

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Health Innovation
2 Subcommittee

3 Representative Pigman offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (16) through (23) of section
8 464.003, Florida Statutes, are renumbered as subsections (17)
9 through (24), respectively, present subsections (2), (3), (20),
10 and (22) are amended, and a new subsection (16) is added to that
11 section, to read:

12 464.003 Definitions.—As used in this part, the term:

13 (2) "Advanced or specialized nursing practice" or "to
14 practice advanced or specialized nursing" means, in addition to
15 the practice of professional nursing, the performance of
16 advanced-level nursing acts approved by the board which, by
17 virtue of postbasic specialized education, training, and

Amendment No.

18 experience, are appropriately performed by an independent
19 advanced practice registered nurse or an advanced practice
20 registered nurse ~~practitioner~~. Within the context of advanced or
21 specialized nursing practice, the independent advanced practice
22 registered nurse and the advanced practice registered nurse
23 ~~practitioner~~ may perform acts of nursing diagnosis and nursing
24 treatment of alterations of the health status. The independent
25 advanced practice registered nurse and the advanced practice
26 registered nurse ~~practitioner~~ may also perform acts of medical
27 diagnosis, ~~and treatment, prescription,~~ and operation which are
28 identified and approved by a joint committee composed of three
29 members appointed by the Board of Nursing, one of whom must be
30 an independent advanced practice registered nurse and one ~~two~~ of
31 whom must be an advanced practice registered nurse
32 ~~practitioners~~; three members appointed by the Board of Medicine,
33 two of whom must have had work experience with advanced practice
34 registered nurses ~~nurse-practitioners~~; and the State Surgeon
35 General or the State Surgeon General's designee. Each committee
36 member appointed by a board shall be appointed to a term of 4
37 years unless a shorter term is required to establish or maintain
38 staggered terms. The Board of Nursing shall adopt rules
39 authorizing the performance of any such acts approved by the
40 joint committee. Unless otherwise specified by the joint
41 committee and unless such acts are performed by independent
42 advanced practice registered nurses, such medical acts must be
43 performed under the general supervision of a practitioner

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

44 licensed under chapter 458, chapter 459, or chapter 466 within
45 the framework of standing protocols which identify the medical
46 acts to be performed and the conditions for their performance.
47 The department may, by rule, require that a copy of the protocol
48 be filed with the department along with the notice required by
49 s. 458.348 or s. 459.025.

50 (3) "Advanced practice registered nurse practitioner"
51 means any person licensed in this state to practice professional
52 nursing and certified in advanced or specialized nursing
53 practice, including certified registered nurse anesthetists,
54 certified nurse midwives, and certified nurse practitioners.

55 (16) "Independent advanced practice registered nurse"
56 means an advanced practice registered nurse who maintains an
57 active and unencumbered certification under s. 464.012(2) and
58 registration under s. 464.0125 to practice advanced or
59 specialized nursing independently and without the supervision of
60 a physician or a protocol.

61 ~~(21)~~(20) "Practice of professional nursing" means the
62 performance of those acts requiring substantial specialized
63 knowledge, judgment, and nursing skill based upon applied
64 principles of psychological, biological, physical, and social
65 sciences, which shall include, but not be limited to:

66 (a) The observation, assessment, nursing diagnosis,
67 planning, intervention, and evaluation of care; health teaching
68 and counseling of the ill, injured, or infirm; and the promotion

Amendment No.

69 of wellness, maintenance of health, and prevention of illness of
70 others.

71 (b) The prescribing and administration of medications and
72 treatments as ~~prescribed or~~ authorized by a ~~duly licensed~~
73 ~~practitioner authorized by~~ the laws of this state ~~to prescribe~~
74 ~~such medications and treatments.~~

75 (c) The supervision and teaching of other personnel in the
76 theory and performance of any of the acts described in this
77 subsection.

78

79 A professional nurse is responsible and accountable for making
80 decisions that are based upon the individual's educational
81 preparation and experience in nursing.

82 ~~(23)-(22)~~ "Registered nurse" means any person licensed in
83 this state to practice professional nursing, except such
84 licensed person may only administer medications and treatments
85 authorized by a duly licensed practitioner authorized by the
86 laws of this state to prescribe such medications and treatments.

87 Section 2. Section 464.012, Florida Statutes, is amended
88 to read:

89 464.012 Certification of advanced practice registered
90 nurses ~~nurse practitioners~~; fees.—

91 (1) Any nurse desiring to be certified as an advanced
92 practice registered nurse ~~practitioner~~ shall apply to the board
93 ~~department~~ and submit proof that the nurse ~~he or she~~ holds a
94 current license to practice professional nursing and that the

Amendment No.

95 nurse ~~he or she~~ meets ~~one or more of~~ the following requirements
96 ~~as determined by the board:~~

97 ~~(a) Satisfactory completion of a formal postbasic~~
98 ~~educational program of at least one academic year, the primary~~
99 ~~purpose of which is to prepare nurses for advanced or~~
100 ~~specialized practice.~~

101 ~~(a)(b)~~ Certification by an appropriate specialty board.
102 Such certification shall be required for initial state
103 certification and any recertification as a nurse practitioner,
104 registered nurse anesthetist, or nurse midwife. The board may by
105 rule provide for provisional state certification of graduate
106 nurse practitioners, nurse anesthetists, and nurse midwives for
107 a period of time determined to be appropriate for preparing for
108 and passing the national certification examination.

109 ~~(b)(c)~~ Graduation from a ~~program leading to a~~ master's
110 degree program in a nursing clinical specialty area with
111 preparation in specialized practitioner skills. ~~For applicants~~
112 ~~graduating on or after October 1, 1998, graduation from a~~
113 ~~master's degree program shall be required for initial~~
114 ~~certification as a nurse practitioner under paragraph (4)(c).~~
115 ~~For applicants graduating on or after October 1, 2001,~~
116 ~~graduation from a master's degree program shall be required for~~
117 ~~initial certification as a registered nurse anesthetist under~~
118 ~~paragraph (4)(a).~~

119 (2) The board shall provide by rule the appropriate
120 requirements for advanced practice registered nurses ~~nurse~~

Amendment No.

121 ~~practitioners~~ in the categories of certified registered nurse
122 anesthetist, certified nurse midwife, and certified nurse
123 practitioner.

124 (3) An advanced practice registered nurse ~~practitioner~~
125 shall perform those functions authorized in this section within
126 the framework of an established protocol that is filed with the
127 board upon biennial license renewal and within 30 days after
128 entering into a supervisory relationship with a physician or
129 changes to the protocol. The board shall review the protocol to
130 ensure compliance with applicable regulatory standards for
131 protocols. The board shall refer to the department licensees
132 submitting protocols that are not compliant with the regulatory
133 standards for protocols. A practitioner currently licensed under
134 chapter 458, chapter 459, or chapter 466 shall maintain
135 supervision for directing the specific course of medical
136 treatment. Within the established framework, an advanced
137 practice registered nurse ~~practitioner~~ may:

- 138 (a) Monitor and alter drug therapies.
139 (b) Initiate appropriate therapies for certain conditions.
140 (c) Perform additional functions as may be determined by
141 rule in accordance with s. 464.003(2).
142 (d) Order diagnostic tests and physical and occupational
143 therapy.
144 (e) Administer, dispense, and prescribe medicinal drugs,
145 including controlled substances.

Amendment No.

146 (4) In addition to the general functions specified in
147 subsection (3), an advanced practice registered nurse
148 ~~practitioner~~ may perform the following acts within his or her
149 specialty:

150 (a) The certified registered nurse anesthetist may, to the
151 extent authorized by established protocol approved by the
152 medical staff of the facility in which the anesthetic service is
153 performed, perform any or all of the following:

154 1. Determine the health status of the patient as it
155 relates to the risk factors and to the anesthetic management of
156 the patient through the performance of the general functions.

157 2. Based on history, physical assessment, and supplemental
158 laboratory results, determine, with the consent of the
159 responsible physician, the appropriate type of anesthesia within
160 the framework of the protocol.

161 3. Order under the protocol preanesthetic medication.

162 4. Perform under the protocol procedures commonly used to
163 render the patient insensible to pain during the performance of
164 surgical, obstetrical, therapeutic, or diagnostic clinical
165 procedures. These procedures include ordering and administering
166 regional, spinal, and general anesthesia; inhalation agents and
167 techniques; intravenous agents and techniques; and techniques of
168 hypnosis.

169 5. Order or perform monitoring procedures indicated as
170 pertinent to the anesthetic health care management of the
171 patient.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

172 6. Support life functions during anesthesia health care,
173 including induction and intubation procedures, the use of
174 appropriate mechanical supportive devices, and the management of
175 fluid, electrolyte, and blood component balances.

176 7. Recognize and take appropriate corrective action for
177 abnormal patient responses to anesthesia, adjunctive medication,
178 or other forms of therapy.

179 8. Recognize and treat a cardiac arrhythmia while the
180 patient is under anesthetic care.

181 9. Participate in management of the patient while in the
182 postanesthesia recovery area, including ordering the
183 administration of fluids and drugs.

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

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

192 1. Perform superficial minor surgical procedures.

193 2. Manage the patient during labor and delivery to include
194 amniotomy, episiotomy, and repair.

195 3. Order, initiate, and perform appropriate anesthetic
196 procedures.

197 4. Perform postpartum examination.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

- 198 5. Order appropriate medications.
199 6. Provide family-planning services and well-woman care.
200 7. Manage the medical care of the normal obstetrical
201 patient and the initial care of a newborn patient.

202 (c) The certified nurse practitioner may perform any or
203 all of the following acts within the framework of established
204 protocol:

- 205 1. Manage selected medical problems.
206 2. Order physical and occupational therapy.
207 3. Initiate, monitor, or alter therapies for certain
208 uncomplicated acute illnesses.

209 4. Monitor and manage patients with stable chronic
210 diseases.

211 5. Establish behavioral problems and diagnosis and make
212 treatment recommendations.

213 (5) The board shall certify, and the department shall
214 issue a certificate to, any nurse meeting the qualifications in
215 this section. The board shall establish an application fee not
216 to exceed \$100 and a biennial renewal fee not to exceed \$50. The
217 board is authorized to adopt such other rules as are necessary
218 to implement the provisions of this section.

219 Section 3. Section 464.0125, Florida Statutes, is created
220 to read:

221 464.0125 Registration of independent advanced practice
222 registered nurses; fees.-

Amendment No.

223 (1) To be registered as an independent advanced practice
224 registered nurse, an applicant must hold an active and
225 unencumbered certificate under s. 464.012, and must have:

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

230 (b) Not been subject to any disciplinary action under s.
231 464.018 or s. 456.072, or any similar disciplinary action in any
232 other jurisdiction, during the 5 years immediately preceding the
233 submission of the application.

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

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

238 (3) An independent advanced practice registered nurse may
239 perform, without physician supervision or a protocol, the
240 functions authorized in s. 464.012(3), the acts within his or
241 her specialty as described in s. 464.012(4), and any of the
242 following:

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

245 1. Admit the patient to the facility.

246 2. Manage the care that the patient receives in the
247 facility.

248 3. Discharge the patient from the facility.

Amendment No.

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

252 (4) An advanced practice registered nurse registered under
253 this section must submit to the department proof of registration
254 along with the information required under s. 456.0391, and the
255 department shall include the registration in the advanced
256 practice registered nurse's practitioner profile created
257 pursuant to s. 456.041.

258 (5) To be eligible for biennial renewal of registration,
259 an independent advanced practice registered nurse must complete
260 at least 10 hours of continuing education approved by the board
261 in pharmacology in addition to completing the continuing
262 education requirements established by board rule pursuant to s.
263 464.013. The biennial renewal for registration shall coincide
264 with the independent advanced practice registered nurse's
265 biennial renewal period for advanced practice registered nurse
266 certification. If the initial renewal period occurs before
267 January 1, 2016, an independent advanced practice registered
268 nurse is not required to complete the continuing education
269 requirement under this subsection until the following biennial
270 renewal period.

271 (6) The board shall register any nurse meeting the
272 qualifications in this section. The board shall establish an
273 application fee not to exceed \$100 and a biennial renewal fee

Amendment No.

274 not to exceed \$50. The board is authorized to adopt rules as
275 necessary to implement this section.

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

278 464.015 Titles and abbreviations; restrictions; penalty.-

279 (8) Only a person certified under s. 464.012 ~~persons who~~
280 ~~hold valid certificates~~ to practice as an advanced practice
281 registered nurse practitioners in this state may use the title
282 "Advanced Practice Registered Nurse Practitioner" and the
283 abbreviation "A.P.R.N." Only a person registered under s.
284 464.0125 to practice as an independent advanced practice
285 registered nurse in this state may use the title "Independent
286 Advanced Practice Registered Nurse" and the abbreviation
287 "I.A.P.R.N." ~~"A.R.N.P."~~

288 (9) A person may not practice or advertise as, or assume
289 the title of, registered nurse, licensed practical nurse,
290 clinical nurse specialist, certified registered nurse
291 anesthetist, certified nurse midwife, certified nurse
292 practitioner, ~~or~~ advanced practice registered nurse, ~~or~~
293 independent advanced practice registered nurse practitioner or
294 use the abbreviation "R.N.," "L.P.N.," "C.N.S.," "C.R.N.A.,"
295 "C.N.M.," "C.N.P.," "A.P.R.N.," or "I.A.P.R.N." ~~"A.R.N.P."~~ or
296 take any other action that would lead the public to believe that
297 person was certified or registered as such or is performing
298 nursing services pursuant to the exception set forth in s.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

299 464.022(8), unless that person is licensed, ~~or~~ certified, or
300 registered to practice as such.

301 Section 5. Section 464.0155, Florida Statutes, is created
302 to read:

303 464.0155 Reports of adverse incidents by independent
304 advanced practice registered nurses.-

305 (1) Effective January 1, 2016, an independent advanced
306 practice registered nurse must report an adverse incident to the
307 department in accordance with this section.

308 (2) The report must be in writing, sent to the department
309 by certified mail, and postmarked within 15 days after the
310 adverse incident if the adverse incident occurs when the patient
311 is at the office of the independent advanced practice registered
312 nurse. If the adverse incident occurs when the patient is not at
313 the office of the independent advanced practice registered
314 nurse, the report must be postmarked within 15 days after the
315 independent advanced practice registered nurse discovers, or
316 reasonably should have discovered, the occurrence of the adverse
317 incident.

318 (3) For the purpose of this section, the term "adverse
319 incident" means any of the following events when it is
320 reasonable to believe that the event is attributable to the
321 prescription of a controlled substance by the independent
322 advanced practice registered nurse:

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

Amendment No.

- 325 (b) Permanent physical injury to the patient.
326 (c) Death of the patient.
327 (4) The department shall review each adverse incident and
328 determine whether the independent advanced practice registered
329 nurse caused the adverse incident. The board may take
330 disciplinary action upon such a finding, in which case s.
331 456.073 applies.

332 Section 6. Paragraph (a) of subsection (2) of section
333 464.016, Florida Statutes, is amended to read:

334 464.016 Violations and penalties.—

335 (2) Each of the following acts constitutes a misdemeanor
336 of the first degree, punishable as provided in s. 775.082 or s.
337 775.083:

338 (a) Using the name or title "Nurse," "Registered Nurse,"
339 "Licensed Practical Nurse," "Clinical Nurse Specialist,"
340 "Certified Registered Nurse Anesthetist," "Certified Nurse
341 Midwife," "Certified Nurse Practitioner," "Advanced Practice
342 Registered Nurse Practitioner," "Independent Advanced Practice
343 Registered Nurse," or any other name or title that ~~which~~ implies
344 that a person was licensed, ~~or~~ certified, or registered as same,
345 unless such person is duly licensed, ~~or~~ certified, or
346 registered.

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

349 464.018 Disciplinary actions.—

Amendment No.

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

352 (p) Prescribing, dispensing, administering, mixing, or
353 otherwise preparing a legend drug, including any controlled
354 substance, other than in the course of the professional practice
355 of the independent advanced practice registered nurse or
356 advanced practice registered nurse. For the purposes of this
357 paragraph, it shall be legally presumed that prescribing,
358 dispensing, administering, mixing, or otherwise preparing legend
359 drugs, including all controlled substances, inappropriately or
360 in excessive or inappropriate quantities is not in the best
361 interest of the patient and is not in the course of the
362 professional practice of the independent advanced practice
363 registered nurse or advanced practice registered nurse, without
364 regard to the nurse's intent.

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

367 (r) Presigning blank prescription forms.

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

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

374 1. The treatment of narcolepsy; hyperkinesis; behavioral
375 syndrome characterized by the developmentally inappropriate

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

376 symptoms of moderate to severe distractability, short attention
377 span, hyperactivity, emotional liability, and impulsivity; or
378 drug-induced brain dysfunction;

379 2. The differential diagnostic psychiatric evaluation of
380 depression or the treatment of depression shown to be refractory
381 to other therapeutic modalities; or

382 3. The clinical investigation of the effects of such drugs
383 or compounds when an investigative protocol therefor is
384 submitted to, reviewed, and approved by the board before such
385 investigation begins.

386 (u) Prescribing, ordering, dispensing, administering,
387 supplying, selling, or giving growth hormones, testosterone or
388 its analogs, human chorionic gonadotropin (HCG), or other
389 hormones for the purpose of muscle building or to enhance
390 athletic performance. For the purposes of this paragraph, the
391 term "muscle building" does not include the treatment of injured
392 muscle. A prescription written for the drug products listed in
393 this paragraph may be dispensed by the pharmacist with the
394 presumption that the prescription is for legitimate medical use.

395 (v) Prescribing, ordering, dispensing, administering,
396 supplying, selling, or giving amygdalin (laetrile) to any
397 person.

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

Amendment No.

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

404 (y) Prescribing or dispensing any medicinal drug appearing
405 on any schedule set forth in chapter 893 by the independent
406 advanced practice registered nurse or the advanced practice
407 registered nurse for himself or herself or administering any
408 such drug by the nurse to himself or herself unless such drug is
409 prescribed for the nurse by another practitioner authorized to
410 prescribe medicinal drugs.

411 (z) For an independent advanced practice registered nurse
412 registered under s. 464.0125:

413 1. Paying or receiving any commission, bonus, kickback, or
414 rebate, or engaging in any split-fee arrangement in any form
415 whatsoever with a health care practitioner, organization,
416 agency, or person, either directly or indirectly, for patients
417 referred to providers of health care goods and services,
418 including, but not limited to, hospitals, nursing homes,
419 clinical laboratories, ambulatory surgical centers, or
420 pharmacies. The provisions of this subparagraph may not be
421 construed to prevent an independent advanced practice registered
422 nurse from receiving a fee for professional consultation
423 services.

424 2. Exercising influence within a patient-independent
425 advanced practice registered nurse relationship for purposes of
426 engaging a patient in sexual activity. A patient shall be

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

427 presumed to be incapable of giving free, full, and informed
428 consent to sexual activity with his or her independent advanced
429 practice registered nurse.

430 3. Making deceptive, untrue, or fraudulent representations
431 in or related to the practice of advanced or specialized nursing
432 or employing a trick or scheme in the practice of advanced or
433 specialized nursing.

434 4. Soliciting patients, either personally or through an
435 agent, through the use of fraud, intimidation, undue influence,
436 or a form of overreaching or vexatious conduct. A solicitation
437 is any communication that directly or implicitly requests an
438 immediate oral response from the recipient.

439 5. Failing to keep legible, as defined by department rule
440 in consultation with the board, medical records that identify
441 the independent advanced practice registered nurse by name and
442 professional title who is responsible for rendering, ordering,
443 supervising, or billing for each diagnostic or treatment
444 procedure and that justify the course of treatment of the
445 patient, including, but not limited to, patient histories;
446 examination results; test results; records of drugs prescribed,
447 dispensed, or administered; and reports of consultations or
448 referrals.

449 6. Exercising influence on a patient or client in a manner
450 as to exploit the patient or client for financial gain of the
451 licensee or of a third party, which shall include, but not be

Amendment No.

452 limited to, the promoting or selling of services, goods,
453 appliances, or drugs.

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

457 8. Performing any procedure or prescribing any therapy
458 that, by the prevailing standards of advanced or specialized
459 nursing practice in the community, would constitute
460 experimentation on a human subject, without first obtaining
461 full, informed, and written consent.

462 9. Delegating professional responsibilities to a person
463 when the licensee delegating the responsibilities knows or has
464 reason to know that the person is not qualified by training,
465 experience, or licensure to perform the responsibilities.

466 10. Conspiring with another independent advanced practice
467 registered nurse or with any other person to commit an act, or
468 committing an act, which would tend to coerce, intimidate, or
469 preclude another independent advanced practice registered nurse
470 from lawfully advertising his or her services.

471 11. Advertising or holding oneself out as having
472 certification in a specialty that the independent advanced
473 practice registered nurse has not received.

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

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

477 13. Providing deceptive or fraudulent expert witness
478 testimony related to the advanced or specialized practice of
479 nursing.

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

483 39.303 Child protection teams; services; eligible cases.-
484 The Children's Medical Services Program in the Department of
485 Health shall develop, maintain, and coordinate the services of
486 one or more multidisciplinary child protection teams in each of
487 the service districts of the Department of Children and
488 Families. Such teams may be composed of appropriate
489 representatives of school districts and appropriate health,
490 mental health, social service, legal service, and law
491 enforcement agencies. The Department of Health and the
492 Department of Children and Families shall maintain an
493 interagency agreement that establishes protocols for oversight
494 and operations of child protection teams and sexual abuse
495 treatment programs. The State Surgeon General and the Deputy
496 Secretary for Children's Medical Services, in consultation with
497 the Secretary of Children and Families, shall maintain the
498 responsibility for the screening, employment, and, if necessary,
499 the termination of child protection team medical directors, at
500 headquarters and in the 15 districts. Child protection team
501 medical directors shall be responsible for oversight of the
502 teams in the districts.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

503 (3) All abuse and neglect cases transmitted for
504 investigation to a district by the hotline must be
505 simultaneously transmitted to the Department of Health child
506 protection team for review. For the purpose of determining
507 whether face-to-face medical evaluation by a child protection
508 team is necessary, all cases transmitted to the child protection
509 team which meet the criteria in subsection (2) must be timely
510 reviewed by:

511 (c) An advanced practice registered nurse certified, or an
512 independent advanced practice registered nurse registered,
513 ~~practitioner licensed~~ under chapter 464 who has a specialty in
514 pediatrics or family medicine and is a member of a child
515 protection team;

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

518 (a) The child was examined for the alleged abuse or
519 neglect by a physician or an independent advanced practice
520 registered nurse who is not a member of the child protection
521 team, and a consultation between the child protection team
522 board-certified pediatrician, advanced practice registered nurse
523 ~~practitioner~~, physician assistant working under the supervision
524 of a child protection team board-certified pediatrician, or
525 registered nurse working under the direct supervision of a child
526 protection team board-certified pediatrician, and the examining
527 practitioner ~~physician~~ concludes that a further medical
528 evaluation is unnecessary;

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

529
530 Notwithstanding paragraphs (a), (b), and (c), a child protection
531 team pediatrician, as authorized in subsection (3), may
532 determine that a face-to-face medical evaluation is necessary.

533 Section 9. Paragraph (b) of subsection (1) of section
534 39.304, Florida Statutes, is amended to read:

535 39.304 Photographs, medical examinations, X rays, and
536 medical treatment of abused, abandoned, or neglected child.—

537 (1)

538 (b) If the areas of trauma visible on a child indicate a
539 need for a medical examination, or if the child verbally
540 complains or otherwise exhibits distress as a result of injury
541 through suspected child abuse, abandonment, or neglect, or is
542 alleged to have been sexually abused, the person required to
543 investigate may cause the child to be referred for diagnosis to
544 a licensed physician, an independent advanced practice
545 registered nurse, or an emergency department in a hospital
546 without the consent of the child's parents or legal custodian.
547 Such examination may be performed by a any licensed physician, a
548 physician assistant, a registered independent advanced practice
549 registered nurse, or a certified an advanced practice registered
550 nurse ~~practitioner licensed pursuant to part I of chapter 464.~~
551 Any examining practitioner licensed physician, or advanced
552 registered nurse practitioner licensed pursuant to part I of
553 ~~chapter 464,~~ who has reasonable cause to suspect that an injury
554 was the result of child abuse, abandonment, or neglect may

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

555 authorize a radiological examination to be performed on the
556 child without the consent of the child's parent or legal
557 custodian.

558 Section 10. Paragraph (a) of subsection (1) of section
559 90.503, Florida Statutes, is amended to read:

560 90.503 Psychotherapist-patient privilege.-

561 (1) For purposes of this section:

562 (a) A "psychotherapist" is:

563 1. A person authorized to practice medicine in any state
564 or nation, or reasonably believed by the patient so to be, who
565 is engaged in the diagnosis or treatment of a mental or
566 emotional condition, including alcoholism and other drug
567 addiction;

568 2. A person licensed or certified as a psychologist under
569 the laws of any state or nation, who is engaged primarily in the
570 diagnosis or treatment of a mental or emotional condition,
571 including alcoholism and other drug addiction;

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

577 4. Treatment personnel of facilities licensed by the state
578 pursuant to chapter 394, chapter 395, or chapter 397, of
579 facilities designated by the Department of Children and Families
580 pursuant to chapter 394 as treatment facilities, or of

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

581 facilities defined as community mental health centers pursuant
582 to s. 394.907(1), who are engaged primarily in the diagnosis or
583 treatment of a mental or emotional condition, including
584 alcoholism and other drug addiction; or

585 5. An independent advanced practice registered nurse or
586 advanced practice registered nurse ~~practitioner certified under~~
587 ~~s. 464.012~~, whose primary scope of practice is the diagnosis or
588 treatment of mental or emotional conditions, including chemical
589 abuse, and limited only to actions performed in accordance with
590 part I of chapter 464.

