3715 physician licensed pursuant to chapter 459, a naturopath
 3716 licensed pursuant to chapter 462, a certified optometrist
 3717 licensed pursuant to chapter 463, an independent advanced
 3718 practice registered nurse registered pursuant to s. 464.0125, an

3719 advanced practice registered nurse certified pursuant to s.
 3720 464.012, or a podiatric physician licensed pursuant to chapter
 3721 461, provided such practitioner holds a valid federal controlled
 3722 substance registry number.

3723 Section 94. Subsection (6) of section 943.13, Florida
 3724 Statutes, is amended to read:

3725 943.13 Officers' minimum qualifications for employment or
 3726 appointment.—On or after October 1, 1984, any person employed or
 3727 appointed as a full-time, part-time, or auxiliary law
 3728 enforcement officer or correctional officer; on or after October
 3729 1, 1986, any person employed as a full-time, part-time, or
 3730 auxiliary correctional probation officer; and on or after
 3731 October 1, 1986, any person employed as a full-time, part-time,
 3732 or auxiliary correctional officer by a private entity under
 3733 contract to the Department of Corrections, to a county
 3734 commission, or to the Department of Management Services shall:

3735 (6) Have passed a physical examination by a licensed
 3736 physician, physician assistant, independent advanced practice
 3737 registered nurse, or certified advanced practice registered
 3738 nurse ~~practitioner,~~ based on specifications established by the
 3739 commission. In order to be eligible for the presumption set
 3740 forth in s. 112.18 while employed with an employing agency, a
 3741 law enforcement officer, correctional officer, or correctional
 3742 probation officer must have successfully passed the physical
 3743 examination required by this subsection upon entering into
 3744 service as a law enforcement officer, correctional officer, or

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3745 correctional probation officer with the employing agency, which
3746 examination must have failed to reveal any evidence of
3747 tuberculosis, heart disease, or hypertension. A law enforcement
3748 officer, correctional officer, or correctional probation officer
3749 may not use a physical examination from a former employing
3750 agency for purposes of claiming the presumption set forth in s.
3751 112.18 against the current employing agency.

3752 Section 95. Subsection (2) of section 945.603, Florida
3753 Statutes, is amended to read:

3754 945.603 Powers and duties of authority.—The purpose of the
3755 authority is to assist in the delivery of health care services
3756 for inmates in the Department of Corrections by advising the
3757 Secretary of Corrections on the professional conduct of primary,
3758 convalescent, dental, and mental health care and the management
3759 of costs consistent with quality care, by advising the Governor
3760 and the Legislature on the status of the Department of
3761 Corrections' health care delivery system, and by assuring that
3762 adequate standards of physical and mental health care for
3763 inmates are maintained at all Department of Corrections
3764 institutions. For this purpose, the authority has the authority
3765 to:

3766 (2) Review and make recommendations regarding health care
3767 for the delivery of health care services including, but not
3768 limited to, acute hospital-based services and facilities,
3769 primary and tertiary care services, ancillary and clinical
3770 services, dental services, mental health services, intake and

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3771 screening services, medical transportation services, and the use
3772 of advanced practice registered nurses ~~nurse practitioner~~ and
3773 physician assistants ~~assistant personnel~~ to act as physician
3774 extenders as these relate to inmates in the Department of
3775 Corrections.

3776 Section 96. Paragraph (i) of subsection (3) of section
3777 1002.20, Florida Statutes, is amended to read:

3778 1002.20 K-12 student and parent rights.—Parents of public
3779 school students must receive accurate and timely information
3780 regarding their child's academic progress and must be informed
3781 of ways they can help their child to succeed in school. K-12
3782 students and their parents are afforded numerous statutory
3783 rights including, but not limited to, the following:

3784 (3) HEALTH ISSUES.—

3785 (i) Epinephrine use and supply.—

3786 1. A student who has experienced or is at risk for life-
3787 threatening allergic reactions may carry an epinephrine auto-
3788 injector and self-administer epinephrine by auto-injector while
3789 in school, participating in school-sponsored activities, or in
3790 transit to or from school or school-sponsored activities if the
3791 school has been provided with parental and physician
3792 authorization. The State Board of Education, in cooperation with
3793 the Department of Health, shall adopt rules for such use of
3794 epinephrine auto-injectors that shall include provisions to
3795 protect the safety of all students from the misuse or abuse of
3796 auto-injectors. A school district, county health department,

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3797 public-private partner, and their employees and volunteers shall
3798 be indemnified by the parent of a student authorized to carry an
3799 epinephrine auto-injector for any and all liability with respect
3800 to the student's use of an epinephrine auto-injector pursuant to
3801 this paragraph.

3802 2. A public school may purchase from a wholesale
3803 distributor as defined in s. 499.003 and maintain in a locked,
3804 secure location on its premises a supply of epinephrine auto-
3805 injectors for use if a student is having an anaphylactic
3806 reaction. The participating school district shall adopt a
3807 protocol developed by a licensed physician for the
3808 administration by school personnel who are trained to recognize
3809 an anaphylactic reaction and to administer an epinephrine auto-
3810 injection. The supply of epinephrine auto-injectors may be
3811 provided to and used by a student authorized to self-administer
3812 epinephrine by auto-injector under subparagraph 1. or trained
3813 school personnel.

3814 3. The school district and its employees and agents,
3815 including the physician who provides the standing protocol for
3816 school epinephrine auto-injectors, are not liable for any injury
3817 arising from the use of an epinephrine auto-injector
3818 administered by trained school personnel who follow the adopted
3819 protocol and whose professional opinion is that the student is
3820 having an anaphylactic reaction:

3821 a. Unless the trained school personnel's action is willful
3822 and wanton;

3823 b. Notwithstanding that the parents or guardians of the
 3824 student to whom the epinephrine is administered have not been
 3825 provided notice or have not signed a statement acknowledging
 3826 that the school district is not liable; and

3827 c. Regardless of whether authorization has been given by
 3828 the student's parents or guardians or by the student's
 3829 physician, a physician ~~physician's~~ assistant, an independent
 3830 advanced practice registered nurse, or an advanced practice
 3831 registered nurse ~~practitioner~~.

3832 Section 97. Paragraph (b) of subsection (17) of section
 3833 1002.42, Florida Statutes, is amended to read:

3834 1002.42 Private schools.—

3835 (17) EPINEPHRINE SUPPLY.—

3836 (b) The private school and its employees and agents,
 3837 including the physician who provides the standing protocol for
 3838 school epinephrine auto-injectors, are not liable for any injury
 3839 arising from the use of an epinephrine auto-injector
 3840 administered by trained school personnel who follow the adopted
 3841 protocol and whose professional opinion is that the student is
 3842 having an anaphylactic reaction:

3843 1. Unless the trained school personnel's action is willful
 3844 and wanton;

3845 2. Notwithstanding that the parents or guardians of the
 3846 student to whom the epinephrine is administered have not been
 3847 provided notice or have not signed a statement acknowledging
 3848 that the school district is not liable; and

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3849 3. Regardless of whether authorization has been given by
3850 the student's parents or guardians or by the student's
3851 physician, a physician ~~physician's~~ assistant, an independent
3852 advanced practice registered nurse, or an advanced practice
3853 registered nurse ~~practitioner~~.

3854 Section 98. Subsections (4) and (5) of section 1006.062,
3855 Florida Statutes, are amended to read:

3856 1006.062 Administration of medication and provision of
3857 medical services by district school board personnel.—

3858 (4) Nonmedical assistive personnel shall be allowed to
3859 perform health-related services upon successful completion of
3860 child-specific training by a registered nurse, an independent
3861 advanced practice registered nurse, or an advanced practice
3862 registered nurse ~~practitioner~~ licensed, registered, or certified
3863 under part I of chapter 464, a physician licensed pursuant to
3864 chapter 458 or chapter 459, or a physician assistant licensed
3865 pursuant to chapter 458 or chapter 459. All procedures shall be
3866 monitored periodically by a nurse, an independent advanced
3867 practice registered nurse, an advanced practice registered nurse
3868 ~~practitioner~~, a physician assistant, or a physician, including,
3869 but not limited to:

3870 (a) Intermittent clean catheterization.

3871 (b) Gastrostomy tube feeding.

3872 (c) Monitoring blood glucose.

3873 (d) Administering emergency injectable medication.

3874 (5) For all other invasive medical services not listed in

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3875 | this subsection, a registered nurse, an independent advanced
3876 | practice registered nurse, or an advanced practice registered
3877 | nurse practitioner licensed, registered, or certified under part
3878 | I of chapter 464; ~~or~~ a physician licensed pursuant to chapter 458
3879 | or chapter 459; ~~or~~ or a physician assistant licensed pursuant to
3880 | chapter 458 or chapter 459 shall determine if nonmedical
3881 | district school board personnel shall be allowed to perform such
3882 | service.