591 Section 11. Subsection (3) of section 110.12315, Florida
592 Statutes, as amended by chapter 2014-53, Laws of Florida, is
593 amended to read:

594 110.12315 Prescription drug program.—The state employees'
595 prescription drug program is established. This program shall be
596 administered by the Department of Management Services, according
597 to the terms and conditions of the plan as established by the
598 relevant provisions of the annual General Appropriations Act and
599 implementing legislation, subject to the following conditions:

600 (3) The department of ~~Management Services~~ shall establish
601 the reimbursement schedule for prescription pharmaceuticals
602 dispensed under the program. Reimbursement rates for a
603 prescription pharmaceutical must be based on the cost of the
604 generic equivalent drug if a generic equivalent exists, unless
605 the health care practitioner ~~physician~~ prescribing the
606 pharmaceutical clearly states on the prescription that the brand

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

607 name drug is medically necessary or that the drug product is
608 included on the formulary of drug products that may not be
609 interchanged as provided in chapter 465, in which case
610 reimbursement must be based on the cost of the brand name drug
611 as specified in the reimbursement schedule adopted by the
612 department ~~of Management Services~~.

613 Section 12. Paragraph (e) of subsection (8) of section
614 112.0455, Florida Statutes, is amended to read:

615 112.0455 Drug-Free Workplace Act.—

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

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

621 1. A physician, a physician ~~physician's~~ assistant, an
622 independent advanced practice registered nurse, an advanced
623 practice registered nurse, a registered professional nurse, a
624 licensed practical nurse, a nurse practitioner, or a certified
625 paramedic who is present at the scene of an accident for the
626 purpose of rendering emergency medical service or treatment.

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

628 Section 13. Paragraph (f) of subsection (3) of section
629 121.0515, Florida Statutes, is amended to read:

630 121.0515 Special Risk Class.—

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

Amendment No.

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

- 638 1. Dietitian (class codes 5203 and 5204);
- 639 2. Public health nutrition consultant (class code 5224);
- 640 3. Psychological specialist (class codes 5230 and 5231);
- 641 4. Psychologist (class code 5234);
- 642 5. Senior psychologist (class codes 5237 and 5238);
- 643 6. Regional mental health consultant (class code 5240);
- 644 7. Psychological Services Director—DCF (class code 5242);
- 645 8. Pharmacist (class codes 5245 and 5246);
- 646 9. Senior pharmacist (class codes 5248 and 5249);
- 647 10. Dentist (class code 5266);
- 648 11. Senior dentist (class code 5269);
- 649 12. Registered nurse (class codes 5290 and 5291);
- 650 13. Senior registered nurse (class codes 5292 and 5293);
- 651 14. Registered nurse specialist (class codes 5294 and
652 5295);
- 653 15. Clinical associate (class codes 5298 and 5299);
- 654 16. Advanced practice registered nurse ~~practitioner~~ (class
655 codes 5297 and 5300);
- 656 17. Advanced practice registered nurse ~~practitioner~~
657 specialist (class codes 5304 and 5305);

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

658 18. Registered nurse supervisor (class codes 5306 and
659 5307);

660 19. Senior registered nurse supervisor (class codes 5308
661 and 5309);

662 20. Registered nursing consultant (class codes 5312 and
663 5313);

664 21. Quality management program supervisor (class code
665 5314);

666 22. Executive nursing director (class codes 5320 and
667 5321);

668 23. Speech and hearing therapist (class code 5406); or

669 24. Pharmacy manager (class code 5251);

670 Section 14. Paragraph (a) of subsection (3) of section
671 252.515, Florida Statutes, is amended to read:

672 252.515 Postdisaster Relief Assistance Act; immunity from
673 civil liability.—

674 (3) As used in this section, the term:

675 (a) "Emergency first responder" means:

676 1. A physician licensed under chapter 458.

677 2. An osteopathic physician licensed under chapter 459.

678 3. A chiropractic physician licensed under chapter 460.

679 4. A podiatric physician licensed under chapter 461.

680 5. A dentist licensed under chapter 466.

681 6. An advanced practice registered nurse ~~practitioner~~
682 certified under s. 464.012.

Amendment No.

683 7. A physician assistant licensed under s. 458.347 or s.
684 459.022.

685 8. A worker employed by a public or private hospital in
686 the state.

687 9. A paramedic as defined in s. 401.23(17).

688 10. An emergency medical technician as defined in s.
689 401.23(11).

690 11. A firefighter as defined in s. 633.102.

691 12. A law enforcement officer as defined in s. 943.10.

692 13. A member of the Florida National Guard.

693 14. Any other personnel designated as emergency personnel
694 by the Governor pursuant to a declared emergency.

695 Section 15. Paragraph (c) of subsection (1) of section
696 310.071, Florida Statutes, is amended to read:

697 310.071 Deputy pilot certification.—

698 (1) In addition to meeting other requirements specified in
699 this chapter, each applicant for certification as a deputy pilot
700 must:

701 (c) Be in good physical and mental health, as evidenced by
702 documentary proof of having satisfactorily passed a complete
703 physical examination administered by a licensed physician,
704 licensed physician assistant, or registered independent advanced
705 practice registered nurse within the preceding 6 months. The
706 board shall adopt rules to establish requirements for passing
707 the physical examination, which rules shall establish minimum
708 standards for the physical or mental capabilities necessary to

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

709 carry out the professional duties of a certificated deputy
710 pilot. Such standards shall include zero tolerance for any
711 controlled substance regulated under chapter 893 unless that
712 individual is under the care of a physician, a physician
713 assistant, an independent advanced practice registered nurse, or
714 an advanced practice registered nurse and that controlled
715 substance was prescribed by that physician, physician assistant,
716 independent advanced practice registered nurse, or advanced
717 practice registered nurse. To maintain eligibility as a
718 certificated deputy pilot, each certificated deputy pilot must
719 annually provide documentary proof of having satisfactorily
720 passed a complete physical examination administered by a
721 licensed physician, licensed physician assistant, or registered
722 independent advanced practice registered nurse. The examining
723 practitioner ~~physician~~ must know the minimum standards and
724 certify that the certificateholder satisfactorily meets the
725 standards. The standards for certificateholders shall include a
726 drug test.

727 Section 16. Subsection (3) of section 310.073, Florida
728 Statutes, is amended to read:

729 310.073 State pilot licensing.—In addition to meeting
730 other requirements specified in this chapter, each applicant for
731 license as a state pilot must:

732 (3) Be in good physical and mental health, as evidenced by
733 documentary proof of having satisfactorily passed a complete
734 physical examination administered by a licensed physician,

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

735 licensed physician assistant, or registered independent advanced
736 practice registered nurse within the preceding 6 months. The
737 board shall adopt rules to establish requirements for passing
738 the physical examination, which rules shall establish minimum
739 standards for the physical or mental capabilities necessary to
740 carry out the professional duties of a licensed state pilot.
741 Such standards shall include zero tolerance for any controlled
742 substance regulated under chapter 893 unless that individual is
743 under the care of a physician, a physician assistant, an
744 independent advanced practice registered nurse, or an advanced
745 practice registered nurse and that controlled substance was
746 prescribed by that physician, physician assistant, independent
747 advanced practice registered nurse, or advanced practice
748 registered nurse. To maintain eligibility as a licensed state
749 pilot, each licensed state pilot must annually provide
750 documentary proof of having satisfactorily passed a complete
751 physical examination administered by a licensed physician,
752 licensed physician assistant, or registered independent advanced
753 practice registered nurse. The examining practitioner ~~physician~~
754 must know the minimum standards and certify that the licensee
755 satisfactorily meets the standards. The standards for licensees
756 shall include a drug test.

757 Section 17. Paragraph (b) of subsection (3) of section
758 310.081, Florida Statutes, is amended to read:

759 310.081 Department to examine and license state pilots and
760 certificate deputy pilots; vacancies.-

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

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

763 (b) Are in good physical and mental health as evidenced by
764 documentary proof of having satisfactorily passed a physical
765 examination administered by a licensed physician, an independent
766 advanced practice registered nurse, or a physician assistant
767 within each calendar year. The board shall adopt rules to
768 establish requirements for passing the physical examination,
769 which rules shall establish minimum standards for the physical
770 or mental capabilities necessary to carry out the professional
771 duties of a licensed state pilot or a certificated deputy pilot.
772 Such standards shall include zero tolerance for any controlled
773 substance regulated under chapter 893 unless that individual is
774 under the care of a physician, a physician assistant, an
775 independent advanced practice registered nurse, or an advanced
776 practice registered nurse and that controlled substance was
777 prescribed by that physician, physician assistant, independent
778 advanced practice registered nurse, or advanced practice
779 registered nurse. To maintain eligibility as a certificated
780 deputy pilot or licensed state pilot, each certificated deputy
781 pilot or licensed state pilot must annually provide documentary
782 proof of having satisfactorily passed a complete physical
783 examination administered by a licensed physician, licensed
784 physician assistant, or registered independent advanced practice
785 registered nurse. The physician, physician assistant, or
786 independent advanced practice registered nurse must know the

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

787 minimum standards and certify that the certificateholder or
788 licensee satisfactorily meets the standards. The standards for
789 certificateholders and for licensees shall include a drug test.

790

791 Upon resignation or in the case of disability permanently
792 affecting a pilot's ability to serve, the state license or
793 certificate issued under this chapter shall be revoked by the
794 department.

795 Section 18. Paragraph (b) of subsection (1) of section
796 320.0848, Florida Statutes, is amended to read:

797 320.0848 Persons who have disabilities; issuance of
798 disabled parking permits; temporary permits; permits for certain
799 providers of transportation services to persons who have
800 disabilities.—

801 (1)

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

806 a. Inability to walk without the use of or assistance from
807 a brace, cane, crutch, prosthetic device, or other assistive
808 device, or without the assistance of another person. If the
809 assistive device significantly restores the person's ability to
810 walk to the extent that the person can walk without severe
811 limitation, the person is not eligible for the exemption parking
812 permit.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

- 813 b. The need to permanently use a wheelchair.
- 814 c. Restriction by lung disease to the extent that the
815 person's forced (respiratory) expiratory volume for 1 second,
816 when measured by spirometry, is less than 1 liter, or the
817 person's arterial oxygen is less than 60 mm/hg on room air at
818 rest.
- 819 d. Use of portable oxygen.
- 820 e. Restriction by cardiac condition to the extent that the
821 person's functional limitations are classified in severity as
822 Class III or Class IV according to standards set by the American
823 Heart Association.
- 824 f. Severe limitation in the person's ability to walk due
825 to an arthritic, neurological, or orthopedic condition.
- 826 2. The certification of disability which is required under
827 subparagraph 1. must be provided by a physician licensed under
828 chapter 458, chapter 459, or chapter 460; ~~by a podiatric~~
829 ~~physician licensed under chapter 461; by an optometrist~~
830 ~~licensed under chapter 463; by an independent advanced practice~~
831 ~~registered nurse registered, or an advanced practice registered~~
832 ~~nurse certified, practitioner licensed under part I of chapter~~
833 ~~464; under the protocol of a licensed physician as stated in~~
834 ~~this subparagraph, by a physician assistant licensed under~~
835 ~~chapter 458 or chapter 459; or by a similarly licensed~~
836 ~~physician from another state if the application is accompanied~~
837 ~~by documentation of the physician's licensure in the other state~~

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

838 and a form signed by the out-of-state physician verifying his or
839 her knowledge of this state's eligibility guidelines.

840 Section 19. Paragraph (b) of subsection (1) of section
841 381.00315, Florida Statutes, is amended to read:

842 381.00315 Public health advisories; public health
843 emergencies; quarantines.—The State Health Officer is
844 responsible for declaring public health emergencies and
845 quarantines and issuing public health advisories.

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

847 (b) "Public health emergency" means any occurrence, or
848 threat thereof, whether natural or man made, which results or
849 may result in substantial injury or harm to the public health
850 from infectious disease, chemical agents, nuclear agents,
851 biological toxins, or situations involving mass casualties or
852 natural disasters. Prior to declaring a public health emergency,
853 the State Health Officer shall, to the extent possible, consult
854 with the Governor and shall notify the Chief of Domestic
855 Security. The declaration of a public health emergency shall
856 continue until the State Health Officer finds that the threat or
857 danger has been dealt with to the extent that the emergency
858 conditions no longer exist and he or she terminates the
859 declaration. However, a declaration of a public health emergency
860 may not continue for longer than 60 days unless the Governor
861 concurs in the renewal of the declaration. The State Health
862 Officer, upon declaration of a public health emergency, may take

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

863 actions that are necessary to protect the public health. Such
864 actions include, but are not limited to:

865 1. Directing manufacturers of prescription drugs or over-
866 the-counter drugs who are permitted under chapter 499 and
867 wholesalers of prescription drugs located in this state who are
868 permitted under chapter 499 to give priority to the shipping of
869 specified drugs to pharmacies and health care providers within
870 geographic areas that have been identified by the State Health
871 Officer. The State Health Officer must identify the drugs to be
872 shipped. Manufacturers and wholesalers located in the state must
873 respond to the State Health Officer's priority shipping
874 directive before shipping the specified drugs.

875 2. Notwithstanding chapters 465 and 499 and rules adopted
876 thereunder, directing pharmacists employed by the department to
877 compound bulk prescription drugs and provide these bulk
878 prescription drugs to physicians and nurses of county health
879 departments or any qualified person authorized by the State
880 Health Officer for administration to persons as part of a
881 prophylactic or treatment regimen.

882 3. Notwithstanding s. 456.036, temporarily reactivating
883 the inactive license of the following health care practitioners,
884 when such practitioners are needed to respond to the public
885 health emergency: physicians licensed under chapter 458 or
886 chapter 459; physician assistants licensed under chapter 458 or
887 chapter 459; independent advanced practice registered nurses
888 registered, ~~licensed~~ practical nurses or, registered nurses

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

889 licensed, and advanced practice registered nurses certified
890 ~~nurse practitioners licensed~~ under part I of chapter 464;
891 respiratory therapists licensed under part V of chapter 468; and
892 emergency medical technicians and paramedics certified under
893 part III of chapter 401. Only those health care practitioners
894 specified in this paragraph who possess an unencumbered inactive
895 license and who request that such license be reactivated are
896 eligible for reactivation. An inactive license that is
897 reactivated under this paragraph shall return to inactive status
898 when the public health emergency ends or prior to the end of the
899 public health emergency if the State Health Officer determines
900 that the health care practitioner is no longer needed to provide
901 services during the public health emergency. Such licenses may
902 only be reactivated for a period not to exceed 90 days without
903 meeting the requirements of s. 456.036 or chapter 401, as
904 applicable.

905 4. Ordering an individual to be examined, tested,
906 vaccinated, treated, or quarantined for communicable diseases
907 that have significant morbidity or mortality and present a
908 severe danger to public health. Individuals who are unable or
909 unwilling to be examined, tested, vaccinated, or treated for
910 reasons of health, religion, or conscience may be subjected to
911 quarantine.

912 a. Examination, testing, vaccination, or treatment may be
913 performed by any qualified person authorized by the State Health
914 Officer.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

915 b. If the individual poses a danger to the public health,
916 the State Health Officer may subject the individual to
917 quarantine. If there is no practical method to quarantine the
918 individual, the State Health Officer may use any means necessary
919 to vaccinate or treat the individual.

920
921 Any order of the State Health Officer given to effectuate this
922 paragraph shall be immediately enforceable by a law enforcement
923 officer under s. 381.0012.

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

926 381.00593 Public school volunteer health care practitioner
927 program.—

928 (3) For purposes of this section, the term "health care
929 practitioner" means a physician or physician assistant licensed
930 under chapter 458; an osteopathic physician or physician
931 assistant licensed under chapter 459; a chiropractic physician
932 licensed under chapter 460; a podiatric physician licensed under
933 chapter 461; an optometrist licensed under chapter 463; an
934 independent advanced practice registered nurse registered, an
935 advanced practice registered nurse ~~certified practitioner, or a~~
936 registered nurse, or ~~licensed~~ practical nurse licensed under
937 part I of chapter 464; a pharmacist licensed under chapter 465;
938 a dentist or dental hygienist licensed under chapter 466; a
939 midwife licensed under chapter 467; a speech-language
940 pathologist or audiologist licensed under part I of chapter 468;

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

941 a dietitian/nutritionist licensed under part X of chapter 468;
942 or a physical therapist licensed under chapter 486.

943 Section 21. Paragraph (c) of subsection (2) of section
944 381.026, Florida Statutes, is amended to read:

945 381.026 Florida Patient's Bill of Rights and
946 Responsibilities.—

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

949 (c) "Health care provider" means a physician or physician
950 assistant licensed under chapter 458, an osteopathic physician
951 or physician assistant licensed under chapter 459, ~~or~~ a
952 podiatric physician licensed under chapter 461, or an
953 independent advanced practice registered nurse registered under
954 part I of chapter 464.

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

958 382.008 Death and fetal death registration.—

959 (2) (a) The funeral director who first assumes custody of a
960 dead body or fetus shall file the certificate of death or fetal
961 death. In the absence of the funeral director, the physician,
962 physician assistant, independent advanced practice registered
963 nurse, advanced practice registered nurse, or other person in
964 attendance at or after the death or the district medical
965 examiner of the county in which the death occurred or the body
966 was found shall file the certificate of death or fetal death.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

967 The person who files the certificate shall obtain personal data
968 from the next of kin or the best qualified person or source
969 available. The medical certification of cause of death shall be
970 furnished to the funeral director, either in person or via
971 certified mail or electronic transfer, by the physician,
972 physician assistant, independent advanced practice registered
973 nurse, advanced practice registered nurse, or medical examiner
974 responsible for furnishing such information. For fetal deaths,
975 the physician, certified nurse midwife, midwife, or hospital
976 administrator shall provide any medical or health information to
977 the funeral director within 72 hours after expulsion or
978 extraction.

979 (3) Within 72 hours after receipt of a death or fetal
980 death certificate from the funeral director, the medical
981 certification of cause of death shall be completed and made
982 available to the funeral director by the decedent's primary or
983 attending practitioner ~~physician~~ or, if s. 382.011 applies, the
984 district medical examiner of the county in which the death
985 occurred or the body was found. The primary or attending
986 practitioner ~~physician~~ or the medical examiner shall certify
987 over his or her signature the cause of death to the best of his
988 or her knowledge and belief. As used in this section, the term
989 "primary or attending practitioner ~~physician~~" means a physician,
990 a physician assistant, an independent advanced practice
991 registered nurse, or an advanced practice registered nurse, who

Amendment No.

992 treated the decedent through examination, medical advice, or
993 medication during the 12 months preceding the date of death.

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

997 1. An autopsy is pending.

998 2. Toxicology, laboratory, or other diagnostic reports
999 have not been completed.

1000 3. The identity of the decedent is unknown and further
1001 investigation or identification is required.

1002 (b) If the decedent's primary or attending practitioner,
1003 ~~physician~~ or the district medical examiner of the county in
1004 which the death occurred or the body was found, indicates that
1005 he or she will sign and complete the medical certification of
1006 cause of death but will not be available until after the 5-day
1007 registration deadline, the local registrar may grant an
1008 extension of 5 days. If a further extension is required, the
1009 funeral director must provide written justification to the
1010 registrar.

1011 (4) If the department or local registrar grants an
1012 extension of time to provide the medical certification of cause
1013 of death, the funeral director shall file a temporary
1014 certificate of death or fetal death which shall contain all
1015 available information, including the fact that the cause of
1016 death is pending. The decedent's primary or attending
1017 practitioner ~~physician~~ or the district medical examiner of the

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1018 county in which the death occurred or the body was found shall
1019 provide an estimated date for completion of the permanent
1020 certificate.

1021 (5) A permanent certificate of death or fetal death,
1022 containing the cause of death and any other information that was
1023 previously unavailable, shall be registered as a replacement for
1024 the temporary certificate. The permanent certificate may also
1025 include corrected information if the items being corrected are
1026 noted on the back of the certificate and dated and signed by the
1027 funeral director, physician, physician assistant, independent
1028 advanced practice registered nurse, advanced practice registered
1029 nurse, or district medical examiner of the county in which the
1030 death occurred or the body was found, as appropriate.

1031 Section 23. Paragraph (c) of subsection (1) of section
1032 383.14, Florida Statutes, is amended to read:

1033 383.14 Screening for metabolic disorders, other hereditary
1034 and congenital disorders, and environmental risk factors.-

1035 (1) SCREENING REQUIREMENTS.-To help ensure access to the
1036 maternal and child health care system, the Department of Health
1037 shall promote the screening of all newborns born in Florida for
1038 metabolic, hereditary, and congenital disorders known to result
1039 in significant impairment of health or intellect, as screening
1040 programs accepted by current medical practice become available
1041 and practical in the judgment of the department. The department
1042 shall also promote the identification and screening of all
1043 newborns in this state and their families for environmental risk

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1044 factors such as low income, poor education, maternal and family
1045 stress, emotional instability, substance abuse, and other high-
1046 risk conditions associated with increased risk of infant
1047 mortality and morbidity to provide early intervention,
1048 remediation, and prevention services, including, but not limited
1049 to, parent support and training programs, home visitation, and
1050 case management. Identification, perinatal screening, and
1051 intervention efforts shall begin prior to and immediately
1052 following the birth of the child by the attending health care
1053 provider. Such efforts shall be conducted in hospitals,
1054 perinatal centers, county health departments, school health
1055 programs that provide prenatal care, and birthing centers, and
1056 reported to the Office of Vital Statistics.

1057 (c) Release of screening results.—Notwithstanding any law
1058 to the contrary, the State Public Health Laboratory may release,
1059 directly or through the Children's Medical Services program, the
1060 results of a newborn's hearing and metabolic tests or screenings
1061 to the newborn's health care practitioner. As used in this
1062 paragraph, the term "health care practitioner" means a physician
1063 or physician assistant licensed under chapter 458; an
1064 osteopathic physician or physician assistant licensed under
1065 chapter 459; an independent advanced practice registered nurse
1066 registered, an advanced practice registered nurse certified
1067 practitioner, or a registered nurse, or ~~licensed~~ practical nurse
1068 licensed under part I of chapter 464; a midwife licensed under
1069 chapter 467; a speech-language pathologist or audiologist

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1070 licensed under part I of chapter 468; or a dietician or
1071 nutritionist licensed under part X of chapter 468.

1072 Section 24. Paragraph (c) of subsection (1) of section
1073 383.141, Florida Statutes, is amended to read:

1074 383.141 Prenatally diagnosed conditions; patient to be
1075 provided information; definitions; information clearinghouse;
1076 advisory council.-

1077 (1) As used in this section, the term:

1078 (c) "Health care provider" means a practitioner licensed
1079 or registered under chapter 458 or chapter 459, or an
1080 independent advanced practice registered nurse registered, or an
1081 advanced practice registered nurse ~~practitioner~~ certified, under
1082 part I of chapter 464.

1083 Section 25. Paragraph (a) of subsection (3) of section
1084 390.0111, Florida Statutes, is amended to read:

1085 390.0111 Termination of pregnancies.-

1086 (3) CONSENTS REQUIRED.-A termination of pregnancy may not
1087 be performed or induced except with the voluntary and informed
1088 written consent of the pregnant woman or, in the case of a
1089 mental incompetent, the voluntary and informed written consent
1090 of her court-appointed guardian.

1091 (a) Except in the case of a medical emergency, consent to
1092 a termination of pregnancy is voluntary and informed only if:

1093 1. The physician who is to perform the procedure, or the
1094 referring physician, has, at a minimum, orally, in person,
1095 informed the woman of:

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1096 a. The nature and risks of undergoing or not undergoing
1097 the proposed procedure that a reasonable patient would consider
1098 material to making a knowing and willful decision of whether to
1099 terminate a pregnancy.

1100 b. The probable gestational age of the fetus, verified by
1101 an ultrasound, at the time the termination of pregnancy is to be
1102 performed.

1103 (I) The ultrasound must be performed by the physician who
1104 is to perform the abortion or by a person having documented
1105 evidence that he or she has completed a course in the operation
1106 of ultrasound equipment as prescribed by rule and who is working
1107 in conjunction with the physician.

1108 (II) The person performing the ultrasound must offer the
1109 woman the opportunity to view the live ultrasound images and
1110 hear an explanation of them. If the woman accepts the
1111 opportunity to view the images and hear the explanation, a
1112 physician or a registered nurse, a licensed practical nurse, an
1113 advanced practice registered nurse practitioner, an independent
1114 advanced practice registered nurse, or a physician assistant
1115 working in conjunction with the physician must contemporaneously
1116 review and explain the images to the woman before the woman
1117 gives informed consent to having an abortion procedure
1118 performed.

1119 (III) The woman has a right to decline to view and hear
1120 the explanation of the live ultrasound images after she is
1121 informed of her right and offered an opportunity to view the

Amendment No.

1122 images and hear the explanation. If the woman declines, the
1123 woman shall complete a form acknowledging that she was offered
1124 an opportunity to view and hear the explanation of the images
1125 but that she declined that opportunity. The form must also
1126 indicate that the woman's decision was not based on any undue
1127 influence from any person to discourage her from viewing the
1128 images or hearing the explanation and that she declined of her
1129 own free will.

1130 (IV) Unless requested by the woman, the person performing
1131 the ultrasound may not offer the opportunity to view the images
1132 and hear the explanation and the explanation may not be given
1133 if, at the time the woman schedules or arrives for her
1134 appointment to obtain an abortion, a copy of a restraining
1135 order, police report, medical record, or other court order or
1136 documentation is presented which provides evidence that the
1137 woman is obtaining the abortion because the woman is a victim of
1138 rape, incest, domestic violence, or human trafficking or that
1139 the woman has been diagnosed as having a condition that, on the
1140 basis of a physician's good faith clinical judgment, would
1141 create a serious risk of substantial and irreversible impairment
1142 of a major bodily function if the woman delayed terminating her
1143 pregnancy.

1144 c. The medical risks to the woman and fetus of carrying
1145 the pregnancy to term.

Amendment No.

1146 2. Printed materials prepared and provided by the
1147 department have been provided to the pregnant woman, if she
1148 chooses to view these materials, including:

1149 a. A description of the fetus, including a description of
1150 the various stages of development.

1151 b. A list of entities that offer alternatives to
1152 terminating the pregnancy.

1153 c. Detailed information on the availability of medical
1154 assistance benefits for prenatal care, childbirth, and neonatal
1155 care.

1156 3. The woman acknowledges in writing, before the
1157 termination of pregnancy, that the information required to be
1158 provided under this subsection has been provided.

1159
1160 Nothing in this paragraph is intended to prohibit a physician
1161 from providing any additional information which the physician
1162 deems material to the woman's informed decision to terminate her
1163 pregnancy.

1164 Section 26. Paragraphs (c), (e), and (f) of subsection (3)
1165 of section 390.012, Florida Statutes, are amended to read:

1166 390.012 Powers of agency; rules; disposal of fetal
1167 remains.—

1168 (3) For clinics that perform or claim to perform abortions
1169 after the first trimester of pregnancy, the agency shall adopt
1170 rules pursuant to ss. 120.536(1) and 120.54 to implement the
1171 provisions of this chapter, including the following:

Amendment No.

1172 (c) Rules relating to abortion clinic personnel. At a
1173 minimum, these rules shall require that:

1174 1. The abortion clinic designate a medical director who is
1175 licensed to practice medicine in this state and who has
1176 admitting privileges at a licensed hospital in this state or has
1177 a transfer agreement with a licensed hospital within reasonable
1178 proximity of the clinic.

1179 2. If a physician is not present after an abortion is
1180 performed, a registered nurse, a licensed practical nurse, an
1181 advanced practice registered nurse practitioner, an independent
1182 advanced practice registered nurse, or a physician assistant
1183 shall be present and remain at the clinic to provide
1184 postoperative monitoring and care until the patient is
1185 discharged.

1186 3. Surgical assistants receive training in counseling,
1187 patient advocacy, and the specific responsibilities associated
1188 with the services the surgical assistants provide.

1189 4. Volunteers receive training in the specific
1190 responsibilities associated with the services the volunteers
1191 provide, including counseling and patient advocacy as provided
1192 in the rules adopted by the director for different types of
1193 volunteers based on their responsibilities.

1194 (e) Rules relating to the abortion procedure. At a
1195 minimum, these rules shall require:

1196 1. That a physician, a registered nurse, a licensed
1197 practical nurse, an advanced practice registered nurse

Amendment No.

1198 ~~practitioner, an independent advanced practice registered nurse,~~
1199 or a physician assistant is available to all patients throughout
1200 the abortion procedure.

1201 2. Standards for the safe conduct of abortion procedures
1202 that conform to obstetric standards in keeping with established
1203 standards of care regarding the estimation of fetal age as
1204 defined in rule.

1205 3. Appropriate use of general and local anesthesia,
1206 analgesia, and sedation if ordered by the physician.

1207 4. Appropriate precautions, such as the establishment of
1208 intravenous access at least for patients undergoing post-first
1209 trimester abortions.

1210 5. Appropriate monitoring of the vital signs and other
1211 defined signs and markers of the patient's status throughout the
1212 abortion procedure and during the recovery period until the
1213 patient's condition is deemed to be stable in the recovery room.

1214 (f) Rules that prescribe minimum recovery room standards.

1215 At a minimum, these rules shall require that:

1216 1. Postprocedure recovery rooms are supervised and staffed
1217 to meet the patients' needs.

1218 2. Immediate postprocedure care consists of observation in
1219 a supervised recovery room for as long as the patient's
1220 condition warrants.

1221 3. The clinic arranges hospitalization if any complication
1222 beyond the medical capability of the staff occurs or is
1223 suspected.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1224 4. A registered nurse, a licensed practical nurse, an
1225 advanced practice registered nurse practitioner, an independent
1226 advanced practice registered nurse, or a physician assistant who
1227 is trained in the management of the recovery area and is capable
1228 of providing basic cardiopulmonary resuscitation and related
1229 emergency procedures remains on the premises of the abortion
1230 clinic until all patients are discharged.

1231 5. A physician shall sign the discharge order and be
1232 readily accessible and available until the last patient is
1233 discharged to facilitate the transfer of emergency cases if
1234 hospitalization of the patient or viable fetus is necessary.

1235 6. A physician discusses Rho(D) immune globulin with each
1236 patient for whom it is indicated and ensures that it is offered
1237 to the patient in the immediate postoperative period or that it
1238 will be available to her within 72 hours after completion of the
1239 abortion procedure. If the patient refuses the Rho(D) immune
1240 globulin, a refusal form approved by the agency shall be signed
1241 by the patient and a witness and included in the medical record.

1242 7. Written instructions with regard to postabortion
1243 coitus, signs of possible problems, and general aftercare are
1244 given to each patient. Each patient shall have specific written
1245 instructions regarding access to medical care for complications,
1246 including a telephone number to call for medical emergencies.

1247 8. There is a specified minimum length of time that a
1248 patient remains in the recovery room by type of abortion
1249 procedure and duration of gestation.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1250 9. The physician ensures that a registered nurse, a
1251 licensed practical nurse, an advanced practice registered nurse
1252 ~~practitioner~~, an independent advanced practice registered nurse,
1253 or a physician assistant from the abortion clinic makes a good
1254 faith effort to contact the patient by telephone, with the
1255 patient's consent, within 24 hours after surgery to assess the
1256 patient's recovery.

1257 10. Equipment and services are readily accessible to
1258 provide appropriate emergency resuscitative and life support
1259 procedures pending the transfer of the patient or viable fetus
1260 to the hospital.

1261 Section 27. Subsection (23) of section 394.455, Florida
1262 Statutes, is amended to read:

1263 394.455 Definitions.—As used in this part, unless the
1264 context clearly requires otherwise, the term:

1265 (23) "Psychiatric nurse" means a registered nurse licensed
1266 under part I of chapter 464 who has a master's degree or a
1267 doctorate in psychiatric nursing and 2 years of post-master's
1268 clinical experience under the supervision of a physician, or an
1269 independent advanced practice registered nurse registered under,
1270 or an advanced practice registered nurse certified under, part I
1271 of chapter 464, who obtains national certification as a
1272 psychiatric-mental health advanced practice nurse.

1273 Section 28. Paragraphs (a) and (f) of subsection (2) of
1274 section 394.463, Florida Statutes, are amended to read:

1275 394.463 Involuntary examination.—

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1276 (2) INVOLUNTARY EXAMINATION.—

1277 (a) An involuntary examination may be initiated by any one
1278 of the following means:

1279 1. A court may enter an ex parte order stating that a
1280 person appears to meet the criteria for involuntary examination,
1281 giving the findings on which that conclusion is based. The ex
1282 parte order for involuntary examination must be based on sworn
1283 testimony, written or oral. If other less restrictive means are
1284 not available, such as voluntary appearance for outpatient
1285 evaluation, a law enforcement officer, or other designated agent
1286 of the court, shall take the person into custody and deliver him
1287 or her to the nearest receiving facility for involuntary
1288 examination. The order of the court shall be made a part of the
1289 patient's clinical record. No fee shall be charged for the
1290 filing of an order under this subsection. Any receiving facility
1291 accepting the patient based on this order must send a copy of
1292 the order to the Agency for Health Care Administration on the
1293 next working day. The order shall be valid only until executed
1294 or, if not executed, for the period specified in the order
1295 itself. If no time limit is specified in the order, the order
1296 shall be valid for 7 days after the date that the order was
1297 signed.

1298 2. A law enforcement officer shall take a person who
1299 appears to meet the criteria for involuntary examination into
1300 custody and deliver the person or have him or her delivered to
1301 the nearest receiving facility for examination. The officer

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1302 shall execute a written report detailing the circumstances under
1303 which the person was taken into custody, and the report shall be
1304 made a part of the patient's clinical record. Any receiving
1305 facility accepting the patient based on this report must send a
1306 copy of the report to the Agency for Health Care Administration
1307 on the next working day.

1308 3. A physician, a physician assistant, a clinical
1309 psychologist, a psychiatric nurse, an independent advanced
1310 practice registered nurse, an advanced practice registered
1311 nurse, a mental health counselor, a marriage and family
1312 therapist, or a clinical social worker may execute a certificate
1313 stating that he or she has examined a person within the
1314 preceding 48 hours and finds that the person appears to meet the
1315 criteria for involuntary examination and stating the
1316 observations upon which that conclusion is based. If other less
1317 restrictive means are not available, such as voluntary
1318 appearance for outpatient evaluation, a law enforcement officer
1319 shall take the person named in the certificate into custody and
1320 deliver him or her to the nearest receiving facility for
1321 involuntary examination. The law enforcement officer shall
1322 execute a written report detailing the circumstances under which
1323 the person was taken into custody. The report and certificate
1324 shall be made a part of the patient's clinical record. Any
1325 receiving facility accepting the patient based on this
1326 certificate must send a copy of the certificate to the Agency
1327 for Health Care Administration on the next working day.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1328 (f) A patient shall be examined by a physician, physician
1329 assistant, ~~or~~ clinical psychologist, or psychiatric nurse at a
1330 receiving facility without unnecessary delay and may, upon the
1331 order of a physician, be given emergency treatment if it is
1332 determined that such treatment is necessary for the safety of
1333 the patient or others. The patient may not be released by the
1334 receiving facility or its contractor without the documented
1335 approval of a psychiatrist, ~~a~~ clinical psychologist, or
1336 psychiatric nurse, or, if the receiving facility is a hospital,
1337 the release may also be approved by an attending emergency
1338 department physician with experience in the diagnosis and
1339 treatment of mental and nervous disorders and after completion
1340 of an involuntary examination pursuant to this subsection.
1341 However, a patient may not be held in a receiving facility for
1342 involuntary examination longer than 72 hours.

1343 Section 29. Paragraphs (a) and (b) of subsection (2) and
1344 subsection (4) of section 395.0191, Florida Statutes, are
1345 amended to read:

1346 395.0191 Staff membership and clinical privileges.—

1347 (2) (a) Each licensed facility shall establish rules and
1348 procedures for consideration of an application for clinical
1349 privileges submitted by an independent advanced practice
1350 registered nurse registered, or an advanced practice registered
1351 nurse ~~practitioner licensed and certified~~, under part I of
1352 chapter 464, in accordance with the provisions of this section.
1353 A ~~No~~ licensed facility may not ~~shall~~ deny such application

Amendment No.

1354 solely because the applicant is registered or certified ~~licensed~~
1355 under part I of chapter 464 or because the applicant is not a
1356 participant in the Florida Birth-Related Neurological Injury
1357 Compensation Plan.

1358 (b) An advanced practice registered nurse ~~practitioner~~ who
1359 is a certified ~~as a~~ registered nurse anesthetist ~~licensed~~ under
1360 part I of chapter 464 shall administer anesthesia under the
1361 onsite medical direction of a professional licensed under
1362 chapter 458, chapter 459, or chapter 466, and in accordance with
1363 an established protocol approved by the medical staff. The
1364 medical direction shall specifically address the needs of the
1365 individual patient. This paragraph does not apply to an
1366 independent advanced practice registered nurse who is a
1367 certified registered nurse anesthetist under part I of chapter
1368 464.

1369 (4) Nothing herein shall restrict in any way the authority
1370 of the medical staff of a licensed facility to review for
1371 approval or disapproval all applications for appointment and
1372 reappointment to all categories of staff and to make
1373 recommendations on each applicant to the governing board,
1374 including the delineation of privileges to be granted in each
1375 case. In making such recommendations and in the delineation of
1376 privileges, each applicant shall be considered individually
1377 pursuant to criteria for a doctor licensed under chapter 458,
1378 chapter 459, chapter 461, or chapter 466; ~~or~~ or for an independent
1379 advanced practice registered nurse registered, or an advanced

Amendment No.

1380 practice registered nurse ~~practitioner licensed and certified,~~
1381 under part I of chapter 464;~~7~~ or for a psychologist licensed
1382 under chapter 490, as applicable. The applicant's eligibility
1383 for staff membership or clinical privileges shall be determined
1384 by the applicant's background, experience, health, training, and
1385 demonstrated competency; the applicant's adherence to applicable
1386 professional ethics; the applicant's reputation; and the
1387 applicant's ability to work with others and by such other
1388 elements as determined by the governing board, consistent with
1389 this part.

1390 Section 30. Subsection (3) of section 395.602, Florida
1391 Statutes, is amended to read:

1392 395.602 Rural hospitals.—

1393 (3) USE OF FUNDS.—It is the intent of the Legislature that
1394 funds as appropriated shall be utilized by the department for
1395 the purpose of increasing the number of primary care physicians,
1396 physician assistants, certified nurse midwives, certified nurse
1397 practitioners, and nurses in rural areas, either through the
1398 Medical Education Reimbursement and Loan Repayment Program as
1399 defined by s. 1009.65 or through a federal loan repayment
1400 program which requires state matching funds. The department may
1401 use funds appropriated for the Medical Education Reimbursement
1402 and Loan Repayment Program as matching funds for federal loan
1403 repayment programs for health care personnel, such as that
1404 authorized in Pub. L. No. 100-177, s. 203. If the department
1405 receives federal matching funds, the department shall only

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1406 implement the federal program. Reimbursement through either
1407 program shall be limited to:

1408 (a) Primary care physicians, physician assistants,
1409 certified nurse midwives, certified nurse practitioners, and
1410 nurses employed by or affiliated with rural hospitals, as
1411 defined in this act; and

1412 (b) Primary care physicians, physician assistants,
1413 certified nurse midwives, certified nurse practitioners, and
1414 nurses employed by or affiliated with rural area health
1415 education centers, as defined in this section. These personnel
1416 shall practice:

1417 1. In a county with a population density of no greater
1418 than 100 persons per square mile; or

1419 2. Within the boundaries of a hospital tax district which
1420 encompasses a population of no greater than 100 persons per
1421 square mile.

1422
1423 If the department administers a federal loan repayment program,
1424 priority shall be given to obligating state and federal matching
1425 funds pursuant to paragraphs (a) and (b). The department may use
1426 federal matching funds in other health workforce shortage areas
1427 and medically underserved areas in the state for loan repayment
1428 programs for primary care physicians, physician assistants,
1429 certified nurse midwives, certified nurse practitioners, and
1430 nurses who are employed by publicly financed health care
1431 programs that serve medically indigent persons.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1432 Section 31. Paragraphs (b) and (c) of subsection (8) of
1433 section 395.605, Florida Statutes, are amended to read:

1434 395.605 Emergency care hospitals.—

1435 (8)

1436 (b) All patients shall be under the care of a physician or
1437 an independent advanced practice registered nurse or under the
1438 care of an advanced practice registered a nurse practitioner or
1439 physician assistant supervised by a physician.

1440 (c) A physician, an independent advanced practice
1441 registered nurse, an advanced practice registered nurse
1442 practitioner, or a physician assistant shall be on duty at all
1443 times, or a physician shall be on call and available within 30
1444 minutes at all times.

1445 Section 32. Subsection (26) of section 397.311, Florida
1446 Statutes, is amended to read:

1447 397.311 Definitions.—As used in this chapter, except part
1448 VIII, the term:

1449 (26) "Qualified professional" means a physician or a
1450 physician assistant licensed under chapter 458 or chapter 459; a
1451 professional licensed under chapter 490 or chapter 491; an
1452 independent advanced practice registered nurse or advanced
1453 practice registered nurse, who has practitioner having a
1454 specialty in psychiatry and is registered or certified licensed
1455 under part I of chapter 464; or a person who is certified
1456 through a department-recognized certification process for
1457 substance abuse treatment services and who holds, at a minimum,

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1458 a bachelor's degree. A person who is certified in substance
1459 abuse treatment services by a state-recognized certification
1460 process in another state at the time of employment with a
1461 licensed substance abuse provider in this state may perform the
1462 functions of a qualified professional as defined in this chapter
1463 but must meet certification requirements contained in this
1464 subsection no later than 1 year after his or her date of
1465 employment.

1466 Section 33. Section 397.405, Florida Statutes, is amended
1467 to read:

1468 397.405 Exemptions from licensure.—The following are
1469 exempt from the licensing provisions of this chapter:

1470 (1) A hospital or hospital-based component licensed under
1471 chapter 395.

1472 (2) A nursing home facility as defined in s. 400.021.

1473 (3) A substance abuse education program established
1474 pursuant to s. 1003.42.

1475 (4) A facility or institution operated by the Federal
1476 Government.

1477 (5) A physician or physician assistant licensed under
1478 chapter 458 or chapter 459.

1479 (6) A psychologist licensed under chapter 490.

1480 (7) A social worker, marriage and family therapist, or
1481 mental health counselor licensed under chapter 491.

1482 (8) A legally cognizable church or nonprofit religious
1483 organization or denomination providing substance abuse services,

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1484 including prevention services, which are solely religious,
1485 spiritual, or ecclesiastical in nature. A church or nonprofit
1486 religious organization or denomination providing any of the
1487 licensed service components itemized under s. 397.311(18) is not
1488 exempt from substance abuse licensure but retains its exemption
1489 with respect to all services which are solely religious,
1490 spiritual, or ecclesiastical in nature.

1491 (9) Facilities licensed under chapter 393 which, in
1492 addition to providing services to persons with developmental
1493 disabilities, also provide services to persons developmentally
1494 at risk as a consequence of exposure to alcohol or other legal
1495 or illegal drugs while in utero.

1496 (10) DUI education and screening services provided
1497 pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291.
1498 Persons or entities providing treatment services must be
1499 licensed under this chapter unless exempted from licensing as
1500 provided in this section.

1501 (11) A facility licensed under s. 394.875 as a crisis
1502 stabilization unit.

1503

1504 The exemptions from licensure in this section do not apply to
1505 any service provider that receives an appropriation, grant, or
1506 contract from the state to operate as a service provider as
1507 defined in this chapter or to any substance abuse program
1508 regulated pursuant to s. 397.406. Furthermore, this chapter may
1509 not be construed to limit the practice of a physician or

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1510 physician assistant licensed under chapter 458 or chapter 459, a
1511 psychologist licensed under chapter 490, a psychotherapist
1512 licensed under chapter 491, or an independent advanced practice
1513 registered nurse registered, or an advanced practice registered
1514 nurse certified, practitioner licensed under part I of chapter
1515 464, who provides substance abuse treatment, unless a
1516 practitioner represents so long as the physician, physician
1517 assistant, psychologist, psychotherapist, or advanced registered
1518 nurse practitioner does not represent to the public that the
1519 practitioner he or she is a licensed service provider and
1520 provides does not provide services to individuals pursuant to
1521 part V of this chapter. Failure to comply with any requirement
1522 necessary to maintain an exempt status under this section is a
1523 misdemeanor of the first degree, punishable as provided in s.
1524 775.082 or s. 775.083.

1525 Section 34. Subsections (5), (9), and (10) of section
1526 397.427, Florida Statutes, are amended to read:

1527 397.427 Medication-assisted treatment service providers;
1528 rehabilitation program; needs assessment and provision of
1529 services; persons authorized to issue takeout medication;
1530 unlawful operation; penalty.—

1531 (5) Notwithstanding s. 465.019(2), a physician assistant,
1532 a registered nurse, an advanced practice registered nurse
1533 practitioner, or a licensed practical nurse working for a
1534 licensed service provider may deliver takeout medication for
1535 opiate treatment to persons enrolled in a maintenance treatment

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1536 program for medication-assisted treatment for opiate addiction
1537 if:

1538 (a) The medication-assisted treatment program for opiate
1539 addiction has an appropriate valid permit issued pursuant to
1540 rules adopted by the Board of Pharmacy;

1541 (b) The medication for treatment of opiate addiction has
1542 been delivered pursuant to a valid prescription written by the
1543 program's physician licensed pursuant to chapter 458 or chapter
1544 459;

1545 (c) The medication for treatment of opiate addiction which
1546 is ordered appears on a formulary and is prepackaged and
1547 prelabeled with dosage instructions and distributed from a
1548 source authorized under chapter 499;

1549 (d) Each licensed provider adopts written protocols which
1550 provide for supervision of the physician assistant, registered
1551 nurse, advanced practice registered nurse ~~practitioner~~, or
1552 licensed practical nurse by a physician licensed pursuant to
1553 chapter 458 or chapter 459 and for the procedures by which
1554 patients' medications may be delivered by the physician
1555 assistant, registered nurse, advanced practice registered nurse
1556 ~~practitioner~~, or licensed practical nurse. Such protocols shall
1557 be signed by the supervising physician and either the
1558 administering registered nurse, the advanced practice registered
1559 nurse ~~practitioner~~, or the licensed practical nurse.

1560 (e) Each licensed service provider maintains and has
1561 available for inspection by representatives of the Board of

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1562 Pharmacy all medical records and patient care protocols,
1563 including records of medications delivered to patients, in
1564 accordance with the board.

1565 (9) A physician assistant, a registered nurse, an advanced
1566 practice registered nurse ~~practitioner~~, or a licensed practical
1567 nurse working for a licensed service provider may deliver
1568 medication as prescribed by rule if:

1569 (a) The service provider is authorized to provide
1570 medication-assisted treatment;

1571 (b) The medication has been administered pursuant to a
1572 valid prescription written by the program's physician who is
1573 licensed under chapter 458 or chapter 459; and

1574 (c) The medication ordered appears on a formulary or meets
1575 federal requirements for medication-assisted treatment.

1576 (10) Each licensed service provider that provides
1577 medication-assisted treatment must adopt written protocols as
1578 specified by the department and in accordance with federally
1579 required rules, regulations, or procedures. The protocol shall
1580 provide for the supervision of the physician assistant,
1581 registered nurse, advanced practice registered nurse
1582 ~~practitioner~~, or licensed practical nurse working under the
1583 supervision of a physician who is licensed under chapter 458 or
1584 chapter 459. The protocol must specify how the medication will
1585 be used in conjunction with counseling or psychosocial treatment
1586 and that the services provided will be included on the treatment
1587 plan. The protocol must specify the procedures by which

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1588 medication-assisted treatment may be administered by the
1589 supervised ~~physician assistant, registered nurse, advanced~~
1590 ~~registered nurse practitioner, or licensed practical nurse.~~
1591 These protocols shall be signed by the supervising physician and
1592 the supervised ~~administering physician assistant, registered~~
1593 ~~nurse, advanced registered nurse practitioner, or licensed~~
1594 ~~practical nurse.~~

1595 Section 35. Paragraph (a) of subsection (2) of section
1596 397.501, Florida Statutes, is amended to read:

1597 397.501 Rights of individuals.—Individuals receiving
1598 substance abuse services from any service provider are
1599 guaranteed protection of the rights specified in this section,
1600 unless otherwise expressly provided, and service providers must
1601 ensure the protection of such rights.

1602 (2) RIGHT TO NONDISCRIMINATORY SERVICES.—

1603 (a) Service providers may not deny an individual access to
1604 substance abuse services solely on the basis of race, gender,
1605 ethnicity, age, sexual preference, human immunodeficiency virus
1606 status, prior service departures against medical advice,
1607 disability, or number of relapse episodes. Service providers may
1608 not deny an individual who takes medication prescribed by a
1609 physician, a physician assistant, an independent advanced
1610 practice registered nurse, or an advanced practice registered
1611 nurse access to substance abuse services solely on that basis.
1612 Service providers who receive state funds to provide substance
1613 abuse services may not, if space and sufficient state resources

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1614 are available, deny access to services based solely on inability
1615 to pay.

1616 Section 36. Subsection (8) of section 400.021, Florida
1617 Statutes, is amended to read:

1618 400.021 Definitions.—When used in this part, unless the
1619 context otherwise requires, the term:

1620 (8) "Geriatric outpatient clinic" means a site for
1621 providing outpatient health care to persons 60 years of age or
1622 older, which is staffed by a registered nurse, a physician
1623 assistant, or a licensed practical nurse under the direct
1624 supervision of a registered nurse, an independent advanced
1625 practice registered nurse, an advanced practice registered nurse
1626 ~~practitioner~~, a physician assistant, or a physician.

1627 Section 37. Subsection (3) of section 400.0255, Florida
1628 Statutes, is amended to read:

1629 400.0255 Resident transfer or discharge; requirements and
1630 procedures; hearings.—

1631 (3) When a discharge or transfer is initiated by the
1632 nursing home, the nursing home administrator employed by the
1633 nursing home that is discharging or transferring the resident,
1634 or an individual employed by the nursing home who is designated
1635 by the nursing home administrator to act on behalf of the
1636 administration, must sign the notice of discharge or transfer.
1637 Any notice indicating a medical reason for transfer or discharge
1638 must either be signed by the resident's attending physician or
1639 the medical director of the facility, or include an attached

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1640 written order for the discharge or transfer. The notice or the
1641 order must be signed by the resident's physician, medical
1642 director, treating physician, independent advanced practice
1643 registered nurse, advanced practice registered nurse
1644 ~~practitioner~~, or physician assistant.

1645 Section 38. Subsection (3) of section 400.172, Florida
1646 Statutes, is amended to read:

1647 400.172 Respite care provided in nursing home facilities.—

1648 (3) A prospective respite care resident must provide
1649 medical information from a physician, a physician assistant, an
1650 independent advanced practice registered nurse, or an advanced
1651 practice registered nurse ~~practitioner~~ and any other information
1652 provided by the primary caregiver required by the facility
1653 before or when the person is admitted to receive respite care.
1654 The medical information must include a physician's or an
1655 independent advanced practice registered nurse's order for
1656 respite care and proof of a physical examination by a licensed
1657 physician, a physician assistant, an independent advanced
1658 practice registered nurse, or an advanced practice registered
1659 nurse ~~practitioner~~. The ~~physician's~~ order and physical
1660 examination may be used to provide intermittent respite care for
1661 up to 12 months after the date the order is written.