3883 | Section 99. Paragraph (c) of subsection (2) of section
3884 | 1006.20, Florida Statutes, is amended to read:

3885 | 1006.20 Athletics in public K-12 schools.—

3886 | (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

3887 | (c) The FHSAA shall adopt bylaws that require all students
3888 | participating in interscholastic athletic competition or who are
3889 | candidates for an interscholastic athletic team to
3890 | satisfactorily pass a medical evaluation each year prior to
3891 | participating in interscholastic athletic competition or
3892 | engaging in any practice, tryout, workout, or other physical
3893 | activity associated with the student's candidacy for an
3894 | interscholastic athletic team. Such medical evaluation may be
3895 | administered only by a practitioner licensed under chapter 458,
3896 | chapter 459, chapter 460, ~~or~~ s. 464.012, or s. 464.0125, and in
3897 | good standing with the practitioner's regulatory board. The
3898 | bylaws shall establish requirements for eliciting a student's
3899 | medical history and performing the medical evaluation required
3900 | under this paragraph, which shall include a physical assessment

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3901 of the student's physical capabilities to participate in
3902 interscholastic athletic competition as contained in a uniform
3903 preparticipation physical evaluation and history form. The
3904 evaluation form shall incorporate the recommendations of the
3905 American Heart Association for participation cardiovascular
3906 screening and shall provide a place for the signature of the
3907 practitioner performing the evaluation with an attestation that
3908 each examination procedure listed on the form was performed by
3909 the practitioner or by someone under the direct supervision of
3910 the practitioner. The form shall also contain a place for the
3911 practitioner to indicate if a referral to another practitioner
3912 was made in lieu of completion of a certain examination
3913 procedure. The form shall provide a place for the practitioner
3914 to whom the student was referred to complete the remaining
3915 sections and attest to that portion of the examination. The
3916 preparticipation physical evaluation form shall advise students
3917 to complete a cardiovascular assessment and shall include
3918 information concerning alternative cardiovascular evaluation and
3919 diagnostic tests. Results of such medical evaluation must be
3920 provided to the school. No student shall be eligible to
3921 participate in any interscholastic athletic competition or
3922 engage in any practice, tryout, workout, or other physical
3923 activity associated with the student's candidacy for an
3924 interscholastic athletic team until the results of the medical
3925 evaluation have been received and approved by the school.

3926 Section 100. Subsection (1) and paragraph (a) of

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3927 subsection (2) of section 1009.65, Florida Statutes, are amended
 3928 to read:

3929 1009.65 Medical Education Reimbursement and Loan Repayment
 3930 Program.—

3931 (1) To encourage qualified medical professionals to
 3932 practice in underserved locations where there are shortages of
 3933 such personnel, there is established the Medical Education
 3934 Reimbursement and Loan Repayment Program. The function of the
 3935 program is to make payments that offset loans and educational
 3936 expenses incurred by students for studies leading to a medical
 3937 or nursing degree, medical or nursing licensure, or advanced
 3938 practice registered nurse ~~practitioner~~ certification or
 3939 physician assistant licensure. The following licensed or
 3940 certified health care professionals are eligible to participate
 3941 in this program: medical doctors with primary care specialties,
 3942 doctors of osteopathic medicine with primary care specialties,
 3943 physician's assistants, licensed practical nurses and registered
 3944 nurses, and advanced practice registered nurses ~~nurse~~
 3945 ~~practitioners~~ with primary care specialties such as certified
 3946 nurse midwives. Primary care medical specialties for physicians
 3947 include obstetrics, gynecology, general and family practice,
 3948 internal medicine, pediatrics, and other specialties which may
 3949 be identified by the Department of Health.

3950 (2) From the funds available, the Department of Health
 3951 shall make payments to selected medical professionals as
 3952 follows:

3953 (a) Up to \$4,000 per year for licensed practical nurses
 3954 and registered nurses, up to \$10,000 per year for advanced
 3955 practice registered nurses ~~nurse practitioners~~ and physician's
 3956 assistants, and up to \$20,000 per year for physicians. Penalties
 3957 for noncompliance shall be the same as those in the National
 3958 Health Services Corps Loan Repayment Program. Educational
 3959 expenses include costs for tuition, matriculation, registration,
 3960 books, laboratory and other fees, other educational costs, and
 3961 reasonable living expenses as determined by the Department of
 3962 Health.

3963 Section 101. Subsection (2) of section 1009.66, Florida
 3964 Statutes, is amended to read:

3965 1009.66 Nursing Student Loan Forgiveness Program.—

3966 (2) To be eligible, a candidate must have graduated from
 3967 an accredited or approved nursing program and have received a
 3968 Florida license as a licensed practical nurse or a registered
 3969 nurse or a Florida certificate as an advanced practice
 3970 registered nurse ~~practitioner~~.

3971 Section 102. Subsection (3) of section 1009.67, Florida
 3972 Statutes, is amended to read:

3973 1009.67 Nursing scholarship program.—

3974 (3) A scholarship may be awarded for no more than 2 years,
 3975 in an amount not to exceed \$8,000 per year. However, registered
 3976 nurses pursuing a graduate degree for a faculty position or to
 3977 practice as an advanced practice registered nurse ~~practitioner~~
 3978 may receive up to \$12,000 per year. These amounts shall be

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3979 | adjusted by the amount of increase or decrease in the Consumer
3980 | Price Index for All Urban Consumers published by the United
3981 | States Department of Commerce.

3982 | Section 103. This act shall take effect July 1, 2014.