1662 Section 39. Subsections (20) through (29) of section
1663 400.462, Florida Statutes, are renumbered as subsections (21)
1664 through (30), respectively, subsection (3) is amended, and a new
1665 subsection (20) is added to that section, to read:

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1666 400.462 Definitions.—As used in this part, the term:
1667 (3) "Advanced practice registered nurse ~~practitioner~~"
1668 means a person licensed in this state to practice professional
1669 nursing and certified in advanced or specialized nursing
1670 practice, as defined in s. 464.003.

1671 (20) "Independent advanced practice registered nurse"
1672 means a person licensed in this state to practice professional
1673 nursing as defined in s. 464.003 and registered to practice
1674 advanced or specialized nursing independently and without
1675 physician supervision or a protocol.

1676 Section 40. Subsection (2) of section 400.487, Florida
1677 Statutes, is amended to read:

1678 400.487 Home health service agreements; physician's,
1679 physician assistant's, independent advanced practice registered
1680 nurse's, and advanced practice registered nurse's ~~nurse~~
1681 ~~practitioner's~~ treatment orders; patient assessment;
1682 establishment and review of plan of care; provision of services;
1683 orders not to resuscitate.—

1684 (2) When required by the provisions of chapter 464; part
1685 I, part III, or part V of chapter 468; or chapter 486, the
1686 attending physician, physician assistant, independent advanced
1687 practice registered nurse, or advanced practice registered nurse
1688 ~~practitioner~~, acting within his or her respective scope of
1689 practice, shall establish treatment orders for a patient who is
1690 to receive skilled care. The treatment orders must be signed by
1691 the physician, physician assistant, independent advanced

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1692 practice registered nurse, or advanced practice registered nurse
1693 ~~practitioner~~ before a claim for payment for the skilled services
1694 is submitted by the home health agency. If the claim is
1695 submitted to a managed care organization, the treatment orders
1696 must be signed within the time allowed under the provider
1697 agreement. The treatment orders shall be reviewed, as frequently
1698 as the patient's illness requires, by the physician, physician
1699 assistant, independent advanced practice registered nurse, or
1700 advanced practice registered nurse ~~practitioner~~ in consultation
1701 with the home health agency.

1702 Section 41. Paragraph (a) of subsection (13) of section
1703 400.506, Florida Statutes, is amended to read:

1704 400.506 Licensure of nurse registries; requirements;
1705 penalties.—

1706 (13) All persons referred for contract in private
1707 residences by a nurse registry must comply with the following
1708 requirements for a plan of treatment:

1709 (a) When, in accordance with the privileges and
1710 restrictions imposed upon a nurse under part I of chapter 464,
1711 the delivery of care to a patient is under the direction or
1712 supervision of a physician or when a physician is responsible
1713 for the medical care of the patient, a medical plan of treatment
1714 must be established for each patient receiving care or treatment
1715 provided by a licensed nurse in the home. The original medical
1716 plan of treatment must be timely signed by the physician,
1717 physician assistant, independent advanced practice registered

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1718 nurse, or advanced practice registered nurse ~~practitioner~~,
1719 acting within his or her respective scope of practice, and
1720 reviewed in consultation with the licensed nurse at least every
1721 2 months. Any additional order or change in orders must be
1722 obtained from, reduced to writing by, and timely signed by the
1723 physician, physician assistant, independent advanced practice
1724 registered nurse, or advanced practice registered nurse
1725 ~~practitioner and reduced to writing and timely signed by the~~
1726 ~~physician, physician assistant, or advanced registered nurse~~
1727 ~~practitioner~~. The delivery of care under a medical plan of
1728 treatment must be substantiated by the appropriate nursing notes
1729 or documentation made by the nurse in compliance with nursing
1730 practices established under part I of chapter 464.

1731 Section 42. Paragraph (g) of subsection (4) of section
1732 400.9905, Florida Statutes, is amended to read:

1733 400.9905 Definitions.—

1734 (4) "Clinic" means an entity where health care services
1735 are provided to individuals and which tenders charges for
1736 reimbursement for such services, including a mobile clinic and a
1737 portable equipment provider. As used in this part, the term does
1738 not include and the licensure requirements of this part do not
1739 apply to:

1740 (g) A sole proprietorship, group practice, partnership, or
1741 corporation that provides health care services by licensed
1742 health care practitioners under chapter 457, chapter 458,
1743 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1744 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1745 chapter 490, chapter 491, or part I, part III, part X, part
1746 XIII, or part XIV of chapter 468, or s. 464.012 or s. 464.0125,
1747 and that is wholly owned by one or more licensed health care
1748 practitioners, or the licensed health care practitioners set
1749 forth in this paragraph and the spouse, parent, child, or
1750 sibling of a licensed health care practitioner if one of the
1751 owners who is a licensed health care practitioner is supervising
1752 the business activities and is legally responsible for the
1753 entity's compliance with all federal and state laws. However, a
1754 health care practitioner may not supervise services beyond the
1755 scope of the practitioner's license, except that, for the
1756 purposes of this part, a clinic owned by a licensee in s.
1757 456.053(3)(b) which provides only services authorized pursuant
1758 to s. 456.053(3)(b) may be supervised by a licensee specified in
1759 s. 456.053(3)(b).

1760
1761 Notwithstanding this subsection, an entity shall be deemed a
1762 clinic and must be licensed under this part in order to receive
1763 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
1764 627.730-627.7405, unless exempted under s. 627.736(5)(h).

1765 Section 43. Subsections (1) and (2) of section 401.445,
1766 Florida Statutes, are amended to read:

1767 401.445 Emergency examination and treatment of
1768 incapacitated persons.-

Amendment No.

1769 (1) ~~No~~ Recovery is not ~~shall be~~ allowed in any court in
1770 this state against any emergency medical technician, paramedic,
1771 or physician as defined in this chapter; any independent
1772 advanced practice registered nurse registered under s.
1773 464.0125;~~;~~ any advanced practice registered nurse ~~practitioner~~
1774 certified under s. 464.012~~;~~ or any physician assistant licensed
1775 under s. 458.347 or s. 459.022, or any person acting under the
1776 direct medical supervision of a physician, in an action brought
1777 for examining or treating a patient without his or her informed
1778 consent if:

1779 (a) The patient at the time of examination or treatment is
1780 intoxicated, under the influence of drugs, or otherwise
1781 incapable of providing informed consent as provided in s.
1782 766.103;

1783 (b) The patient at the time of examination or treatment is
1784 experiencing an emergency medical condition; and

1785 (c) The patient would reasonably, under all the
1786 surrounding circumstances, undergo such examination, treatment,
1787 or procedure if the patient ~~he or she~~ were advised by the
1788 emergency medical technician, paramedic, physician, independent
1789 advanced practice registered nurse, advanced practice registered
1790 nurse ~~practitioner~~, or physician assistant in accordance with s.
1791 766.103(3).

1792
1793 Examination and treatment provided under this subsection shall
1794 be limited to reasonable examination of the patient to determine

Amendment No.

1795 the medical condition of the patient and treatment reasonably
1796 necessary to alleviate the emergency medical condition or to
1797 stabilize the patient.

1798 (2) In examining and treating a person who is apparently
1799 intoxicated, under the influence of drugs, or otherwise
1800 incapable of providing informed consent, the emergency medical
1801 technician, paramedic, physician, independent advanced practice
1802 registered nurse, advanced practice registered nurse
1803 ~~practitioner~~, or physician assistant, or any person acting under
1804 the direct medical supervision of a physician, shall proceed
1805 wherever possible with the consent of the person. If the person
1806 reasonably appears to be incapacitated and refuses his or her
1807 consent, the person may be examined, treated, or taken to a
1808 hospital or other appropriate treatment resource if he or she is
1809 in need of emergency attention, without his or her consent, but
1810 unreasonable force shall not be used.

1811 Section 44. Subsections (1) and (11) of section 409.905,
1812 Florida Statutes, are amended to read:

1813 409.905 Mandatory Medicaid services.—The agency may make
1814 payments for the following services, which are required of the
1815 state by Title XIX of the Social Security Act, furnished by
1816 Medicaid providers to recipients who are determined to be
1817 eligible on the dates on which the services were provided. Any
1818 service under this section shall be provided only when medically
1819 necessary and in accordance with state and federal law.

1820 Mandatory services rendered by providers in mobile units to

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1821 Medicaid recipients may be restricted by the agency. Nothing in
1822 this section shall be construed to prevent or limit the agency
1823 from adjusting fees, reimbursement rates, lengths of stay,
1824 number of visits, number of services, or any other adjustments
1825 necessary to comply with the availability of moneys and any
1826 limitations or directions provided for in the General
1827 Appropriations Act or chapter 216.

1828 (1) INDEPENDENT ADVANCED PRACTICE REGISTERED NURSE AND
1829 ADVANCED PRACTICE REGISTERED NURSE PRACTITIONER SERVICES.—The
1830 agency shall pay for services provided to a recipient by a
1831 registered independent advanced practice registered nurse, a
1832 certified ~~licensed~~ advanced practice registered nurse
1833 practitioner who has a valid collaboration agreement with a
1834 licensed physician on file with the Department of Health, or a
1835 certified registered nurse anesthetist who provides anesthesia
1836 services in accordance with established protocol required by
1837 state law and approved by the medical staff of the facility in
1838 which the anesthetic service is performed. Reimbursement for
1839 such services must be provided in an amount that equals at least
1840 ~~not less than~~ 80 percent of the reimbursement to a physician who
1841 provides the same services, unless otherwise provided for in the
1842 General Appropriations Act.

1843 (11) RURAL HEALTH CLINIC SERVICES.—The agency shall pay
1844 for outpatient primary health care services for a recipient
1845 provided by a clinic certified by and participating in the
1846 Medicare program which is located in a federally designated,

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1847 rural, medically underserved area and has on its staff one or
1848 more certified licensed primary care nurse practitioners or
1849 physician assistants, and a licensed staff supervising
1850 physician, ~~or~~ a consulting supervising physician, or an
1851 independent advanced practice registered nurse.

1852 Section 45. Paragraph (a) of subsection (3) and subsection
1853 (7) of section 409.908, Florida Statutes, are amended to read:

1854 409.908 Reimbursement of Medicaid providers.—Subject to
1855 specific appropriations, the agency shall reimburse Medicaid
1856 providers, in accordance with state and federal law, according
1857 to methodologies set forth in the rules of the agency and in
1858 policy manuals and handbooks incorporated by reference therein.
1859 These methodologies may include fee schedules, reimbursement
1860 methods based on cost reporting, negotiated fees, competitive
1861 bidding pursuant to s. 287.057, and other mechanisms the agency
1862 considers efficient and effective for purchasing services or
1863 goods on behalf of recipients. If a provider is reimbursed based
1864 on cost reporting and submits a cost report late and that cost
1865 report would have been used to set a lower reimbursement rate
1866 for a rate semester, then the provider's rate for that semester
1867 shall be retroactively calculated using the new cost report, and
1868 full payment at the recalculated rate shall be effected
1869 retroactively. Medicare-granted extensions for filing cost
1870 reports, if applicable, shall also apply to Medicaid cost
1871 reports. Payment for Medicaid compensable services made on
1872 behalf of Medicaid eligible persons is subject to the

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1873 availability of moneys and any limitations or directions
1874 provided for in the General Appropriations Act or chapter 216.
1875 Further, nothing in this section shall be construed to prevent
1876 or limit the agency from adjusting fees, reimbursement rates,
1877 lengths of stay, number of visits, or number of services, or
1878 making any other adjustments necessary to comply with the
1879 availability of moneys and any limitations or directions
1880 provided for in the General Appropriations Act, provided the
1881 adjustment is consistent with legislative intent.

1882 (3) Subject to any limitations or directions provided for
1883 in the General Appropriations Act, the following Medicaid
1884 services and goods may be reimbursed on a fee-for-service basis.
1885 For each allowable service or goods furnished in accordance with
1886 Medicaid rules, policy manuals, handbooks, and state and federal
1887 law, the payment shall be the amount billed by the provider, the
1888 provider's usual and customary charge, or the maximum allowable
1889 fee established by the agency, whichever amount is less, with
1890 the exception of those services or goods for which the agency
1891 makes payment using a methodology based on capitation rates,
1892 average costs, or negotiated fees.

1893 (a) Independent advanced practice registered nurse or
1894 advanced practice registered nurse ~~practitioner~~ services.

1895 (7) A provider of family planning services shall be
1896 reimbursed the lesser of the amount billed by the provider or an
1897 all-inclusive amount per type of visit for physicians,
1898 independent advanced practice registered nurses, and advanced

Amendment No.

1899 practice registered nurses ~~nurse-practitioners~~, as established
1900 by the agency in a fee schedule.

1901 Section 46. Subsection (2) of section 409.9081, Florida
1902 Statutes, is amended to read:

1903 409.9081 Copayments.—

1904 (2) The agency shall, subject to federal regulations and
1905 any directions or limitations provided for in the General
1906 Appropriations Act, require copayments for the following
1907 additional services: hospital inpatient, laboratory and X-ray
1908 services, transportation services, home health care services,
1909 community mental health services, rural health services,
1910 federally qualified health clinic services, and independent
1911 advanced practice registered nurse or advanced practice
1912 registered nurse practitioner services. The agency may only
1913 establish copayments for prescribed drugs or for any other
1914 federally authorized service if such copayment is specifically
1915 provided for in the General Appropriations Act or other law.

1916 Section 47. Paragraph (a) of subsection (1) of section
1917 409.973, Florida Statutes, is amended to read:

1918 409.973 Benefits.—

1919 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
1920 minimum, the following services:

1921 (a) Independent advanced practice registered nurse and
1922 advanced practice registered nurse practitioner services.

1923 Section 48. Subsections (2), (4), and (5) of section
1924 429.26, Florida Statutes, are amended to read:

Amendment No.

1925 429.26 Appropriateness of placements; examinations of
1926 residents.—

1927 (2) A physician, a physician assistant, an independent
1928 advanced practice registered nurse, or an advanced practice
1929 registered nurse practitioner who is employed by an assisted
1930 living facility to provide an initial examination for admission
1931 purposes may not have financial interest in the facility.

1932 (4) If possible, each resident shall have been examined by
1933 a licensed physician, a licensed physician assistant, a
1934 registered independent advanced practice registered nurse, or a
1935 certified advanced practice registered licensed nurse
1936 practitioner within 60 days before admission to the facility.

1937 The signed and completed medical examination report shall be
1938 submitted to the owner or administrator of the facility who
1939 shall use the information contained therein to assist in the
1940 determination of the appropriateness of the resident's admission
1941 and continued stay in the facility. The medical examination
1942 report shall become a permanent part of the record of the
1943 resident at the facility and shall be made available to the
1944 agency during inspection or upon request. An assessment that has
1945 been completed through the Comprehensive Assessment and Review
1946 for Long-Term Care Services (CARES) Program fulfills the
1947 requirements for a medical examination under this subsection and
1948 s. 429.07(3)(b)6.

1949 (5) Except as provided in s. 429.07, if a medical
1950 examination has not been completed within 60 days before the

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1951 admission of the resident to the facility, a licensed physician,
1952 licensed physician assistant, registered independent advanced
1953 practice registered nurse, or certified advanced practice
1954 registered ~~licensed~~ nurse ~~practitioner~~ shall examine the
1955 resident and complete a medical examination form provided by the
1956 agency within 30 days following the admission to the facility to
1957 enable the facility owner or administrator to determine the
1958 appropriateness of the admission. The medical examination form
1959 shall become a permanent part of the record of the resident at
1960 the facility and shall be made available to the agency during
1961 inspection by the agency or upon request.

1962 Section 49. Paragraph (a) of subsection (2) and paragraph
1963 (a) of subsection (7) of section 429.918, Florida Statutes, are
1964 amended to read:

1965 429.918 Licensure designation as a specialized Alzheimer's
1966 services adult day care center.—

1967 (2) As used in this section, the term:

1968 (a) "ADRD participant" means a participant who has a
1969 documented diagnosis of Alzheimer's disease or a dementia-
1970 related disorder (ADRD) from a licensed physician, licensed
1971 physician assistant, registered independent advanced practice
1972 registered nurse, or certified ~~a licensed~~ advanced practice
1973 registered nurse practitioner.

1974 (7) (a) An ADRD participant admitted to an adult day care
1975 center having a license designated under this section, or the
1976 caregiver when applicable, must:

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

1977 1. Require ongoing supervision to maintain the highest
1978 level of medical or custodial functioning and have a
1979 demonstrated need for a responsible party to oversee his or her
1980 care.

1981 2. Not actively demonstrate aggressive behavior that
1982 places himself, herself, or others at risk of harm.

1983 3. Provide the following medical documentation signed by a
1984 licensed physician, licensed physician assistant, registered
1985 independent advanced practice registered nurse, or certified a
1986 licensed advanced practice registered nurse practitioner:

1987 a. Any physical, health, or emotional conditions that
1988 require medical care.

1989 b. A listing of the ADRD participant's current prescribed
1990 and over-the-counter medications and dosages, diet restrictions,
1991 mobility restrictions, and other physical limitations.

1992 4. Provide documentation signed by a health care provider
1993 licensed in this state which indicates that the ADRD participant
1994 is free of the communicable form of tuberculosis and free of
1995 signs and symptoms of other communicable diseases.

1996 Section 50. Paragraph (e) of subsection (5) of section
1997 440.102, Florida Statutes, is amended to read:

1998 440.102 Drug-free workplace program requirements.—The
1999 following provisions apply to a drug-free workplace program
2000 implemented pursuant to law or to rules adopted by the Agency
2001 for Health Care Administration:

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2002 (5) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen
2003 collection and testing for drugs under this section shall be
2004 performed in accordance with the following procedures:

2005 (e) A specimen for a drug test may be taken or collected
2006 by any of the following persons:

2007 1. A physician, a physician assistant, an independent
2008 advanced practice registered nurse, an advanced practice
2009 registered nurse, a registered ~~professional~~ nurse, a licensed
2010 practical nurse, or a ~~nurse practitioner~~ or a certified
2011 paramedic who is present at the scene of an accident for the
2012 purpose of rendering emergency medical service or treatment.

2013 2. A qualified person employed by a licensed or certified
2014 laboratory as described in subsection (9).

2015 Section 51. Subsection (2) and paragraph (d) of subsection
2016 (4) of section 456.0391, Florida Statutes, are amended to read:

2017 456.0391 Advanced practice registered nurses ~~nurse~~
2018 ~~practitioners~~; information required for certification.—

2019 (2) The Department of Health shall send a notice to each
2020 person certified under s. 464.012 at the certificateholder's
2021 last known address of record regarding the requirements for
2022 information to be submitted by advanced practice registered
2023 nurses ~~nurse practitioners~~ pursuant to this section in
2024 conjunction with the renewal of such certificate.

2025 (4)

2026 (d) Any applicant for initial certification or renewal of
2027 certification as an advanced practice registered nurse

Amendment No.

2028 ~~practitioner~~ who submits to the Department of Health a set of
2029 fingerprints and information required for the criminal history
2030 check required under this section shall not be required to
2031 provide a subsequent set of fingerprints or other duplicate
2032 information required for a criminal history check to the Agency
2033 for Health Care Administration, the Department of Juvenile
2034 Justice, or the Department of Children and Families for
2035 employment or licensure with such agency or department, if the
2036 applicant has undergone a criminal history check as a condition
2037 of initial certification or renewal of certification as an
2038 advanced practice registered nurse ~~practitioner~~ with the
2039 Department of Health, notwithstanding any other provision of law
2040 to the contrary. In lieu of such duplicate submission, the
2041 Agency for Health Care Administration, the Department of
2042 Juvenile Justice, and the Department of Children and Families
2043 shall obtain criminal history information for employment or
2044 licensure of persons certified under s. 464.012 by such agency
2045 or department from the Department of Health's health care
2046 practitioner credentialing system.

2047 Section 52. Subsection (2) of section 456.0392, Florida
2048 Statutes, is amended to read:

2049 456.0392 Prescription labeling.—

2050 (2) A prescription for a drug ~~that is not listed as a~~
2051 ~~controlled substance in chapter 893~~ which is written by an
2052 advanced practice registered nurse ~~practitioner~~ certified under
2053 s. 464.012 is presumed, subject to rebuttal, to be valid and

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2054 within the parameters of the prescriptive authority delegated by
2055 a practitioner licensed under chapter 458, chapter 459, or
2056 chapter 466.

2057 Section 53. Paragraph (a) of subsection (1) and subsection
2058 (6) of section 456.041, Florida Statutes, are amended to read:

2059 456.041 Practitioner profile; creation.—

2060 (1) (a) The Department of Health shall compile the
2061 information submitted pursuant to s. 456.039 into a practitioner
2062 profile of the applicant submitting the information, except that
2063 the Department of Health shall develop a format to compile
2064 uniformly any information submitted under s. 456.039 (4) (b).

2065 Beginning July 1, 2001, the Department of Health may compile the
2066 information submitted pursuant to s. 456.0391 into a
2067 practitioner profile of the applicant submitting the
2068 information. The protocol submitted pursuant to s. 464.012 (3)
2069 must be included in the practitioner profile of the advanced
2070 practice registered nurse ~~practitioner~~.

2071 (6) The Department of Health shall provide in each
2072 practitioner profile for every physician or advanced practice
2073 registered nurse ~~practitioner~~ terminated for cause from
2074 participating in the Medicaid program, pursuant to s. 409.913,
2075 or sanctioned by the Medicaid program a statement that the
2076 practitioner has been terminated from participating in the
2077 Florida Medicaid program or sanctioned by the Medicaid program.

Amendment No.

2078 Section 54. Subsection (1) and paragraphs (a), (d), and
2079 (e) of subsection (2) of section 456.048, Florida Statutes, are
2080 amended to read:

2081 456.048 Financial responsibility requirements for certain
2082 health care practitioners.—

2083 (1) As a prerequisite for licensure or license renewal,
2084 the Board of Acupuncture, the Board of Chiropractic Medicine,
2085 the Board of Podiatric Medicine, and the Board of Dentistry
2086 shall, by rule, require that all health care practitioners
2087 licensed under the respective board, and the Board of Medicine
2088 and the Board of Osteopathic Medicine shall, by rule, require
2089 that all anesthesiologist assistants licensed pursuant to s.
2090 458.3475 or s. 459.023, and the Board of Nursing shall, by rule,
2091 require that independent advanced practice registered nurses
2092 registered under s. 464.0125 and advanced practice registered
2093 nurses ~~nurse practitioners~~ certified under s. 464.012, and the
2094 department shall, by rule, require that midwives maintain
2095 medical malpractice insurance or provide proof of financial
2096 responsibility in an amount and in a manner determined by the
2097 board or department to be sufficient to cover claims arising out
2098 of the rendering of or failure to render professional care and
2099 services in this state.

2100 (2) The board or department may grant exemptions upon
2101 application by practitioners meeting any of the following
2102 criteria:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 547 (2015)

Amendment No.

2103 (a) Any person licensed under chapter 457, s. 458.3475, s.
2104 459.023, chapter 460, chapter 461, s. 464.012, s. 464.0125,
2105 chapter 466, or chapter 467 who practices exclusively as an
2106 officer, employee, or agent of the Federal Government or of the
2107 state or its agencies or its subdivisions. For the purposes of
2108 this subsection, an agent of the state, its agencies, or its
2109 subdivisions is a person who is eligible for coverage under any
2110 self-insurance or insurance program authorized by the provisions
2111 of s. 768.28(16) or who is a volunteer under s. 110.501(1).

2112 (d) Any person licensed or certified under chapter 457, s.
2113 458.3475, s. 459.023, chapter 460, chapter 461, s. 464.012, s.
2114 464.0125, chapter 466, or chapter 467 who practices only in
2115 conjunction with his or her teaching duties at an accredited
2116 school or in its main teaching hospitals. Such person may engage
2117 in the practice of medicine to the extent that such practice is
2118 incidental to and a necessary part of duties in connection with
2119 the teaching position in the school.

2120 (e) Any person holding an active license or certification
2121 under chapter 457, s. 458.3475, s. 459.023, chapter 460, chapter
2122 461, s. 464.012, s. 464.0125, chapter 466, or chapter 467 who is
2123 not practicing in this state. If such person initiates or
2124 resumes practice in this state, he or she must notify the
2125 department of such activity.

2126 Section 55. Paragraphs (a), (i), (o), and (r) of
2127 subsection (3) and paragraph (g) of subsection (5) of section
2128 456.053, Florida Statutes, are amended to read:

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2129 456.053 Financial arrangements between referring health
2130 care providers and providers of health care services.—

2131 (3) DEFINITIONS.—For the purpose of this section, the
2132 word, phrase, or term:

2133 (a) "Board" means any of the following boards relating to
2134 the respective professions: the Board of Medicine as created in
2135 s. 458.307; the Board of Osteopathic Medicine as created in s.
2136 459.004; the Board of Chiropractic Medicine as created in s.
2137 460.404; the Board of Podiatric Medicine as created in s.
2138 461.004; the Board of Optometry as created in s. 463.003; the
2139 Board of Pharmacy as created in s. 465.004; ~~and~~ the Board of
2140 Dentistry as created in s. 466.004; and the Board of Nursing as
2141 created in s. 464.004.

2142 (i) "Health care provider" means a ~~any~~ physician licensed
2143 under chapter 458, chapter 459, chapter 460, or chapter 461; an
2144 independent advanced practice registered nurse registered under
2145 s. 464.0125; ~~r~~ or a ~~any~~ health care provider licensed under
2146 chapter 463 or chapter 466.

2147 (o) "Referral" means any referral of a patient by a health
2148 care provider for health care services, including, without
2149 limitation:

2150 1. The forwarding of a patient by a health care provider
2151 to another health care provider or to an entity which provides
2152 or supplies designated health services or any other health care
2153 item or service; or

Amendment No.

2154 2. The request or establishment of a plan of care by a
2155 health care provider, which includes the provision of designated
2156 health services or other health care item or service.

2157 3. The following orders, recommendations, or plans of care
2158 shall not constitute a referral by a health care provider:

2159 a. By a radiologist for diagnostic-imaging services.

2160 b. By a physician specializing in the provision of
2161 radiation therapy services for such services.

2162 c. By a medical oncologist for drugs and solutions to be
2163 prepared and administered intravenously to such oncologist's
2164 patient, as well as for the supplies and equipment used in
2165 connection therewith to treat such patient for cancer and the
2166 complications thereof.

2167 d. By a cardiologist for cardiac catheterization services.

2168 e. By a pathologist for diagnostic clinical laboratory
2169 tests and pathological examination services, if furnished by or
2170 under the supervision of such pathologist pursuant to a
2171 consultation requested by another physician.

2172 f. By a health care provider who is the sole provider or
2173 member of a group practice for designated health services or
2174 other health care items or services that are prescribed or
2175 provided solely for such referring health care provider's or
2176 group practice's own patients, and that are provided or
2177 performed by or under the direct supervision of such referring
2178 health care provider or group practice; provided, however, ~~that~~
2179 ~~effective July 1, 1999,~~ a physician licensed pursuant to chapter

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2180 458, chapter 459, chapter 460, or chapter 461 or an independent
2181 advanced practice registered nurse registered under s. 464.0125
2182 may refer a patient to a sole provider or group practice for
2183 diagnostic imaging services, excluding radiation therapy
2184 services, for which the sole provider or group practice billed
2185 both the technical and the professional fee for or on behalf of
2186 the patient, if the referring physician or independent advanced
2187 practice registered nurse has no investment interest in the
2188 practice. The diagnostic imaging service referred to a group
2189 practice or sole provider must be a diagnostic imaging service
2190 normally provided within the scope of practice to the patients
2191 of the group practice or sole provider. The group practice or
2192 sole provider may accept no more than 15 percent of their
2193 patients receiving diagnostic imaging services from outside
2194 referrals, excluding radiation therapy services.

2195 g. By a health care provider for services provided by an
2196 ambulatory surgical center licensed under chapter 395.

2197 h. By a urologist for lithotripsy services.

2198 i. By a dentist for dental services performed by an
2199 employee of or health care provider who is an independent
2200 contractor with the dentist or group practice of which the
2201 dentist is a member.

2202 j. By a physician for infusion therapy services to a
2203 patient of that physician or a member of that physician's group
2204 practice.

Amendment No.

2205 k. By a nephrologist for renal dialysis services and
2206 supplies, except laboratory services.

2207 l. By a health care provider whose principal professional
2208 practice consists of treating patients in their private
2209 residences for services to be rendered in such private
2210 residences, except for services rendered by a home health agency
2211 licensed under chapter 400. For purposes of this sub-
2212 subparagraph, the term "private residences" includes patients'
2213 private homes, independent living centers, and assisted living
2214 facilities, but does not include skilled nursing facilities.

2215 m. By a health care provider for sleep-related testing.

2216 (r) "Sole provider" means one health care provider
2217 licensed under chapter 458, chapter 459, chapter 460, ~~or~~ chapter
2218 461, or s. 464.0125, who maintains a separate medical office and
2219 a medical practice separate from any other health care provider
2220 and who bills for his or her services separately from the
2221 services provided by any other health care provider. A sole
2222 provider shall not share overhead expenses or professional
2223 income with any other person or group practice.

2224 (5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as
2225 provided in this section:

2226 (g) A violation of this section by a health care provider
2227 shall constitute grounds for disciplinary action to be taken by
2228 the applicable board pursuant to s. 458.331(2), s. 459.015(2),
2229 s. 460.413(2), s. 461.013(2), s. 463.016(2), s. 464.018, or s.

Amendment No.

2230 466.028(2). Any hospital licensed under chapter 395 found in
2231 violation of this section shall be subject to s. 395.0185(2).

2232 Section 56. Subsection (7) of section 456.072, Florida
2233 Statutes, is amended to read:

2234 456.072 Grounds for discipline; penalties; enforcement.—

2235 (7) Notwithstanding subsection (2), upon a finding that a
2236 physician, a physician assistant, an independent advanced
2237 practice registered nurse, or an advanced practice registered
2238 nurse has prescribed or dispensed a controlled substance, or
2239 caused a controlled substance to be prescribed or dispensed, in
2240 a manner that violates the standard of practice set forth in s.
2241 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)
2242 or (s), s. 464.018(1)(p), or s. 466.028(1)(p) or (x), the
2243 practitioner ~~physician~~ shall be suspended for a period of at
2244 least ~~not less than~~ 6 months and pay a fine of at least ~~not less~~
2245 ~~than~~ \$10,000 per count. Repeated violations shall result in
2246 increased penalties.

2247 Section 57. Paragraph (a) of subsection (2) and subsection
2248 (3) of section 456.44, Florida Statutes, are amended to read:

2249 456.44 Controlled substance prescribing.—

2250 (2) REGISTRATION. ~~Effective January 1, 2012,~~ A physician
2251 licensed under chapter 458, chapter 459, chapter 461, or chapter
2252 466; a physician assistant licensed under chapter 458 or chapter
2253 459; or an independent advanced practice registered nurse
2254 registered, or an advanced practice registered nurse certified,
2255 under part I of chapter 464, who prescribes any controlled

Amendment No.

2256 substance, listed in Schedule II, Schedule III, or Schedule IV
2257 as defined in s. 893.03, for the treatment of chronic
2258 nonmalignant pain, must:

2259 (a) Designate himself or herself as a controlled substance
2260 prescribing practitioner on the practitioner's ~~physician's~~
2261 ~~practitioner~~ profile.

2262 (3) STANDARDS OF PRACTICE.—The standards of practice in
2263 this section do not supersede the level of care, skill, and
2264 treatment recognized in general law related to health care
2265 licensure.

2266 (a) A complete medical history and a physical examination
2267 must be conducted before beginning any treatment and must be
2268 documented in the medical record. The exact components of the
2269 physical examination shall be left to the judgment of the
2270 clinician who is expected to perform a physical examination
2271 proportionate to the diagnosis that justifies a treatment. The
2272 medical record must, at a minimum, document the nature and
2273 intensity of the pain, current and past treatments for pain,
2274 underlying or coexisting diseases or conditions, the effect of
2275 the pain on physical and psychological function, a review of
2276 previous medical records, previous diagnostic studies, and
2277 history of alcohol and substance abuse. The medical record shall
2278 also document the presence of one or more recognized medical
2279 indications for the use of a controlled substance. Each
2280 registrant must develop a written plan for assessing each
2281 patient's risk of aberrant drug-related behavior, which may

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2282 include patient drug testing. Registrants must assess each
2283 patient's risk for aberrant drug-related behavior and monitor
2284 that risk on an ongoing basis in accordance with the plan.

2285 (b) Each registrant must develop a written individualized
2286 treatment plan for each patient. The treatment plan shall state
2287 objectives that will be used to determine treatment success,
2288 such as pain relief and improved physical and psychosocial
2289 function, and shall indicate if any further diagnostic
2290 evaluations or other treatments are planned. After treatment
2291 begins, the practitioner ~~physician~~ shall adjust drug therapy to
2292 the individual medical needs of each patient. Other treatment
2293 modalities, including a rehabilitation program, shall be
2294 considered depending on the etiology of the pain and the extent
2295 to which the pain is associated with physical and psychosocial
2296 impairment. The interdisciplinary nature of the treatment plan
2297 shall be documented.

2298 (c) The practitioner ~~physician~~ shall discuss the risks and
2299 benefits of the use of controlled substances, including the
2300 risks of abuse and addiction, as well as physical dependence and
2301 its consequences, with the patient, persons designated by the
2302 patient, or the patient's surrogate or guardian if the patient
2303 is incompetent. The practitioner ~~physician~~ shall use a written
2304 controlled substance agreement between the practitioner
2305 ~~physician~~ and the patient outlining the patient's
2306 responsibilities, including, but not limited to:

Amendment No.

2307 1. Number and frequency of controlled substance
2308 prescriptions and refills.

2309 2. Patient compliance and reasons for which drug therapy
2310 may be discontinued, such as a violation of the agreement.

2311 3. An agreement that controlled substances for the
2312 treatment of chronic nonmalignant pain shall be prescribed by a
2313 single treating practitioner ~~physician~~ unless otherwise
2314 authorized by the treating practitioner ~~physician~~ and documented
2315 in the medical record.

2316 (d) The patient shall be seen by the practitioner
2317 ~~physician~~ at regular intervals, not to exceed 3 months, to
2318 assess the efficacy of treatment, ensure that controlled
2319 substance therapy remains indicated, evaluate the patient's
2320 progress toward treatment objectives, consider adverse drug
2321 effects, and review the etiology of the pain. Continuation or
2322 modification of therapy shall depend on the practitioner's
2323 ~~physician's~~ evaluation of the patient's progress. If treatment
2324 goals are not being achieved, despite medication adjustments,
2325 the practitioner ~~physician~~ shall reevaluate the appropriateness
2326 of continued treatment. The practitioner ~~physician~~ shall monitor
2327 patient compliance in medication usage, related treatment plans,
2328 controlled substance agreements, and indications of substance
2329 abuse or diversion at a minimum of 3-month intervals.

2330 (e) The practitioner ~~physician~~ shall refer the patient as
2331 necessary for additional evaluation and treatment in order to
2332 achieve treatment objectives. Special attention shall be given

Amendment No.

2333 to those patients who are at risk for misusing their medications
2334 and those whose living arrangements pose a risk for medication
2335 misuse or diversion. The management of pain in patients with a
2336 history of substance abuse or with a comorbid psychiatric
2337 disorder requires extra care, monitoring, and documentation and
2338 requires consultation with or referral to an addiction medicine
2339 specialist or psychiatrist.

2340 (f) A practitioner ~~physician~~ registered under this section
2341 must maintain accurate, current, and complete records that are
2342 accessible and readily available for review and comply with the
2343 requirements of this section, the applicable practice act, and
2344 applicable board rules. The medical records must include, but
2345 are not limited to:

- 2346 1. The complete medical history and a physical
2347 examination, including history of drug abuse or dependence.
- 2348 2. Diagnostic, therapeutic, and laboratory results.
- 2349 3. Evaluations and consultations.
- 2350 4. Treatment objectives.
- 2351 5. Discussion of risks and benefits.
- 2352 6. Treatments.
- 2353 7. Medications, including date, type, dosage, and quantity
2354 prescribed.
- 2355 8. Instructions and agreements.
- 2356 9. Periodic reviews.
- 2357 10. Results of any drug testing.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2358 11. A photocopy of the patient's government-issued photo
2359 identification.

2360 12. If a written prescription for a controlled substance
2361 is given to the patient, a duplicate of the prescription.

2362 13. The practitioner's ~~physician's~~ full name presented in
2363 a legible manner.

2364 (g) Patients with signs or symptoms of substance abuse
2365 shall be immediately referred to a board-certified pain
2366 management physician, an addiction medicine specialist, or a
2367 mental health addiction facility as it pertains to drug abuse or
2368 addiction unless the practitioner is a physician who is board-
2369 certified or board-eligible in pain management. Throughout the
2370 period of time before receiving the consultant's report, a
2371 prescribing practitioner ~~physician~~ shall clearly and completely
2372 document medical justification for continued treatment with
2373 controlled substances and those steps taken to ensure medically
2374 appropriate use of controlled substances by the patient. Upon
2375 receipt of the consultant's written report, the prescribing
2376 practitioner ~~physician~~ shall incorporate the consultant's
2377 recommendations for continuing, modifying, or discontinuing
2378 controlled substance therapy. The resulting changes in treatment
2379 shall be specifically documented in the patient's medical
2380 record. Evidence or behavioral indications of diversion shall be
2381 followed by discontinuation of controlled substance therapy, and
2382 the patient shall be discharged, and all results of testing and

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2383 actions taken by the practitioner ~~physician~~ shall be documented
2384 in the patient's medical record.

2385

2386 This subsection does not apply to a board-eligible or board-
2387 certified anesthesiologist, physiatrist, rheumatologist, or
2388 neurologist, or to a board-certified physician who has surgical
2389 privileges at a hospital or ambulatory surgery center and
2390 primarily provides surgical services. This subsection does not
2391 apply to a board-eligible or board-certified medical specialist
2392 who has also completed a fellowship in pain medicine approved by
2393 the Accreditation Council for Graduate Medical Education or the
2394 American Osteopathic Association, or who is board eligible or
2395 board certified in pain medicine by the American Board of Pain
2396 Medicine or a board approved by the American Board of Medical
2397 Specialties or the American Osteopathic Association and performs
2398 interventional pain procedures of the type routinely billed
2399 using surgical codes. This subsection does not apply to a
2400 practitioner ~~physician~~ who prescribes medically necessary
2401 controlled substances for a patient during an inpatient stay in
2402 a hospital licensed under chapter 395.

2403 Section 58. Paragraph (c) of subsection (2) of section
2404 458.3265, Florida Statutes, is amended to read:

2405 458.3265 Pain-management clinics.—

2406 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
2407 apply to any physician who provides professional services in a

Amendment No.

2408 pain-management clinic that is required to be registered in
2409 subsection (1).

2410 (c) A physician, a physician assistant, an independent
2411 advanced practice registered nurse, or an advanced practice
2412 registered nurse ~~practitioner~~ must perform a physical
2413 examination of a patient on the same day that the physician
2414 prescribes a controlled substance to a patient at a pain-
2415 management clinic. If the physician prescribes more than a 72-
2416 hour dose of controlled substances for the treatment of chronic
2417 nonmalignant pain, the physician must document in the patient's
2418 record the reason for prescribing that quantity.

2419 Section 59. Paragraph (dd) of subsection (1) of section
2420 458.331, Florida Statutes, is amended to read:

2421 458.331 Grounds for disciplinary action; action by the
2422 board and department.—

2423 (1) The following acts constitute grounds for denial of a
2424 license or disciplinary action, as specified in s. 456.072(2):

2425 (dd) Failing to supervise adequately the activities of
2426 those physician assistants, paramedics, emergency medical
2427 technicians, advanced practice registered nurses ~~nurse~~
2428 ~~practitioners~~, or anesthesiologist assistants acting under the
2429 supervision of the physician.

2430 Section 60. Paragraph (f) of subsection (4) of section
2431 458.347, Florida Statutes, is amended to read:

2432 458.347 Physician assistants.—

2433 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2434 (f)1. The council shall establish a formulary of medicinal
2435 drugs that a fully licensed physician assistant having
2436 prescribing authority under this section or s. 459.022 may not
2437 prescribe. The formulary must include ~~controlled substances as~~
2438 ~~defined in chapter 893,~~ general anesthetics, and radiographic
2439 contrast materials.

2440 2. In establishing the formulary, the council shall
2441 consult with a pharmacist licensed under chapter 465, but not
2442 licensed under this chapter or chapter 459, who shall be
2443 selected by the State Surgeon General.

2444 3. Only the council shall add to, delete from, or modify
2445 the formulary. Any person who requests an addition, deletion, or
2446 modification of a medicinal drug listed on such formulary has
2447 the burden of proof to show cause why such addition, deletion,
2448 or modification should be made.

2449 4. The boards shall adopt the formulary required by this
2450 paragraph, and each addition, deletion, or modification to the
2451 formulary, by rule. Notwithstanding any provision of chapter 120
2452 to the contrary, the formulary rule shall be effective 60 days
2453 after the date it is filed with the Secretary of State. Upon
2454 adoption of the formulary, the department shall mail a copy of
2455 such formulary to each fully licensed physician assistant having
2456 prescribing authority under this section or s. 459.022, and to
2457 each pharmacy licensed by the state. The boards shall establish,
2458 by rule, a fee not to exceed \$200 to fund the provisions of this
2459 paragraph and paragraph (e).

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2460 Section 61. Paragraph (a) of subsection (1) and
2461 subsections (2) and (4) of section 458.348, Florida Statutes,
2462 are amended to read:

2463 458.348 Formal supervisory relationships, standing orders,
2464 and established protocols; notice; standards.—

2465 (1) NOTICE.—

2466 (a) When a physician enters into a formal supervisory
2467 relationship or standing orders with an emergency medical
2468 technician or paramedic licensed pursuant to s. 401.27, which
2469 relationship or orders contemplate the performance of medical
2470 acts, or when a physician enters into an established protocol
2471 with an advanced practice registered nurse ~~practitioner~~, which
2472 protocol contemplates the performance of medical acts identified
2473 and approved by the joint committee pursuant to s. 464.003(2) or
2474 acts set forth in s. 464.012(3) and (4), the physician shall
2475 submit notice to the board. The notice shall contain a statement
2476 in substantially the following form:

2477 I, ...(name and professional license number of
2478 physician)..., of ...(address of physician)... have hereby
2479 entered into a formal supervisory relationship, standing orders,
2480 or an established protocol with ...(number of persons)...
2481 emergency medical technician(s), ...(number of persons)...
2482 paramedic(s), or ...(number of persons)... advanced practice
2483 registered nurse(s) ~~nurse-practitioner(s)~~.

2484 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The
2485 joint committee created under s. 464.003(2) shall determine

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2486 minimum standards for the content of established protocols
2487 pursuant to which an advanced practice registered nurse
2488 ~~practitioner~~ may perform medical acts identified and approved by
2489 the joint committee pursuant to s. 464.003(2) or acts set forth
2490 in s. 464.012(3) and (4) and shall determine minimum standards
2491 for supervision of such acts by the physician, unless the joint
2492 committee determines that any act set forth in s. 464.012(3) or
2493 (4) is not a medical act. Such standards shall be based on risk
2494 to the patient and acceptable standards of medical care and
2495 shall take into account the special problems of medically
2496 underserved areas. The standards developed by the joint
2497 committee shall be adopted as rules by the Board of Nursing and
2498 the Board of Medicine for purposes of carrying out their
2499 responsibilities pursuant to part I of chapter 464 and this
2500 chapter, respectively, but neither board shall have disciplinary
2501 powers over the licensees of the other board.

2502 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—
2503 A physician who supervises an advanced practice registered nurse
2504 ~~practitioner~~ or physician assistant at a medical office other
2505 than the physician's primary practice location, where the
2506 advanced practice registered nurse ~~practitioner~~ or physician
2507 assistant is not under the onsite supervision of a supervising
2508 physician, must comply with the standards set forth in this
2509 subsection. For the purpose of this subsection, a physician's
2510 "primary practice location" means the address reflected on the
2511 physician's profile published pursuant to s. 456.041.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2512 (a) A physician who is engaged in providing primary health
2513 care services may not supervise more than four offices in
2514 addition to the physician's primary practice location. For the
2515 purpose of this subsection, "primary health care" means health
2516 care services that are commonly provided to patients without
2517 referral from another practitioner, including obstetrical and
2518 gynecological services, and excludes practices providing
2519 primarily dermatologic and skin care services, which include
2520 aesthetic skin care services.

2521 (b) A physician who is engaged in providing specialty
2522 health care services may not supervise more than two offices in
2523 addition to the physician's primary practice location. For the
2524 purpose of this subsection, "specialty health care" means health
2525 care services that are commonly provided to patients with a
2526 referral from another practitioner and excludes practices
2527 providing primarily dermatologic and skin care services, which
2528 include aesthetic skin care services.

2529 (c) A physician who supervises an advanced practice
2530 registered nurse ~~practitioner~~ or physician assistant at a
2531 medical office other than the physician's primary practice
2532 location, where the advanced practice registered nurse
2533 ~~practitioner~~ or physician assistant is not under the onsite
2534 supervision of a supervising physician and the services offered
2535 at the office are primarily dermatologic or skin care services,
2536 which include aesthetic skin care services other than plastic
2537 surgery, must comply with the standards listed in subparagraphs

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2538 1.-4. Notwithstanding s. 458.347(4)(e)6., a physician
2539 supervising a physician assistant pursuant to this paragraph may
2540 not be required to review and cosign charts or medical records
2541 prepared by such physician assistant.

2542 1. The physician shall submit to the board the addresses
2543 of all offices where the physician ~~he or she~~ is supervising an
2544 advanced practice registered nurse ~~practitioner~~ or a physician
2545 ~~physician's~~ assistant which are not the physician's primary
2546 practice location.

2547 2. The physician must be board certified or board eligible
2548 in dermatology or plastic surgery as recognized by the board
2549 pursuant to s. 458.3312.

2550 3. All such offices that are not the physician's primary
2551 place of practice must be within 25 miles of the physician's
2552 primary place of practice or in a county that is contiguous to
2553 the county of the physician's primary place of practice.

2554 However, the distance between any of the offices may not exceed
2555 75 miles.

2556 4. The physician may supervise only one office other than
2557 the physician's primary place of practice ~~except that until July~~
2558 ~~1, 2011, the physician may supervise up to two medical offices~~
2559 ~~other than the physician's primary place of practice if the~~
2560 ~~addresses of the offices are submitted to the board before July~~
2561 ~~1, 2006. Effective July 1, 2011, the physician may supervise~~
2562 ~~only one office other than the physician's primary place of~~

Amendment No.

2563 ~~practice, regardless of when the addresses of the offices were~~
2564 ~~submitted to the board.~~

2565 (d) A physician who supervises an office in addition to
2566 the physician's primary practice location must conspicuously
2567 post in each of the physician's offices a current schedule of
2568 the regular hours when the physician is present in that office
2569 and the hours when the office is open while the physician is not
2570 present.

2571 (e) This subsection does not apply to health care services
2572 provided in facilities licensed under chapter 395 or in
2573 conjunction with a college of medicine, a college of nursing, an
2574 accredited graduate medical program, or a nursing education
2575 program; not-for-profit, family-planning clinics that are not
2576 licensed pursuant to chapter 390; rural and federally qualified
2577 health centers; health care services provided in a nursing home
2578 licensed under part II of chapter 400, an assisted living
2579 facility licensed under part I of chapter 429, a continuing care
2580 facility licensed under chapter 651, or a retirement community
2581 consisting of independent living units and a licensed nursing
2582 home or assisted living facility; anesthesia services provided
2583 in accordance with law; health care services provided in a
2584 designated rural health clinic; health care services provided to
2585 persons enrolled in a program designed to maintain elderly
2586 persons and persons with disabilities in a home or community-
2587 based setting; university primary care student health centers;
2588 school health clinics; or health care services provided in

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2589 federal, state, or local government facilities. Subsection (3)
2590 and this subsection do not apply to offices at which the
2591 exclusive service being performed is laser hair removal by an
2592 advanced practice registered nurse ~~practitioner~~ or physician
2593 assistant.

2594 Section 62. Paragraph (c) of subsection (2) of section
2595 459.0137, Florida Statutes, is amended to read:

2596 459.0137 Pain-management clinics.—

2597 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
2598 apply to any osteopathic physician who provides professional
2599 services in a pain-management clinic that is required to be
2600 registered in subsection (1).

2601 (c) An osteopathic physician, a physician assistant, an
2602 independent advanced practice registered nurse, or an advanced
2603 practice registered nurse ~~practitioner~~ must perform a physical
2604 examination of a patient on the same day that the physician
2605 prescribes a controlled substance to a patient at a pain-
2606 management clinic. If the osteopathic physician prescribes more
2607 than a 72-hour dose of controlled substances for the treatment
2608 of chronic nonmalignant pain, the osteopathic physician must
2609 document in the patient's record the reason for prescribing that
2610 quantity.

2611 Section 63. Paragraph (hh) of subsection (1) of section
2612 459.015, Florida Statutes, is amended to read:

2613 459.015 Grounds for disciplinary action; action by the
2614 board and department.—

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2615 (1) The following acts constitute grounds for denial of a
2616 license or disciplinary action, as specified in s. 456.072(2):

2617 (hh) Failing to supervise adequately the activities of
2618 those physician assistants, paramedics, emergency medical
2619 technicians, advanced practice registered nurses ~~nurse~~
2620 ~~practitioners~~, anesthesiologist assistants, or other persons
2621 acting under the supervision of the osteopathic physician.

2622 Section 64. Paragraph (a) of subsection (1) and subsection
2623 (3) of section 459.025, Florida Statutes, are amended to read:

2624 459.025 Formal supervisory relationships, standing orders,
2625 and established protocols; notice; standards.—

2626 (1) NOTICE.—

2627 (a) When an osteopathic physician enters into a formal
2628 supervisory relationship or standing orders with an emergency
2629 medical technician or paramedic licensed pursuant to s. 401.27,
2630 which relationship or orders contemplate the performance of
2631 medical acts, or when an osteopathic physician enters into an
2632 established protocol with an advanced practice registered nurse
2633 ~~practitioner~~, which protocol contemplates the performance of
2634 medical acts identified and approved by the joint committee
2635 pursuant to s. 464.003(2) or acts set forth in s. 464.012(3) and
2636 (4), the osteopathic physician shall submit notice to the board.
2637 The notice must contain a statement in substantially the
2638 following form:

2639 I, ...(name and professional license number of osteopathic
2640 physician)...., of ...(address of osteopathic physician)... have

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2641 hereby entered into a formal supervisory relationship, standing
2642 orders, or an established protocol with ...(number of
2643 persons)... emergency medical technician(s), ...(number of
2644 persons)... paramedic(s), or ...(number of persons)... advanced
2645 practice registered nurse(s) ~~nurse practitioner(s)~~.

2646 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

2647 An osteopathic physician who supervises an advanced practice
2648 registered nurse ~~practitioner~~ or physician assistant at a
2649 medical office other than the osteopathic physician's primary
2650 practice location, where the advanced practice registered nurse
2651 ~~practitioner~~ or physician assistant is not under the onsite
2652 supervision of a supervising osteopathic physician, must comply
2653 with the standards set forth in this subsection. For the purpose
2654 of this subsection, an osteopathic physician's "primary practice
2655 location" means the address reflected on the physician's profile
2656 published pursuant to s. 456.041.

2657 (a) An osteopathic physician who is engaged in providing
2658 primary health care services may not supervise more than four
2659 offices in addition to the osteopathic physician's primary
2660 practice location. For the purpose of this subsection, "primary
2661 health care" means health care services that are commonly
2662 provided to patients without referral from another practitioner,
2663 including obstetrical and gynecological services, and excludes
2664 practices providing primarily dermatologic and skin care
2665 services, which include aesthetic skin care services.

Amendment No.

2666 (b) An osteopathic physician who is engaged in providing
2667 specialty health care services may not supervise more than two
2668 offices in addition to the osteopathic physician's primary
2669 practice location. For the purpose of this subsection,
2670 "specialty health care" means health care services that are
2671 commonly provided to patients with a referral from another
2672 practitioner and excludes practices providing primarily
2673 dermatologic and skin care services, which include aesthetic
2674 skin care services.

2675 (c) An osteopathic physician who supervises an advanced
2676 practice registered nurse ~~practitioner~~ or physician assistant at
2677 a medical office other than the osteopathic physician's primary
2678 practice location, where the advanced practice registered nurse
2679 ~~practitioner~~ or physician assistant is not under the onsite
2680 supervision of a supervising osteopathic physician and the
2681 services offered at the office are primarily dermatologic or
2682 skin care services, which include aesthetic skin care services
2683 other than plastic surgery, must comply with the standards
2684 listed in subparagraphs 1.-4. Notwithstanding s.
2685 459.022(4)(e)6., an osteopathic physician supervising a
2686 physician assistant pursuant to this paragraph may not be
2687 required to review and cosign charts or medical records prepared
2688 by such physician assistant.

2689 1. The osteopathic physician shall submit to the Board of
2690 Osteopathic Medicine the addresses of all offices where the
2691 osteopathic physician ~~he or she~~ is supervising or has a protocol

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2692 with an advanced practice registered nurse ~~practitioner~~ or a
2693 physician ~~physician's~~ assistant which are not the osteopathic
2694 physician's primary practice location.

2695 2. The osteopathic physician must be board certified or
2696 board eligible in dermatology or plastic surgery as recognized
2697 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

2698 3. All such offices that are not the osteopathic
2699 physician's primary place of practice must be within 25 miles of
2700 the osteopathic physician's primary place of practice or in a
2701 county that is contiguous to the county of the osteopathic
2702 physician's primary place of practice. However, the distance
2703 between any of the offices may not exceed 75 miles.

2704 4. The osteopathic physician may supervise only one office
2705 other than the osteopathic physician's primary place of practice
2706 ~~except that until July 1, 2011, the osteopathic physician may~~
2707 ~~supervise up to two medical offices other than the osteopathic~~
2708 ~~physician's primary place of practice if the addresses of the~~
2709 ~~offices are submitted to the Board of Osteopathic Medicine~~
2710 ~~before July 1, 2006. Effective July 1, 2011, the osteopathic~~
2711 ~~physician may supervise only one office other than the~~
2712 ~~osteopathic physician's primary place of practice, regardless of~~
2713 ~~when the addresses of the offices were submitted to the Board of~~
2714 ~~Osteopathic Medicine.~~

2715 (d) An osteopathic physician who supervises an office in
2716 addition to the osteopathic physician's primary practice
2717 location must conspicuously post in each of the osteopathic

Amendment No.

2718 physician's offices a current schedule of the regular hours when
2719 the osteopathic physician is present in that office and the
2720 hours when the office is open while the osteopathic physician is
2721 not present.

2722 (e) This subsection does not apply to health care services
2723 provided in facilities licensed under chapter 395 or in
2724 conjunction with a college of medicine or college of nursing or
2725 an accredited graduate medical or nursing education program;
2726 offices where the only service being performed is hair removal
2727 by an advanced practice registered nurse ~~practitioner~~ or
2728 physician assistant; not-for-profit, family-planning clinics
2729 that are not licensed pursuant to chapter 390; rural and
2730 federally qualified health centers; health care services
2731 provided in a nursing home licensed under part II of chapter
2732 400, an assisted living facility licensed under part I of
2733 chapter 429, a continuing care facility licensed under chapter
2734 651, or a retirement community consisting of independent living
2735 units and either a licensed nursing home or assisted living
2736 facility; anesthesia services provided in accordance with law;
2737 health care services provided in a designated rural health
2738 clinic; health care services provided to persons enrolled in a
2739 program designed to maintain elderly persons and persons with
2740 disabilities in a home or community-based setting; university
2741 primary care student health centers; school health clinics; or
2742 health care services provided in federal, state, or local
2743 government facilities.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2744 Section 65. Subsection (2) of section 464.004, Florida
2745 Statutes, is amended to read:

2746 464.004 Board of Nursing; membership; appointment; terms.—

2747 (2) Seven members of the board must be registered nurses
2748 who are residents of this state and who have been engaged in the
2749 practice of professional nursing for at least 4 years, including
2750 at least one advanced practice registered nurse ~~practitioner~~,
2751 one nurse educator member of an approved program, and one nurse
2752 executive. These seven board members should be representative of
2753 the diverse areas of practice within the nursing profession. In
2754 addition, three members of the board must be licensed practical
2755 nurses who are residents of this state and who have been
2756 actively engaged in the practice of practical nursing for at
2757 least 4 years prior to their appointment. The remaining three
2758 members must be residents of the state who have never been
2759 licensed as nurses and who are in no way connected with the
2760 practice of nursing. No person may be appointed as a lay member
2761 who is in any way connected with, or has any financial interest
2762 in, any health care facility, agency, or insurer. At least one
2763 member of the board must be 60 years of age or older.

2764 Section 66. Paragraph (a) of subsection (4) of section
2765 464.0205, Florida Statutes, is amended to read:

2766 464.0205 Retired volunteer nurse certificate.—

2767 (4) A retired volunteer nurse receiving certification from
2768 the board shall:

Amendment No.

2769 (a) Work under the direct supervision of the director of a
2770 county health department, a physician working under a limited
2771 license issued pursuant to s. 458.317 or s. 459.0075, a
2772 physician licensed under chapter 458 or chapter 459, an
2773 independent advanced practice registered nurse registered under
2774 s. 464.0125, an advanced practice registered nurse ~~practitioner~~
2775 certified under s. 464.012, or a registered nurse licensed under
2776 s. 464.008 or s. 464.009.

2777 Section 67. Subsection (2) of section 467.003, Florida
2778 Statutes, is amended to read:

2779 467.003 Definitions.—As used in this chapter, unless the
2780 context otherwise requires:

2781 (2) "Certified nurse midwife" means a person who is
2782 certified licensed as an advanced practice registered nurse
2783 ~~practitioner~~ under part I of chapter 464 and who is certified to
2784 practice midwifery by the American College of Nurse Midwives.

2785 Section 68. Paragraph (b) of subsection (1) of section
2786 480.0475, Florida Statutes, is amended to read:

2787 480.0475 Massage establishments; prohibited practices.—

2788 (1) A person may not operate a massage establishment
2789 between the hours of midnight and 5 a.m. This subsection does
2790 not apply to a massage establishment:

2791 (b) In which every massage performed between the hours of
2792 midnight and 5 a.m. is performed by a massage therapist acting
2793 under the prescription of a physician or physician assistant
2794 licensed under chapter 458, an osteopathic physician or

Amendment No.

2795 physician assistant licensed under chapter 459, a chiropractic
2796 physician licensed under chapter 460, a podiatric physician
2797 licensed under chapter 461, an independent advanced practice
2798 registered nurse registered, or an advanced practice registered
2799 nurse certified, practitioner licensed under part I of chapter
2800 464, or a dentist licensed under chapter 466; or

2801 Section 69. Subsection (7) of section 483.041, Florida
2802 Statutes, is amended to read:

2803 483.041 Definitions.—As used in this part, the term:

2804 (7) "Licensed practitioner" means a physician licensed
2805 under chapter 458, chapter 459, chapter 460, or chapter 461; a
2806 physician assistant licensed under chapter 458 or chapter 459; a
2807 certified optometrist licensed under chapter 463; a dentist
2808 licensed under chapter 466; a person licensed under chapter 462;
2809 an independent advanced practice registered nurse registered, or
2810 an advanced practice registered nurse certified, practitioner
2811 licensed under part I of chapter 464; or a duly licensed
2812 practitioner from another state licensed under similar statutes
2813 who orders examinations on materials or specimens for
2814 nonresidents of the State of Florida, but who reside in the same
2815 state as the requesting licensed practitioner.

2816 Section 70. Subsection (5) of section 483.181, Florida
2817 Statutes, is amended to read:

2818 483.181 Acceptance, collection, identification, and
2819 examination of specimens.—

Amendment No.

2820 (5) A clinical laboratory licensed under this part must
2821 accept a human specimen submitted for examination by a
2822 practitioner licensed under chapter 458, chapter 459, chapter
2823 460, chapter 461, chapter 462, chapter 463, s. 464.012, s.
2824 464.0125, or chapter 466, if the specimen and test are the type
2825 performed by the clinical laboratory. A clinical laboratory may
2826 only refuse a specimen based upon a history of nonpayment for
2827 services by the practitioner. A clinical laboratory shall not
2828 charge different prices for tests based upon the chapter under
2829 which a practitioner submitting a specimen for testing is
2830 licensed.

2831 Section 71. Subsection (5) of section 483.801, Florida
2832 Statutes, is amended to read:

2833 483.801 Exemptions.—This part applies to all clinical
2834 laboratories and clinical laboratory personnel within this
2835 state, except:

2836 (5) Advanced practice registered nurses certified nurse
2837 ~~practitioners licensed~~ under part I of chapter 464 who perform
2838 provider-performed microscopy procedures (PPMP) in an exclusive-
2839 use laboratory setting.

2840 Section 72. Paragraph (a) of subsection (11) of section
2841 486.021, Florida Statutes, is amended to read:

2842 486.021 Definitions.—In this chapter, unless the context
2843 otherwise requires, the term:

2844 (11) "Practice of physical therapy" means the performance
2845 of physical therapy assessments and the treatment of any

Amendment No.

2846 disability, injury, disease, or other health condition of human
2847 beings, or the prevention of such disability, injury, disease,
2848 or other condition of health, and rehabilitation as related
2849 thereto by the use of the physical, chemical, and other
2850 properties of air; electricity; exercise; massage; the
2851 performance of acupuncture only upon compliance with the
2852 criteria set forth by the Board of Medicine, when no penetration
2853 of the skin occurs; the use of radiant energy, including
2854 ultraviolet, visible, and infrared rays; ultrasound; water; the
2855 use of apparatus and equipment in the application of the
2856 foregoing or related thereto; the performance of tests of
2857 neuromuscular functions as an aid to the diagnosis or treatment
2858 of any human condition; or the performance of electromyography
2859 as an aid to the diagnosis of any human condition only upon
2860 compliance with the criteria set forth by the Board of Medicine.

2861 (a) A physical therapist may implement a plan of treatment
2862 developed by the physical therapist for a patient or provided
2863 for a patient by a practitioner of record or by an independent
2864 advanced practice registered nurse registered under s. 464.0125
2865 or an advanced practice registered nurse certified practitioner
2866 ~~licensed~~ under s. 464.012. The physical therapist shall refer
2867 the patient to or consult with a practitioner of record if the
2868 patient's condition is found to be outside the scope of physical
2869 therapy. If physical therapy treatment for a patient is required
2870 beyond 21 days for a condition not previously assessed by a
2871 practitioner of record, the physical therapist shall obtain a

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Page 112 of 161

Amendment No.

2872 practitioner of record who will review and sign the plan. For
2873 purposes of this paragraph, a health care practitioner licensed
2874 under chapter 458, chapter 459, chapter 460, chapter 461, or
2875 chapter 466 and engaged in active practice is eligible to serve
2876 as a practitioner of record.

2877 Section 73. Paragraph (d) of subsection (1) of section
2878 490.012, Florida Statutes, is amended to read:

2879 490.012 Violations; penalties; injunction.—

2880 (1)

2881 (d) No person shall hold herself or himself out by any
2882 title or description incorporating the word, or a permutation of
2883 the word, "psychotherapy" unless such person holds a valid,
2884 active license under chapter 458, chapter 459, chapter 490, or
2885 chapter 491, or such person is registered as an independent
2886 advanced practice registered nurse under s. 464.0125 or
2887 certified as an advanced practice registered nurse under
2888 practitioner, pursuant to s. 464.012 and, who has been
2889 determined by the Board of Nursing to be ~~as~~ a specialist in
2890 psychiatric mental health.

2891 Section 74. Subsection (1) of section 491.0057, Florida
2892 Statutes, is amended to read:

2893 491.0057 Dual licensure as a marriage and family
2894 therapist.—The department shall license as a marriage and family
2895 therapist any person who demonstrates to the board that he or
2896 she:

Amendment No.

2897 (1) Holds a valid, active license as a psychologist under
2898 chapter 490 or as a clinical social worker or mental health
2899 counselor under this chapter, or is registered under s. 464.0125
2900 as an independent advanced practice registered nurse or
2901 certified under s. 464.012 as an advanced practice registered
2902 nurse and ~~practitioner who~~ has been determined by the Board of
2903 Nursing to be ~~as~~ a specialist in psychiatric mental health.

2904 Section 75. Paragraph (d) of subsection (1) and subsection
2905 (2) of section 491.012, Florida Statutes, are amended to read:
2906 491.012 Violations; penalty; injunction.-

2907 (1) It is unlawful and a violation of this chapter for any
2908 person to:

2909 (d) Use the terms "psychotherapist," "sex therapist," or
2910 "juvenile sexual offender therapist" unless such person is
2911 licensed pursuant to this chapter or chapter 490, or is
2912 registered under s. 464.0125 as an independent advanced practice
2913 registered nurse or certified under s. 464.012 as an advanced
2914 practice registered nurse and ~~practitioner who~~ has been
2915 determined by the Board of Nursing to be ~~as~~ a specialist in
2916 psychiatric mental health and the use of such terms is within
2917 the scope of her or his practice based on education, training,
2918 and licensure.

2919 (2) It is unlawful and a violation of this chapter for any
2920 person to describe her or his services using the following terms
2921 or any derivative thereof, unless such person holds a valid,
2922 active license under this chapter or chapter 490, or is

Amendment No.

2923 registered under s. 464.0125 as an independent advanced practice
2924 registered nurse or is certified under s. 464.012 as an advanced
2925 practice registered nurse and practitioner who has been
2926 determined by the Board of Nursing to be ~~as~~ a specialist in
2927 psychiatric mental health and the use of such terms is within
2928 the scope of her or his practice based on education, training,
2929 and licensure:

- 2930 (a) "Psychotherapy."
2931 (b) "Sex therapy."
2932 (c) "Sex counseling."
2933 (d) "Clinical social work."
2934 (e) "Psychiatric social work."
2935 (f) "Marriage and family therapy."
2936 (g) "Marriage and family counseling."
2937 (h) "Marriage counseling."
2938 (i) "Family counseling."
2939 (j) "Mental health counseling."

2940 Section 76. Subsection (2) of section 493.6108, Florida
2941 Statutes, is amended to read:

2942 493.6108 Investigation of applicants by Department of
2943 Agriculture and Consumer Services.—

2944 (2) In addition to subsection (1), the department shall
2945 make an investigation of the general physical fitness of the
2946 Class "G" applicant to bear a weapon or firearm. Determination
2947 of physical fitness shall be certified by a physician or
2948 physician assistant currently licensed pursuant to chapter 458,

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

2949 chapter 459, or any similar law of another state or authorized
2950 to act as a licensed physician by a federal agency or
2951 department, or by an independent advanced practice registered
2952 nurse registered, or an advanced practice registered nurse
2953 certified, under part I of practitioner currently licensed
2954 ~~pursuant to~~ chapter 464. Such certification shall be submitted
2955 on a form provided by the department.

2956 Section 77. Subsection (1) of section 626.9707, Florida
2957 Statutes, is amended to read:

2958 626.9707 Disability insurance; discrimination on basis of
2959 sickle-cell trait prohibited.—

2960 (1) An ~~No~~ insurer authorized to transact insurance in this
2961 state may not shall refuse to issue and deliver in this state
2962 any policy of disability insurance, whether such policy is
2963 defined as individual, group, blanket, franchise, industrial, or
2964 otherwise, which is currently being issued for delivery in this
2965 state and which affords benefits and coverage for any medical
2966 treatment or service authorized and permitted to be furnished by
2967 a hospital, a clinic, a health clinic, a neighborhood health
2968 clinic, a health maintenance organization, a physician, a
2969 physician ~~physician's~~ assistant, an independent advanced
2970 practice registered nurse, an advanced practice registered nurse
2971 ~~practitioner~~, or a medical service facility or personnel solely
2972 because the person to be insured has the sickle-cell trait.

2973 Section 78. Paragraph (b) of subsection (1) of section
2974 627.357, Florida Statutes, is amended to read:

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

- 2975 | 627.357 Medical malpractice self-insurance.—
- 2976 | (1) DEFINITIONS.—As used in this section, the term:
- 2977 | (b) "Health care provider" means any:
- 2978 | 1. Hospital licensed under chapter 395.
- 2979 | 2. Physician licensed, or physician assistant licensed,
- 2980 | under chapter 458.
- 2981 | 3. Osteopathic physician or physician assistant licensed
- 2982 | under chapter 459.
- 2983 | 4. Podiatric physician licensed under chapter 461.
- 2984 | 5. Health maintenance organization certificated under part
- 2985 | I of chapter 641.
- 2986 | 6. Ambulatory surgical center licensed under chapter 395.
- 2987 | 7. Chiropractic physician licensed under chapter 460.
- 2988 | 8. Psychologist licensed under chapter 490.
- 2989 | 9. Optometrist licensed under chapter 463.
- 2990 | 10. Dentist licensed under chapter 466.
- 2991 | 11. Pharmacist licensed under chapter 465.
- 2992 | 12. Registered nurse, licensed practical nurse,
- 2993 | independent advanced practice registered nurse, or advanced
- 2994 | practice registered nurse practitioner licensed, registered, or
- 2995 | certified ~~registered~~ under part I of chapter 464.
- 2996 | 13. Other medical facility.
- 2997 | 14. Professional association, partnership, corporation,
- 2998 | joint venture, or other association established by the
- 2999 | individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,
- 3000 | 10., 11., and 12. for professional activity.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3001 Section 79. Subsection (6) of section 627.6471, Florida
3002 Statutes, is amended to read:

3003 627.6471 Contracts for reduced rates of payment;
3004 limitations; coinsurance and deductibles.—

3005 (6) If psychotherapeutic services are covered by a policy
3006 issued by the insurer, the insurer shall provide eligibility
3007 criteria for each group of health care providers licensed under
3008 chapter 458, chapter 459, chapter 490, or chapter 491, which
3009 include psychotherapy within the scope of their practice as
3010 provided by law, or for any person who is registered as an
3011 independent advanced practice registered nurse under s. 464.0125
3012 or certified as an advanced practice registered nurse
3013 ~~practitioner in psychiatric mental health~~ under s. 464.012 and
3014 who specializes in psychiatric mental health. When
3015 psychotherapeutic services are covered, eligibility criteria
3016 shall be established by the insurer to be included in the
3017 insurer's criteria for selection of network providers. The
3018 insurer may not discriminate against a health care provider by
3019 excluding such practitioner from its provider network solely on
3020 the basis of the practitioner's license.

3021 Section 80. Subsections (15) and (17) of section 627.6472,
3022 Florida Statutes, are amended to read:

3023 627.6472 Exclusive provider organizations.—

3024 (15) If psychotherapeutic services are covered by a policy
3025 issued by the insurer, the insurer shall provide eligibility
3026 criteria for all groups of health care providers licensed under

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3027 chapter 458, chapter 459, chapter 490, or chapter 491, which
3028 include psychotherapy within the scope of their practice as
3029 provided by law, or for any person who is registered as an
3030 independent advanced practice registered nurse under s. 464.0125
3031 or certified as an advanced practice registered nurse
3032 ~~practitioner in psychiatric mental health~~ under s. 464.012 and
3033 who specializes in psychiatric mental health. When
3034 psychotherapeutic services are covered, eligibility criteria
3035 shall be established by the insurer to be included in the
3036 insurer's criteria for selection of network providers. The
3037 insurer may not discriminate against a health care provider by
3038 excluding such practitioner from its provider network solely on
3039 the basis of the practitioner's license.

3040 (17) An exclusive provider organization may ~~shall~~ not
3041 discriminate with respect to participation as to any independent
3042 advanced practice registered nurse registered pursuant to s.
3043 464.0125 or advanced practice registered nurse ~~practitioner~~
3044 ~~licensed and~~ certified pursuant to s. 464.012, who is acting
3045 within the scope of such registration or ~~license and~~
3046 certification, solely on the basis of such registration ~~license~~
3047 or certification. This subsection shall not be construed to
3048 prohibit a plan from including providers only to the extent
3049 necessary to meet the needs of the plan's enrollees or from
3050 establishing any measure designed to maintain quality and
3051 control costs consistent with the responsibilities of the plan.

Amendment No.

3052 Section 81. Paragraph (a) of subsection (1) of section
3053 627.736, Florida Statutes, is amended to read:

3054 627.736 Required personal injury protection benefits;
3055 exclusions; priority; claims.—

3056 (1) REQUIRED BENEFITS.—An insurance policy complying with
3057 the security requirements of s. 627.733 must provide personal
3058 injury protection to the named insured, relatives residing in
3059 the same household, persons operating the insured motor vehicle,
3060 passengers in the motor vehicle, and other persons struck by the
3061 motor vehicle and suffering bodily injury while not an occupant
3062 of a self-propelled vehicle, subject to subsection (2) and
3063 paragraph (4) (e), to a limit of \$10,000 in medical and
3064 disability benefits and \$5,000 in death benefits resulting from
3065 bodily injury, sickness, disease, or death arising out of the
3066 ownership, maintenance, or use of a motor vehicle as follows:

3067 (a) Medical benefits.—Eighty percent of all reasonable
3068 expenses for medically necessary medical, surgical, X-ray,
3069 dental, and rehabilitative services, including prosthetic
3070 devices and medically necessary ambulance, hospital, and nursing
3071 services if the individual receives initial services and care
3072 pursuant to subparagraph 1. within 14 days after the motor
3073 vehicle accident. The medical benefits provide reimbursement
3074 only for:

3075 1. Initial services and care that are lawfully provided,
3076 supervised, ordered, or prescribed by a physician licensed under
3077 chapter 458 or chapter 459, a dentist licensed under chapter

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3078 466, ~~or~~ a chiropractic physician licensed under chapter 460, or
3079 an independent advanced practice registered nurse registered
3080 under s. 464.0125, or that are provided in a hospital or in a
3081 facility that owns, or is wholly owned by, a hospital. Initial
3082 services and care may also be provided by a person or entity
3083 licensed under part III of chapter 401 which provides emergency
3084 transportation and treatment.

3085 2. Upon referral by a provider described in subparagraph
3086 1., followup services and care consistent with the underlying
3087 medical diagnosis rendered pursuant to subparagraph 1. which may
3088 be provided, supervised, ordered, or prescribed only by a
3089 physician licensed under chapter 458 or chapter 459, a
3090 chiropractic physician licensed under chapter 460, a dentist
3091 licensed under chapter 466, an independent advanced practice
3092 registered nurse registered under s. 464.0125, or, to the extent
3093 permitted by applicable law and under the supervision of such
3094 physician, osteopathic physician, chiropractic physician, ~~or~~
3095 dentist, or independent advanced practice registered nurse, by a
3096 physician assistant licensed under chapter 458 or chapter 459 or
3097 an advanced practice registered nurse certified practitioner
3098 ~~licensed under s. 464.012~~ ~~chapter 464.~~ Followup services and
3099 care may also be provided by the following persons or entities:

3100 a. A hospital or ambulatory surgical center licensed under
3101 chapter 395.

3102 b. An entity wholly owned by one or more physicians
3103 licensed under chapter 458 or chapter 459, chiropractic

Amendment No.

3104 physicians licensed under chapter 460, independent advanced
3105 practice registered nurses registered under s. 464.0125, or
3106 dentists licensed under chapter 466 or by such practitioners and
3107 the spouse, parent, child, or sibling of such practitioners.

3108 c. An entity that owns or is wholly owned, directly or
3109 indirectly, by a hospital or hospitals.

3110 d. A physical therapist licensed under chapter 486, based
3111 upon a referral by a provider described in this subparagraph.

3112 e. A health care clinic licensed under part X of chapter
3113 400 which is accredited by an accrediting organization whose
3114 standards incorporate comparable regulations required by this
3115 state, or

3116 (I) Has a medical director licensed under chapter 458,
3117 chapter 459, or chapter 460;

3118 (II) Has been continuously licensed for more than 3 years
3119 or is a publicly traded corporation that issues securities
3120 traded on an exchange registered with the United States
3121 Securities and Exchange Commission as a national securities
3122 exchange; and

3123 (III) Provides at least four of the following medical
3124 specialties:

3125 (A) General medicine.

3126 (B) Radiography.

3127 (C) Orthopedic medicine.

3128 (D) Physical medicine.

3129 (E) Physical therapy.

Amendment No.

- 3130 (F) Physical rehabilitation.
- 3131 (G) Prescribing or dispensing outpatient prescription
3132 medication.
- 3133 (H) Laboratory services.
- 3134 3. Reimbursement for services and care provided in
3135 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
3136 licensed under chapter 458 or chapter 459, a dentist licensed
3137 under chapter 466, an independent advanced practice registered
3138 nurse registered under s. 464.0125, a physician assistant
3139 licensed under chapter 458 or chapter 459, or an advanced
3140 practice registered nurse certified ~~practitioner licensed~~ under
3141 s. 464.012 ~~chapter 464~~ has determined that the injured person
3142 had an emergency medical condition.
- 3143 4. Reimbursement for services and care provided in
3144 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
3145 provider listed in subparagraph 1. or subparagraph 2. determines
3146 that the injured person did not have an emergency medical
3147 condition.
- 3148 5. Medical benefits do not include massage as defined in
3149 s. 480.033 or acupuncture as defined in s. 457.102, regardless
3150 of the person, entity, or licensee providing massage or
3151 acupuncture, and a licensed massage therapist or licensed
3152 acupuncturist may not be reimbursed for medical benefits under
3153 this section.
- 3154 6. The Financial Services Commission shall adopt by rule
3155 the form that must be used by an insurer and a health care

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3156 provider specified in sub-subparagraph 2.b., sub-subparagraph
3157 2.c., or sub-subparagraph 2.e. to document that the health care
3158 provider meets the criteria of this paragraph. Such rule must
3159 include a requirement for a sworn statement or affidavit.

3160

3161 Only insurers writing motor vehicle liability insurance in this
3162 state may provide the required benefits of this section, and
3163 such insurer may not require the purchase of any other motor
3164 vehicle coverage other than the purchase of property damage
3165 liability coverage as required by s. 627.7275 as a condition for
3166 providing such benefits. Insurers may not require that property
3167 damage liability insurance in an amount greater than \$10,000 be
3168 purchased in conjunction with personal injury protection. Such
3169 insurers shall make benefits and required property damage
3170 liability insurance coverage available through normal marketing
3171 channels. An insurer writing motor vehicle liability insurance
3172 in this state who fails to comply with such availability
3173 requirement as a general business practice violates part IX of
3174 chapter 626, and such violation constitutes an unfair method of
3175 competition or an unfair or deceptive act or practice involving
3176 the business of insurance. An insurer committing such violation
3177 is subject to the penalties provided under that part, as well as
3178 those provided elsewhere in the insurance code.

3179 Section 82. Paragraph (e) of subsection (1) of section
3180 633.412, Florida Statutes, is amended to read:

3181 633.412 Firefighters; qualifications for certification.—

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3182 (1) A person applying for certification as a firefighter
3183 must:

3184 (e) Be in good physical condition as determined by a
3185 medical examination given by a physician, surgeon, or physician
3186 assistant licensed to practice in the state under ~~pursuant to~~
3187 chapter 458; an osteopathic physician, surgeon, or physician
3188 assistant licensed to practice in the state under ~~pursuant to~~
3189 chapter 459; an independent advanced practice registered nurse
3190 registered, or an advanced practice registered nurse certified,
3191 ~~practitioner licensed~~ to practice in the state under part I of
3192 ~~pursuant to~~ chapter 464. Such examination may include, but need
3193 not be limited to, the National Fire Protection Association
3194 Standard 1582. A medical examination evidencing good physical
3195 condition shall be submitted to the division, on a form as
3196 provided by rule, before an individual is eligible for admission
3197 into a course under s. 633.408.

3198 Section 83. Section 641.3923, Florida Statutes, is amended
3199 to read:

3200 641.3923 Discrimination against providers prohibited.—A
3201 health maintenance organization may ~~shall~~ not discriminate with
3202 respect to participation as to any independent advanced practice
3203 registered nurse registered under s. 464.0125, advanced practice
3204 registered nurse ~~practitioner licensed and certified under~~
3205 ~~pursuant to~~ s. 464.012, or physician assistant licensed under
3206 chapter 458 or chapter 459, who is acting within the scope of
3207 such registration, ~~license and certification,~~ or license, solely

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3208 on the basis of such registration, license or certification, or
3209 license. This section shall not be construed to prohibit a plan
3210 from including providers only to the extent necessary to meet
3211 the needs of the plan's enrollees or from establishing any
3212 measure designed to maintain quality and control costs
3213 consistent with the responsibilities of the plan.

3214 Section 84. Subsection (8) of section 641.495, Florida
3215 Statutes, is amended to read:

3216 641.495 Requirements for issuance and maintenance of
3217 certificate.—

3218 (8) Each organization's contracts, certificates, and
3219 subscriber handbooks shall contain a provision, if applicable,
3220 disclosing that, for certain types of described medical
3221 procedures, services may be provided by physician assistants,
3222 independent advanced practice registered nurses, advanced
3223 practice registered nurses ~~nurse practitioners~~, or other
3224 individuals who are not licensed physicians.

3225 Section 85. Paragraph (a) of subsection (3) of section
3226 744.331, Florida Statutes, is amended to read:

3227 744.331 Procedures to determine incapacity.—

3228 (3) EXAMINING COMMITTEE.—

3229 (a) Within 5 days after a petition for determination of
3230 incapacity has been filed, the court shall appoint an examining
3231 committee consisting of three members. One member must be a
3232 psychiatrist or other physician. The remaining members must be
3233 either a psychologist, a gerontologist, a ~~another~~ psychiatrist,

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3234 a ~~or other~~ physician, a registered nurse, an advanced practice
3235 registered nurse practitioner, a physician assistant, a licensed
3236 social worker, a person with an advanced degree in gerontology
3237 from an accredited institution of higher education, or another
3238 ~~other~~ person who by knowledge, skill, experience, training, or
3239 education may, in the court's discretion, advise the court in
3240 the form of an expert opinion. One of three members of the
3241 committee must have knowledge of the type of incapacity alleged
3242 in the petition. Unless good cause is shown, the attending or
3243 family physician may not be appointed to the committee. If the
3244 attending or family physician is available for consultation, the
3245 committee must consult with the physician. Members of the
3246 examining committee may not be related to or associated with one
3247 another, with the petitioner, with counsel for the petitioner or
3248 the proposed guardian, or with the person alleged to be totally
3249 or partially incapacitated. A member may not be employed by any
3250 private or governmental agency that has custody of, or
3251 furnishes, services or subsidies, directly or indirectly, to the
3252 person or the family of the person alleged to be incapacitated
3253 or for whom a guardianship is sought. A petitioner may not serve
3254 as a member of the examining committee. Members of the examining
3255 committee must be able to communicate, either directly or
3256 through an interpreter, in the language that the alleged
3257 incapacitated person speaks or to communicate in a medium
3258 understandable to the alleged incapacitated person if she or he
3259 is able to communicate. The clerk of the court shall send notice

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Page 127 of 161

Amendment No.

3260 of the appointment to each person appointed no later than 3 days
3261 after the court's appointment.

3262 Section 86. Subsection (1) of section 744.703, Florida
3263 Statutes, is amended to read:

3264 744.703 Office of public guardian; appointment,
3265 notification.—

3266 (1) The executive director of the Statewide Public
3267 Guardianship Office, after consultation with the chief judge and
3268 other circuit judges within the judicial circuit and with
3269 appropriate advocacy groups and individuals and organizations
3270 who are knowledgeable about the needs of incapacitated persons,
3271 may establish, within a county in the judicial circuit or within
3272 the judicial circuit, one or more offices of public guardian and
3273 if so established, shall create a list of persons best qualified
3274 to serve as the public guardian, who have been investigated
3275 pursuant to s. 744.3135. The public guardian must have knowledge
3276 of the legal process and knowledge of social services available
3277 to meet the needs of incapacitated persons. The public guardian
3278 shall maintain a staff or contract with professionally qualified
3279 individuals to carry out the guardianship functions, including
3280 an attorney who has experience in probate areas and another
3281 person who has a master's degree in social work, or a
3282 gerontologist, a psychologist, a registered nurse, an
3283 independent advanced practice registered nurse, or an advanced
3284 practice registered nurse practitioner. A public guardian that
3285 is a nonprofit corporate guardian under s. 744.309(5) must

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3286 receive tax-exempt status from the United States Internal
3287 Revenue Service.

3288 Section 87. Subsection (6) of section 766.102, Florida
3289 Statutes, is amended to read:

3290 766.102 Medical negligence; standards of recovery; expert
3291 witness.—

3292 (6) A physician licensed under chapter 458 or chapter 459
3293 who qualifies as an expert witness under subsection (5) and who,
3294 by reason of active clinical practice or instruction of
3295 students, has knowledge of the applicable standard of care for
3296 nurses, independent advanced practice registered nurses,
3297 advanced practice registered nurses ~~nurse practitioners,~~
3298 ~~certified registered nurse anesthetists, certified registered~~
3299 ~~nurse midwives,~~ physician assistants, or other medical support
3300 staff may give expert testimony in a medical negligence action
3301 with respect to the standard of care of such medical support
3302 staff.

3303 Section 88. Subsection (3) of section 766.103, Florida
3304 Statutes, is amended to read:

3305 766.103 Florida Medical Consent Law.—

3306 (3) ~~No~~ Recovery is not ~~shall be~~ allowed in any court in
3307 this state against any physician licensed under chapter 458,
3308 osteopathic physician licensed under chapter 459, chiropractic
3309 physician licensed under chapter 460, podiatric physician
3310 licensed under chapter 461, dentist licensed under chapter 466,
3311 independent advanced practice registered nurse registered under

Amendment No.

3312 s. 464.0125, advanced practice registered nurse ~~practitioner~~
3313 certified under s. 464.012, or physician assistant licensed
3314 under s. 458.347 or s. 459.022 in an action brought for
3315 treating, examining, or operating on a patient without his or
3316 her informed consent when:

3317 (a)1. The action of the physician, osteopathic physician,
3318 chiropractic physician, podiatric physician, dentist,
3319 independent advanced practice registered nurse, advanced
3320 practice registered nurse ~~practitioner~~, or physician assistant
3321 in obtaining the consent of the patient or another person
3322 authorized to give consent for the patient was in accordance
3323 with an accepted standard of medical practice among members of
3324 the medical profession with similar training and experience in
3325 the same or similar medical community as that of the person
3326 treating, examining, or operating on the patient for whom the
3327 consent is obtained; and

3328 2. A reasonable individual, from the information provided
3329 by the physician, osteopathic physician, chiropractic physician,
3330 podiatric physician, dentist, independent advanced practice
3331 registered nurse, advanced practice registered nurse
3332 ~~practitioner~~, or physician assistant, under the circumstances,
3333 would have a general understanding of the procedure, the
3334 medically acceptable alternative procedures or treatments, and
3335 the substantial risks and hazards inherent in the proposed
3336 treatment or procedures, which are recognized among other
3337 physicians, osteopathic physicians, chiropractic physicians,

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3338 | podiatric physicians, or dentists in the same or similar
3339 | community who perform similar treatments or procedures; or
3340 | (b) The patient would reasonably, under all the
3341 | surrounding circumstances, have undergone such treatment or
3342 | procedure had he or she been advised by the physician,
3343 | osteopathic physician, chiropractic physician, podiatric
3344 | physician, dentist, independent advanced practice registered
3345 | nurse, advanced practice registered nurse ~~practitioner~~, or
3346 | physician assistant in accordance with the provisions of
3347 | paragraph (a).

3348 | Section 89. Paragraph (d) of subsection (3) of section
3349 | 766.1115, Florida Statutes, is amended to read:

3350 | 766.1115 Health care providers; creation of agency
3351 | relationship with governmental contractors.—

3352 | (3) DEFINITIONS.—As used in this section, the term:

3353 | (d) "Health care provider" or "provider" means:

- 3354 | 1. A birth center licensed under chapter 383.
3355 | 2. An ambulatory surgical center licensed under chapter
3356 | 395.
3357 | 3. A hospital licensed under chapter 395.
3358 | 4. A physician or physician assistant licensed under
3359 | chapter 458.
3360 | 5. An osteopathic physician or osteopathic physician
3361 | assistant licensed under chapter 459.
3362 | 6. A chiropractic physician licensed under chapter 460.
3363 | 7. A podiatric physician licensed under chapter 461.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3364 8. A registered nurse, ~~nurse midwife~~, a licensed practical
3365 nurse, an independent advanced practice registered nurse, or an
3366 advanced practice registered nurse practitioner licensed,
3367 registered, or certified registered under part I of chapter 464
3368 or any facility that ~~which~~ employs nurses licensed, registered,
3369 or certified registered under part I of chapter 464 to supply
3370 all or part of the care delivered under this section.

3371 9. A midwife licensed under chapter 467.

3372 10. A health maintenance organization certificated under
3373 part I of chapter 641.

3374 11. A health care professional association and its
3375 employees or a corporate medical group and its employees.

3376 12. Any other medical facility the primary purpose of
3377 which is to deliver human medical diagnostic services or which
3378 delivers nonsurgical human medical treatment, and which includes
3379 an office maintained by a provider.

3380 13. A dentist or dental hygienist licensed under chapter
3381 466.

3382 14. A free clinic that delivers only medical diagnostic
3383 services or nonsurgical medical treatment free of charge to all
3384 low-income recipients.

3385 15. Any other health care professional, practitioner,
3386 provider, or facility under contract with a governmental
3387 contractor, including a student enrolled in an accredited
3388 program that prepares the student for licensure as any one of
3389 the professionals listed in subparagraphs 4.-9.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3390
3391 The term includes any nonprofit corporation qualified as exempt
3392 from federal income taxation under s. 501(a) of the Internal
3393 Revenue Code, and described in s. 501(c) of the Internal Revenue
3394 Code, which delivers health care services provided by licensed
3395 professionals listed in this paragraph, any federally funded
3396 community health center, and any volunteer corporation or
3397 volunteer health care provider that delivers health care
3398 services.

3399 Section 90. Subsection (1) of section 766.1116, Florida
3400 Statutes, is amended to read:

3401 766.1116 Health care practitioner; waiver of license
3402 renewal fees and continuing education requirements.—

3403 (1) As used in this section, the term "health care
3404 practitioner" means a physician or physician assistant licensed
3405 under chapter 458; an osteopathic physician or physician
3406 assistant licensed under chapter 459; a chiropractic physician
3407 licensed under chapter 460; a podiatric physician licensed under
3408 chapter 461; an independent advanced practice registered nurse,
3409 an advanced practice registered nurse practitioner, a registered
3410 nurse, or a licensed practical nurse licensed, registered, or
3411 certified under part I of chapter 464; a dentist or dental
3412 hygienist licensed under chapter 466; or a midwife licensed
3413 under chapter 467, who participates as a health care provider
3414 under s. 766.1115.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Page 133 of 161

Amendment No.

3415 Section 91. Paragraph (c) of subsection (1) of section
3416 766.118, Florida Statutes, is amended to read:

3417 766.118 Determination of noneconomic damages.—

3418 (1) DEFINITIONS.—As used in this section, the term:

3419 (c) "Practitioner" means any person licensed under chapter
3420 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter
3421 463, chapter 466, chapter 467, or chapter 486; registered under
3422 s. 464.0125; or certified under s. 464.012. "Practitioner" also
3423 means any association, corporation, firm, partnership, or other
3424 business entity under which such practitioner practices or any
3425 employee of such practitioner or entity acting in the scope of
3426 his or her employment. For the purpose of determining the
3427 limitations on noneconomic damages set forth in this section,
3428 the term "practitioner" includes any person or entity for whom a
3429 practitioner is vicariously liable and any person or entity
3430 whose liability is based solely on such person or entity being
3431 vicariously liable for the actions of a practitioner.

3432 Section 92. Subsection (3) of section 768.135, Florida
3433 Statutes, is amended to read:

3434 768.135 Volunteer team practitioners ~~physicians~~;
3435 immunity.—

3436 (3) A practitioner licensed under chapter 458, chapter
3437 459, chapter 460, ~~or~~ s. 464.012, or s. 464.0125 who gratuitously
3438 and in good faith conducts an evaluation pursuant to s.
3439 1006.20(2)(c) is not liable for any civil damages arising from

Amendment No.

3440 that evaluation unless the evaluation was conducted in a
3441 wrongful manner.

3442 Section 93. Subsection (4) of section 782.071, Florida
3443 Statutes, is amended to read:

3444 782.071 Vehicular homicide.—"Vehicular homicide" is the
3445 killing of a human being, or the killing of an unborn child by
3446 any injury to the mother, caused by the operation of a motor
3447 vehicle by another in a reckless manner likely to cause the
3448 death of, or great bodily harm to, another.

3449 (4) In addition to any other punishment, the court may
3450 order the person to serve 120 community service hours in a
3451 trauma center or hospital that regularly receives victims of
3452 vehicle accidents, under the supervision of an independent
3453 advanced practice registered nurse, an advanced practice
3454 registered nurse, a registered nurse, an emergency room
3455 physician, or an emergency medical technician pursuant to a
3456 voluntary community service program operated by the trauma
3457 center or hospital.

3458 Section 94. Subsection (5) of section 794.08, Florida
3459 Statutes, is amended to read:

3460 794.08 Female genital mutilation.—

3461 (5) This section does not apply to procedures performed by
3462 or under the direction of a physician licensed under chapter
3463 458;~~7~~ an osteopathic physician licensed under chapter 459;~~7~~ a
3464 registered nurse ~~licensed under part I of chapter 464,~~ a
3465 practical nurse ~~licensed under part I of chapter 464,~~ an

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3466 independent advanced practice registered nurse, or an advanced
3467 practice registered nurse licensed, registered, or certified
3468 ~~practitioner licensed~~ under part I of chapter 464; ~~or~~ a midwife
3469 licensed under chapter 467; ~~or~~ or a physician assistant licensed
3470 under chapter 458 or chapter 459, when necessary to preserve the
3471 physical health of a female person. This section also does not
3472 apply to any autopsy or limited dissection conducted pursuant to
3473 chapter 406.

3474 Section 95. Subsection (21) of section 893.02, Florida
3475 Statutes, is amended to read:

3476 893.02 Definitions.—The following words and phrases as
3477 used in this chapter shall have the following meanings, unless
3478 the context otherwise requires:

3479 (21) "Practitioner" means a physician or physician
3480 assistant licensed under ~~pursuant to~~ chapter 458, a dentist
3481 licensed under ~~pursuant to~~ chapter 466, a veterinarian licensed
3482 under ~~pursuant to~~ chapter 474, an osteopathic physician or
3483 physician assistant licensed under ~~pursuant to~~ chapter 459, a
3484 naturopath licensed under ~~pursuant to~~ chapter 462, a certified
3485 optometrist licensed under ~~pursuant to~~ chapter 463, an
3486 independent advanced practice registered nurse registered under
3487 s. 464.0125, an advanced practice registered nurse certified
3488 under s. 464.012, or a podiatric physician licensed under
3489 ~~pursuant to~~ chapter 461, provided such practitioner holds a
3490 valid federal controlled substance registry number.

Amendment No.

3491 Section 96. Subsection (6) of section 943.13, Florida
3492 Statutes, is amended to read:

3493 943.13 Officers' minimum qualifications for employment or
3494 appointment.—On or after October 1, 1984, any person employed or
3495 appointed as a full-time, part-time, or auxiliary law
3496 enforcement officer or correctional officer; on or after October
3497 1, 1986, any person employed as a full-time, part-time, or
3498 auxiliary correctional probation officer; and on or after
3499 October 1, 1986, any person employed as a full-time, part-time,
3500 or auxiliary correctional officer by a private entity under
3501 contract to the Department of Corrections, to a county
3502 commission, or to the Department of Management Services shall:

3503 (6) Have passed a physical examination by a licensed
3504 physician, a physician assistant, an independent advanced
3505 practice registered nurse, or a certified advanced practice
3506 registered nurse practitioner, based on specifications
3507 established by the commission. In order to be eligible for the
3508 presumption set forth in s. 112.18 while employed with an
3509 employing agency, a law enforcement officer, correctional
3510 officer, or correctional probation officer must have
3511 successfully passed the physical examination required by this
3512 subsection upon entering into service as a law enforcement
3513 officer, correctional officer, or correctional probation officer
3514 with the employing agency, which examination must have failed to
3515 reveal any evidence of tuberculosis, heart disease, or
3516 hypertension. A law enforcement officer, correctional officer,

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3517 or correctional probation officer may not use a physical
3518 examination from a former employing agency for purposes of
3519 claiming the presumption set forth in s. 112.18 against the
3520 current employing agency.

3521 Section 97. Subsection (2) of section 945.603, Florida
3522 Statutes, is amended to read:

3523 945.603 Powers and duties of authority.—The purpose of the
3524 authority is to assist in the delivery of health care services
3525 for inmates in the Department of Corrections by advising the
3526 Secretary of Corrections on the professional conduct of primary,
3527 convalescent, dental, and mental health care and the management
3528 of costs consistent with quality care, by advising the Governor
3529 and the Legislature on the status of the Department of
3530 Corrections' health care delivery system, and by assuring that
3531 adequate standards of physical and mental health care for
3532 inmates are maintained at all Department of Corrections
3533 institutions. For this purpose, the authority has the authority
3534 to:

3535 (2) Review and make recommendations regarding health care
3536 for the delivery of health care services including, but not
3537 limited to, acute hospital-based services and facilities,
3538 primary and tertiary care services, ancillary and clinical
3539 services, dental services, mental health services, intake and
3540 screening services, medical transportation services, and the use
3541 of advanced practice registered nurses ~~nurse practitioner~~ and
3542 physician assistants ~~assistant personnel~~ to act as physician

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3543 extenders as these relate to inmates in the Department of
3544 Corrections.

3545 Section 98. Subsection (2) of section 960.28, Florida
3546 Statutes, is amended to read:

3547 960.28 Payment for victims' initial forensic physical
3548 examinations.-

3549 (2) The Crime Victims' Services Office of the department
3550 shall pay for medical expenses connected with an initial
3551 forensic physical examination of a victim of sexual battery as
3552 defined in chapter 794 or a lewd or lascivious offense as
3553 defined in chapter 800. Such payment shall be made regardless of
3554 whether the victim is covered by health or disability insurance
3555 and whether the victim participates in the criminal justice
3556 system or cooperates with law enforcement. The payment shall be
3557 made only out of moneys allocated to the Crime Victims' Services
3558 Office for the purposes of this section, and the payment may not
3559 exceed \$500 with respect to any violation. The department shall
3560 develop and maintain separate protocols for the initial forensic
3561 physical examination of adults and children. Payment under this
3562 section is limited to medical expenses connected with the
3563 initial forensic physical examination, and payment may be made
3564 to a medical provider using an examiner qualified under part I
3565 of chapter 464, excluding s. 464.003(17) ~~464.003(16)~~; chapter
3566 458; or chapter 459. Payment made to the medical provider by the
3567 department shall be considered by the provider as payment in
3568 full for the initial forensic physical examination associated

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3569 with the collection of evidence. The victim may not be required
3570 to pay, directly or indirectly, the cost of an initial forensic
3571 physical examination performed in accordance with this section.

3572 Section 99. Paragraph (i) of subsection (3) of section
3573 1002.20, Florida Statutes, is amended to read:

3574 1002.20 K-12 student and parent rights.—Parents of public
3575 school students must receive accurate and timely information
3576 regarding their child's academic progress and must be informed
3577 of ways they can help their child to succeed in school. K-12
3578 students and their parents are afforded numerous statutory
3579 rights including, but not limited to, the following:

3580 (3) HEALTH ISSUES.—

3581 (i) Epinephrine use and supply.—

3582 1. A student who has experienced or is at risk for life-
3583 threatening allergic reactions may carry an epinephrine auto-
3584 injector and self-administer epinephrine by auto-injector while
3585 in school, participating in school-sponsored activities, or in
3586 transit to or from school or school-sponsored activities if the
3587 school has been provided with parental and physician
3588 authorization. The State Board of Education, in cooperation with
3589 the Department of Health, shall adopt rules for such use of
3590 epinephrine auto-injectors that shall include provisions to
3591 protect the safety of all students from the misuse or abuse of
3592 auto-injectors. A school district, county health department,
3593 public-private partner, and their employees and volunteers shall
3594 be indemnified by the parent of a student authorized to carry an

Amendment No.

3595 epinephrine auto-injector for any and all liability with respect
3596 to the student's use of an epinephrine auto-injector pursuant to
3597 this paragraph.

3598 2. A public school may purchase from a wholesale
3599 distributor as defined in s. 499.003 and maintain in a locked,
3600 secure location on its premises a supply of epinephrine auto-
3601 injectors for use if a student is having an anaphylactic
3602 reaction. The participating school district shall adopt a
3603 protocol developed by a licensed physician for the
3604 administration by school personnel who are trained to recognize
3605 an anaphylactic reaction and to administer an epinephrine auto-
3606 injection. The supply of epinephrine auto-injectors may be
3607 provided to and used by a student authorized to self-administer
3608 epinephrine by auto-injector under subparagraph 1. or trained
3609 school personnel.

3610 3. The school district and its employees and agents,
3611 including the physician who provides the standing protocol for
3612 school epinephrine auto-injectors, are not liable for any injury
3613 arising from the use of an epinephrine auto-injector
3614 administered by trained school personnel who follow the adopted
3615 protocol and whose professional opinion is that the student is
3616 having an anaphylactic reaction:

3617 a. Unless the trained school personnel's action is willful
3618 and wanton;

3619 b. Notwithstanding that the parents or guardians of the
3620 student to whom the epinephrine is administered have not been

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3621 provided notice or have not signed a statement acknowledging
3622 that the school district is not liable; and

3623 c. Regardless of whether authorization has been given by
3624 the student's parents or guardians or by the student's
3625 physician, a physician ~~physician's~~ assistant, an independent
3626 advanced practice registered nurse, or an advanced practice
3627 registered nurse practitioner.

3628 Section 100. Paragraph (b) of subsection (17) of section
3629 1002.42, Florida Statutes, is amended to read:

3630 1002.42 Private schools.—

3631 (17) EPINEPHRINE SUPPLY.—

3632 (b) The private school and its employees and agents,
3633 including the physician who provides the standing protocol for
3634 school epinephrine auto-injectors, are not liable for any injury
3635 arising from the use of an epinephrine auto-injector
3636 administered by trained school personnel who follow the adopted
3637 protocol and whose professional opinion is that the student is
3638 having an anaphylactic reaction:

3639 1. Unless the trained school personnel's action is willful
3640 and wanton;

3641 2. Notwithstanding that the parents or guardians of the
3642 student to whom the epinephrine is administered have not been
3643 provided notice or have not signed a statement acknowledging
3644 that the school district is not liable; and

3645 3. Regardless of whether authorization has been given by
3646 the student's parents or guardians or by the student's

Amendment No.

3647 physician, a physician ~~physician's~~ assistant, an independent
3648 advanced practice registered nurse, or an advanced practice
3649 registered nurse ~~practitioner~~.

3650 Section 101. Subsections (4) and (5) of section 1006.062,
3651 Florida Statutes, are amended to read:

3652 1006.062 Administration of medication and provision of
3653 medical services by district school board personnel.—

3654 (4) Nonmedical assistive personnel shall be allowed to
3655 perform health-related services upon successful completion of
3656 child-specific training by a registered nurse, an independent
3657 advanced practice registered nurse, or an advanced practice
3658 registered nurse ~~practitioner~~ licensed, registered, or certified
3659 under part I of chapter 464; ~~or~~ a physician licensed pursuant to
3660 chapter 458 or chapter 459; ~~or~~ a physician assistant licensed
3661 pursuant to chapter 458 or chapter 459. All procedures shall be
3662 monitored periodically by a nurse, an independent advanced
3663 practice registered nurse, an advanced practice registered nurse
3664 ~~practitioner~~, a physician assistant, or a physician, including,
3665 but not limited to:

3666 (a) Intermittent clean catheterization.

3667 (b) Gastrostomy tube feeding.

3668 (c) Monitoring blood glucose.

3669 (d) Administering emergency injectable medication.

3670 (5) For all other invasive medical services not listed in
3671 this subsection, a registered nurse, an independent advanced
3672 practice registered nurse, or an advanced practice registered

Amendment No.

3673 nurse ~~practitioner~~ licensed, registered, or certified under part
3674 I of chapter 464;~~;~~ a physician licensed pursuant to chapter 458
3675 or chapter 459;~~;~~ or a physician assistant licensed pursuant to
3676 chapter 458 or chapter 459 shall determine if nonmedical
3677 district school board personnel shall be allowed to perform such
3678 service.

3679 Section 102. Paragraph (c) of subsection (2) of section
3680 1006.20, Florida Statutes, is amended to read:

3681 1006.20 Athletics in public K-12 schools.—

3682 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

3683 (c) The FHSAA shall adopt bylaws that require all students
3684 participating in interscholastic athletic competition or who are
3685 candidates for an interscholastic athletic team to
3686 satisfactorily pass a medical evaluation each year prior to
3687 participating in interscholastic athletic competition or
3688 engaging in any practice, tryout, workout, or other physical
3689 activity associated with the student's candidacy for an
3690 interscholastic athletic team. Such medical evaluation may be
3691 administered only by a practitioner licensed under chapter 458,
3692 chapter 459, chapter 460, ~~or~~ s. 464.012, or s. 464.0125, and in
3693 good standing with the practitioner's regulatory board. The
3694 bylaws shall establish requirements for eliciting a student's
3695 medical history and performing the medical evaluation required
3696 under this paragraph, which shall include a physical assessment
3697 of the student's physical capabilities to participate in
3698 interscholastic athletic competition as contained in a uniform

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3699 | preparticipation physical evaluation and history form. The
3700 | evaluation form shall incorporate the recommendations of the
3701 | American Heart Association for participation cardiovascular
3702 | screening and shall provide a place for the signature of the
3703 | practitioner performing the evaluation with an attestation that
3704 | each examination procedure listed on the form was performed by
3705 | the practitioner or by someone under the direct supervision of
3706 | the practitioner. The form shall also contain a place for the
3707 | practitioner to indicate if a referral to another practitioner
3708 | was made in lieu of completion of a certain examination
3709 | procedure. The form shall provide a place for the practitioner
3710 | to whom the student was referred to complete the remaining
3711 | sections and attest to that portion of the examination. The
3712 | preparticipation physical evaluation form shall advise students
3713 | to complete a cardiovascular assessment and shall include
3714 | information concerning alternative cardiovascular evaluation and
3715 | diagnostic tests. Results of such medical evaluation must be
3716 | provided to the school. No student shall be eligible to
3717 | participate in any interscholastic athletic competition or
3718 | engage in any practice, tryout, workout, or other physical
3719 | activity associated with the student's candidacy for an
3720 | interscholastic athletic team until the results of the medical
3721 | evaluation have been received and approved by the school.

3722 | Section 103. Subsection (1) and paragraph (a) of
3723 | subsection (2) of section 1009.65, Florida Statutes, are amended
3724 | to read:

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3725 1009.65 Medical Education Reimbursement and Loan Repayment
3726 Program.—

3727 (1) To encourage qualified medical professionals to
3728 practice in underserved locations where there are shortages of
3729 such personnel, there is established the Medical Education
3730 Reimbursement and Loan Repayment Program. The function of the
3731 program is to make payments that offset loans and educational
3732 expenses incurred by students for studies leading to a medical
3733 or nursing degree, medical or nursing licensure, or advanced
3734 practice registered nurse ~~practitioner~~ certification or
3735 physician assistant licensure. The following licensed or
3736 certified health care professionals are eligible to participate
3737 in this program: medical doctors with primary care specialties,
3738 doctors of osteopathic medicine with primary care specialties,
3739 physician ~~physician's~~ assistants, licensed practical nurses and
3740 registered nurses, and advanced practice registered nurses ~~nurse~~
3741 ~~practitioners~~ with primary care specialties such as certified
3742 nurse midwives. Primary care medical specialties for physicians
3743 include obstetrics, gynecology, general and family practice,
3744 internal medicine, pediatrics, and other specialties which may
3745 be identified by the Department of Health.

3746 (2) From the funds available, the Department of Health
3747 shall make payments to selected medical professionals as
3748 follows:

3749 (a) Up to \$4,000 per year for licensed practical nurses
3750 and registered nurses, up to \$10,000 per year for advanced

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3751 practice registered nurses ~~nurse practitioners~~ and physician
3752 ~~physician's~~ assistants, and up to \$20,000 per year for
3753 physicians. Penalties for noncompliance shall be the same as
3754 those in the National Health Services Corps Loan Repayment
3755 Program. Educational expenses include costs for tuition,
3756 matriculation, registration, books, laboratory and other fees,
3757 other educational costs, and reasonable living expenses as
3758 determined by the Department of Health.

3759 Section 104. Subsection (2) of section 1009.66, Florida
3760 Statutes, is amended to read:

3761 1009.66 Nursing Student Loan Forgiveness Program.—

3762 (2) To be eligible, a candidate must have graduated from
3763 an accredited or approved nursing program and have received a
3764 Florida license as a licensed practical nurse or a registered
3765 nurse or a Florida certificate as an advanced practice
3766 registered nurse ~~practitioner~~.

3767 Section 105. Subsection (3) of section 1009.67, Florida
3768 Statutes, is amended to read:

3769 1009.67 Nursing scholarship program.—

3770 (3) A scholarship may be awarded for no more than 2 years,
3771 in an amount not to exceed \$8,000 per year. However, registered
3772 nurses pursuing a graduate degree for a faculty position or to
3773 practice as an advanced practice registered nurse ~~practitioner~~
3774 may receive up to \$12,000 per year. These amounts shall be
3775 adjusted by the amount of increase or decrease in the Consumer

Amendment No.

3776 Price Index for All Urban Consumers published by the United
3777 States Department of Commerce.

3778 Section 106. This act shall take effect July 1, 2015.

3779

3780

3781

T I T L E A M E N D M E N T

3782

Remove everything before the enacting clause and insert:

3783

A bill to be entitled

3784

An act relating to scope of practice of advanced

3785

practice registered nurses and physician assistants;

3786

amending s. 464.003, F.S.; revising and providing

3787

definitions; redesignating advanced registered nurse

3788

practitioners as advanced practice registered nurses;

3789

providing for independent advanced practice registered

3790

nurses to practice advanced or specialized nursing;

3791

revising composition of a joint committee to include

3792

an independent advanced practice registered nurse;

3793

exempting an independent advanced practice registered

3794

nurse from a requirement that certain medical acts be

3795

supervised by a physician; amending s. 464.012, F.S.;

3796

revising advanced practice registered nurse

3797

certification requirements; authorizing advanced

3798

practice registered nurses to administer, dispense,

3799

and prescribe medicinal drugs pursuant to a protocol;

3800

creating s. 464.0125, F.S.; providing for the

3801

registration of independent advanced practice

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3802 registered nurses who meet certain requirements;
3803 specifying acts that independent advanced practice
3804 registered nurses are authorized to perform without
3805 physician supervision or protocol; providing for
3806 biennial renewal of registration, including continuing
3807 education requirements; providing for application and
3808 biennial renewal fees; providing rulemaking authority;
3809 amending s. 464.015, F.S.; providing title protection
3810 for independent advanced practice registered nurses;
3811 creating s. 464.0155, F.S.; requiring independent
3812 advanced practice registered nurses to report adverse
3813 incidents to the Department of Health in a certain
3814 manner; providing for department review of adverse
3815 incidents; authorizing the department to take
3816 disciplinary action in cases of adverse incidents;
3817 amending s. 464.016, F.S.; providing penalties for
3818 illegally using certain titles; amending s. 464.018,
3819 F.S.; adding grounds for disciplinary actions against
3820 nurses; amending s. 39.303, F.S.; revising
3821 requirements relating to review of certain cases of
3822 abuse or neglect and standards for face-to-face
3823 medical evaluations by a child protection team;
3824 amending s. 39.304, F.S.; authorizing a physician
3825 assistant and an independent advanced practice
3826 registered nurse to perform or order an examination
3827 and diagnose a child without parental consent under

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3828 certain circumstances; amending s. 90.503, F.S.;

3829 redefining the term "psychotherapist" to include an

3830 independent advanced practice registered nurse with a

3831 specified scope of practice; amending s. 112.0455,

3832 F.S.; authorizing an independent advanced practice

3833 registered nurse to collect specimens for drug

3834 testing; amending s. 121.0515, F.S.; designating an

3835 advanced practice registered nurse as a special risk

3836 member under certain conditions; amending ss. 310.071,

3837 310.073, and 310.081, F.S.; authorizing a physician

3838 assistant and an independent advanced practice

3839 registered nurse to administer the physical

3840 examination required for deputy pilot certification

3841 and state pilot licensure; broadening an exception to

3842 the prohibition against the use of controlled

3843 substances by an applicant for a deputy pilot

3844 certificate or a state pilot license to allow the use

3845 of controlled substances prescribed by a physician

3846 assistant, an independent advanced practice registered

3847 nurse, or an advanced practice registered nurse;

3848 requiring a physician assistant or an independent

3849 advanced practice registered nurse performing the

3850 physical examination to know the minimum licensure

3851 standards and certify that such standards are met;

3852 amending s. 320.0848, F.S.; authorizing an independent

3853 advanced practice registered nurse to certify that a

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Page 150 of 161

Amendment No.

3854 person is disabled; amending s. 381.00315, F.S.;

3855 authorizing the reactivation of an independent

3856 advanced practice registered nurse license in a public

3857 health emergency; amending s. 381.00593, F.S.;

3858 redefining the term "health care practitioner" to

3859 include a physician assistant and an independent

3860 advanced practice registered nurse; amending s.

3861 381.026, F.S.; revising the definition of the term

3862 "health care provider" to include a physician

3863 assistant and an independent advanced practice

3864 registered nurse; amending s. 382.008, F.S.;

3865 authorizing a physician assistant, an independent

3866 advanced practice nurse, or an advanced practice

3867 registered nurse to file a certificate of death or

3868 fetal death under certain circumstances; authorizing a

3869 certified nurse midwife to provide certain information

3870 to a funeral director within a specified time period;

3871 revising the definition of the term "primary or

3872 attending physician"; amending s. 383.14, F.S.;

3873 authorizing the release of certain newborn tests and

3874 screening results to an independent advanced practice

3875 registered nurse; amending ss. 383.141, 627.357, and

3876 766.1115, F.S.; revising the definition of the term

3877 "health care provider" to include an independent

3878 advanced practice registered nurse; amending s.

3879 390.0111, F.S.; including an independent advanced

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Page 151 of 161

Amendment No.

3880 practice registered nurse in a list of health care
3881 practitioners authorized to review an ultrasound with
3882 a woman prior to an abortion procedure; amending s.
3883 390.012, F.S.; including an independent advanced
3884 practice registered nurse in a list of health care
3885 practitioners authorized to provide postoperative
3886 monitoring and required to be available throughout an
3887 abortion procedure, remain at the abortion clinic
3888 until all patients are discharged, and attempt to
3889 assess the patient's recovery within a specified time;
3890 amending s. 394.455, F.S.; revising the definition of
3891 the term "psychiatric nurse" to include an independent
3892 advanced practice registered nurse certified in a
3893 specified specialty; amending s. 394.463, F.S.;

3894 authorizing a physician assistant, an independent
3895 advanced practice registered nurse, or an advanced
3896 practice registered nurse to initiate an involuntary
3897 examination for mental illness under certain
3898 circumstances; providing for examination of a patient
3899 by a physician assistant or psychiatric nurse;
3900 authorizing a psychiatric nurse to approve the release
3901 of a patient under certain conditions; amending s.
3902 395.0191, F.S.; authorizing an independent advanced
3903 practice registered nurse to apply for clinical
3904 privileges; providing an exception to the requirement
3905 for onsite medical direction for certain independent

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Page 152 of 161

Amendment No.

3906 advanced practice registered nurses; amending s.
3907 395.605, F.S.; including independent advanced practice
3908 registered nurses in a list of health care
3909 practitioners who must supervise the care of a patient
3910 or be on duty for a specified duration in an emergency
3911 care setting; amending s. 397.311, F.S.; revising the
3912 definition of the term "qualified professional" to
3913 include an independent advanced practice registered
3914 nurse; conforming terminology; amending s. 397.405,
3915 F.S.; providing that an independent advanced practice
3916 registered nurse's practice may not be limited under
3917 certain circumstances; amending s. 397.501, F.S.;
3918 prohibiting the denial of certain services to an
3919 individual who takes medication prescribed by a
3920 physician assistant, an independent advanced practice
3921 registered nurse, or an advanced practice registered
3922 nurse; amending s. 400.021, F.S.; revising the
3923 definition of the term "geriatric outpatient clinic"
3924 to include a site staffed by an independent advanced
3925 practice registered nurse; amending s. 400.0255, F.S.;
3926 including independent advanced practice registered
3927 nurses in a list of health care practitioners who must
3928 sign a notice of discharge or transfer; amending s.
3929 400.172, F.S.; including independent advanced practice
3930 registered nurses and advanced practice registered
3931 nurses in a list of health care practitioners who may

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Page 153 of 161

Amendment No.

3932 provide a prospective respite care resident with
3933 certain medical information; amending s. 400.462,
3934 F.S.; defining the term "independent advanced practice
3935 registered nurse"; amending s. 400.487, F.S.;
3936 including independent advanced practice registered
3937 nurses in a list of health care practitioners who must
3938 establish treatment orders for certain patients under
3939 certain circumstances; amending s. 400.506, F.S.;
3940 applying medical treatment plan requirements to
3941 independent advanced practice registered nurses;
3942 amending s. 400.9905, F.S.; exempting entities where
3943 health care services are provided by independent
3944 advanced practice registered nurses from clinic
3945 licensure requirements; amending s. 401.445, F.S.;
3946 prohibiting recovery of damages in court against an
3947 independent advanced practice registered nurse under
3948 certain circumstances; requiring an independent
3949 advanced practice registered nurse to attempt to
3950 obtain a person's consent prior to providing emergency
3951 services; amending ss. 409.905 and 409.908, F.S.;
3952 requiring the agency to reimburse independent advanced
3953 practice registered nurses for providing certain
3954 mandatory Medicaid services; amending s. 409.9081,
3955 F.S.; requiring copayments under the Medicaid program
3956 to be paid for independent advanced practice
3957 registered nurse services; amending s. 409.973, F.S.;

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Page 154 of 161

Amendment No.

3958 requiring managed care plans to cover independent
3959 advanced practice registered nurse services; amending
3960 s. 429.26, F.S.; prohibiting independent advanced
3961 practice registered nurses from having a financial
3962 interest in the assisted living facility that employs
3963 them; including independent advanced practice
3964 registered nurses in a list of health care
3965 practitioners from whom an assisted living facility
3966 resident may obtain an examination prior to admission;
3967 amending s. 429.918, F.S.; revising the definition of
3968 the term "ADRD participant" to include participants
3969 who have a documented diagnosis of Alzheimer's disease
3970 or a dementia-related disorder from an independent
3971 advanced practice registered nurse; including
3972 independent advanced practice registered nurses in a
3973 list of health care practitioners from whom an ADRD
3974 participant may obtain signed medical documentation;
3975 amending s. 440.102, F.S.; authorizing, for the
3976 purpose of drug-free workforce program requirements,
3977 an independent advanced practice registered nurse to
3978 collect a specimen for a drug test; amending s.
3979 456.048, F.S.; requiring independent advanced practice
3980 registered nurses to maintain medical malpractice
3981 insurance or provide proof of financial
3982 responsibility; exempting independent advanced
3983 practice registered nurses from such requirements

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Amendment No.

3984 under certain circumstances; amending s. 456.053,
3985 F.S.; revising the definition of the term "board" to
3986 include the Board of Nursing; revising the definitions
3987 of the terms "health care provider" and "sole
3988 provider" to include independent advanced practice
3989 registered nurses; authorizing an independent advanced
3990 practice registered nurse to make referrals under
3991 certain circumstances; conforming a reference;
3992 amending s. 456.072, F.S.; requiring the suspension
3993 and fining of a physician assistant, an independent
3994 advanced practice registered nurse, or an advanced
3995 practice registered nurse for prescribing or
3996 dispensing a controlled substance in a certain manner;
3997 amending s. 456.44, F.S.; providing certain
3998 requirements for physician assistants, independent
3999 advanced practice registered nurses, and advanced
4000 practice registered nurses who prescribe controlled
4001 substances for the treatment of chronic nonmalignant
4002 pain; amending ss. 458.3265 and 459.0137, F.S.;
4003 requiring an independent advanced practice registered
4004 nurse to perform a physical examination of a patient
4005 at a pain-management clinic under certain
4006 circumstances; amending s. 458.347, F.S.; deleting the
4007 requirement that a formulary list controlled
4008 substances that a physician assistant may not
4009 prescribe; amending ss. 458.348 and 459.025, F.S.;

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Page 156 of 161

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 547 (2015)

Amendment No.

4010 deleting obsolete provisions; amending s. 464.0205,
4011 F.S.; authorizing an independent advanced practice
4012 registered nurse to directly supervise a certified
4013 retired volunteer nurse; amending s. 480.0475;
4014 authorizing the operation of a massage establishment
4015 during specified times if a massage is prescribed by
4016 an independent advanced practice registered nurse;
4017 amending s. 483.041, F.S.; revising the definition of
4018 the term "licensed practitioner" to include a
4019 physician assistant and an independent advanced
4020 practice registered nurse; amending s. 483.181, F.S.;;
4021 requiring clinical laboratories to accept a human
4022 specimen submitted by an independent advanced practice
4023 registered nurse; amending s. 486.021, F.S.;;
4024 authorizing a physical therapist to implement a plan
4025 of treatment provided by an independent advanced
4026 practice registered nurse; amending s. 490.012, F.S.;;
4027 allowing certain qualified independent advanced
4028 practice registered nurses to use the word, or a form
4029 of the word, "psychotherapy"; amending s. 491.0057,
4030 F.S.; authorizing certain qualified independent
4031 advanced practice registered nurses to be licensed as
4032 marriage and family therapists; amending s. 491.012,
4033 F.S.; authorizing certain qualified independent
4034 advanced practice registered nurses to use specified
4035 terms; amending s. 493.6108, F.S.; authorizing an

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Page 157 of 161

Amendment No.

4036 independent advanced practice registered nurse to
4037 certify the physical fitness of a certain class of
4038 applicants to bear a weapon or firearm; amending s.
4039 626.9707, F.S.; including independent advanced
4040 practice registered nurses in a list of entities and
4041 individuals that are protected from insurer
4042 discrimination when providing services to a person
4043 with the sickle-cell trait; amending s. 627.6471,
4044 F.S.; requiring insurers to provide eligibility
4045 criteria for certain qualified independent advanced
4046 practice registered nurses under certain
4047 circumstances; amending s. 627.6472, F.S.; requiring
4048 insurers to provide eligibility criteria for certain
4049 qualified independent advanced practice registered
4050 nurses under certain circumstances; prohibiting an
4051 exclusive provider organization from discriminating
4052 against participation by an independent advanced
4053 practice registered nurse; amending s. 627.736, F.S.;
4054 requiring personal injury protection insurance to
4055 cover a certain percentage of medical services and
4056 care provided by an independent advanced practice
4057 registered nurse, a practitioner supervised by an
4058 independent advanced practice registered nurse, or an
4059 entity wholly owned by one or more independent
4060 advanced practice registered nurses; reimbursing
4061 independent advanced practice registered nurses up to

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Page 158 of 161

Amendment No.

4062 a specified amount for providing medical services and
4063 care; amending s. 633.412, F.S.; authorizing an
4064 independent advanced practice registered nurse to
4065 medically examine an applicant for firefighter
4066 certification; amending s. 641.3923, F.S.; prohibiting
4067 a health maintenance organization from discriminating
4068 against the participation of a physician assistant or
4069 an independent advanced practice registered nurse;
4070 amending s. 641.495, F.S.; requiring a health
4071 maintenance organization to disclose in certain
4072 documents that certain services may be provided by
4073 independent advanced practice registered nurses;
4074 amending s. 744.331, F.S.; including a physician
4075 assistant as an eligible member of an examining
4076 committee; conforming terminology; amending s.
4077 744.703, F.S.; adding independent advanced practice
4078 registered nurses to a list of authorized
4079 professionals with whom a public guardian may contract
4080 to carry out guardianship functions; amending s.
4081 766.102, F.S.; providing requirements for
4082 qualification as an expert witness in a medical
4083 negligence case concerning the standard of care for an
4084 independent advanced practice registered nurse and an
4085 advanced practice registered nurse; amending s.
4086 766.103, F.S.; prohibiting recovery of damages against
4087 an independent advanced practice registered nurse

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Page 159 of 161

Amendment No.

4088 under certain conditions; amending s. 766.1116, F.S.;

4089 revising the definition of the term "health care

4090 practitioner" to include an independent advanced

4091 practice registered nurse; amending s. 766.118, F.S.;

4092 revising the definition of the term "practitioner" to

4093 include an independent advanced practice registered

4094 nurse; amending s. 768.135, F.S.; providing immunity

4095 from liability for an independent advanced practice

4096 registered nurse who provides volunteer services under

4097 certain circumstances; amending s. 782.071, F.S.;

4098 allowing an independent advanced practice registered

4099 nurse or an advanced practice registered nurse to

4100 supervise a person who is completing community service

4101 hours in a trauma center or hospital; amending s.

4102 794.08, F.S.; providing that the section does not

4103 apply to procedures conducted by an independent

4104 advanced practice registered nurse under certain

4105 circumstances; amending s. 893.02, F.S.; revising the

4106 definition of the term "practitioner" to include a

4107 physician assistant, an independent advanced practice

4108 registered nurse, and an advanced practice registered

4109 nurse; amending s. 943.13, F.S.; authorizing a law

4110 enforcement officer or correctional officer to satisfy

4111 qualifications for employment or appointment by

4112 passing a physical examination conducted by an

4113 independent advanced practice registered nurse;

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM

Page 160 of 161

Amendment No.

4114 amending s. 945.603, F.S.; authorizing the
4115 Correctional Medical Authority to review and make
4116 recommendations relating to the use of advanced
4117 practice registered nurses as physician extenders;
4118 amending ss. 1002.20 and 1002.42, F.S.; including
4119 independent advanced practice registered nurses in a
4120 list of individuals who have immunity relating to the
4121 use of epinephrine auto-injectors in public and
4122 private schools; amending s. 1006.062, F.S.;
4123 authorizing nonmedical assistive personnel to perform
4124 health services if trained by an independent advanced
4125 practice registered nurse; requiring monitoring of
4126 such personnel by an independent advanced practice
4127 registered nurse; including independent advanced
4128 practice registered nurses in a list of practitioners
4129 who must determine whether such personnel may perform
4130 certain invasive medical services; amending s.
4131 1006.20, F.S.; authorizing an independent advanced
4132 practice registered nurse to medically evaluate a
4133 student athlete; amending ss. 110.12315, 252.515,
4134 395.602, 397.427, 456.0391, 456.0392, 456.041,
4135 458.331, 459.015, 464.004, 467.003, 483.801, 960.28,
4136 1009.65, 1009.66, and 1009.67, F.S.; conforming
4137 terminology; providing an effective date.

706771 - h0547-strike.docx

Published On: 3/17/2015 5:45:31 PM