

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

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

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

79 | 382.008, F.S.; authorizing an independent advanced
80 | practice nurse or an advanced practice registered
81 | nurse to file a certificate of death or fetal death
82 | under certain circumstances; authorizing a certified
83 | nurse midwife to provide certain information to a
84 | funeral director within a specified time period;
85 | revising the definition of the term "primary or
86 | attending physician"; amending s. 383.14, F.S.;
87 | authorizing the release of certain newborn tests and
88 | screening results to an independent advanced practice
89 | registered nurse; amending s. 390.0111, F.S.;
90 | including an independent advanced practice registered
91 | nurse in a list of health care practitioners
92 | authorized to review an ultrasound with a woman prior
93 | to an abortion procedure; amending s. 390.012, F.S.;
94 | including an independent advanced practice registered
95 | nurse in a list of health care practitioners
96 | authorized to provide postoperative monitoring and
97 | required to be available throughout an abortion
98 | procedure, remain at the abortion clinic until all
99 | patients are discharged, and attempt to assess the
100 | patient's recovery within a specified time; amending
101 | s. 394.455, F.S.; revising the definition of the term
102 | "psychiatric nurse" to include an independent advanced
103 | practice registered nurse certified in a specified
104 | specialty; amending s. 394.463, F.S.; authorizing an

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

131 advanced practice registered nurse; amending s.
132 400.021, F.S.; revising the definition of the term
133 "geriatric outpatient clinic" to include a site
134 staffed by an independent advanced practice registered
135 nurse; amending s. 400.0255, F.S.; including
136 independent advanced practice registered nurses in a
137 list of health care practitioners who must sign a
138 notice of discharge or transfer; amending s. 400.172,
139 F.S.; including independent advanced practice
140 registered nurses and advanced practice registered
141 nurses in a list of health care practitioners who may
142 provide a prospective respite care resident with
143 certain medical information; amending s. 400.462,
144 F.S.; defining the term "independent advanced practice
145 registered nurse"; amending s. 400.487, F.S.;
146 including independent advanced practice registered
147 nurses in a list of health care practitioners who must
148 establish treatment orders for certain patients under
149 certain circumstances; amending s. 400.506, F.S.;
150 applying medical treatment plan requirements to
151 independent advanced practice registered nurses;
152 amending s. 400.9905, F.S.; exempting entities where
153 health care services are provided by independent
154 advanced practice registered nurses from clinic
155 licensure requirements; amending s. 401.445, F.S.;
156 prohibiting recovery of damages in court against an

157 independent advanced practice registered nurse under
158 certain circumstances; requiring an independent
159 advanced practice registered nurse to attempt to
160 obtain a person's consent prior to providing emergency
161 services; amending ss. 409.905 and 409.908, F.S.;
162 requiring the agency to reimburse independent advanced
163 practice registered nurses for providing certain
164 mandatory Medicaid services; amending s. 409.9081,
165 F.S.; requiring copayments under the Medicaid program
166 to be paid for independent advanced practice
167 registered nurse services; amending s. 409.973, F.S.;
168 requiring managed care plans to cover independent
169 advanced practice registered nurse services; amending
170 s. 429.26, F.S.; prohibiting independent advanced
171 practice registered nurses from having a financial
172 interest in the assisted living facility that employs
173 them; including independent advanced practice
174 registered nurses in a list of health care
175 practitioners from whom an assisted living facility
176 resident may obtain an examination prior to admission;
177 amending s. 429.918, F.S.; revising the definition of
178 the term "ADRD participant" to include participants
179 who have a documented diagnosis of Alzheimer's disease
180 or a dementia-related disorder from an independent
181 advanced practice registered nurse; including
182 independent advanced practice registered nurses in a

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

207 providing certain requirements for independent
 208 advanced practice registered nurses and advanced

209 practice registered nurses who prescribe controlled
210 substances for the treatment of chronic nonmalignant
211 pain; amending ss. 458.3265 and 459.0137, F.S.;
212 requiring an independent advanced practice registered
213 nurse to perform a physical examination of a patient
214 at a pain-management clinic under certain
215 circumstances; amending ss. 458.348 and 459.025, F.S.;
216 deleting obsolete provisions; amending s. 464.0205,
217 F.S.; authorizing an independent advanced practice
218 registered nurse to directly supervise a certified
219 retired volunteer nurse; amending s. 480.0475;
220 authorizing the operation of a massage establishment
221 during specified times if a massage is prescribed by
222 an independent advanced practice registered nurse;
223 amending s. 483.041, F.S.; revising the definition of
224 the term "licensed practitioner" to include an
225 independent advanced practice registered nurse;
226 amending s. 483.181, F.S.; requiring clinical
227 laboratories to accept a human specimen submitted by
228 an independent advanced practice registered nurse;
229 amending s. 486.021, F.S.; authorizing a physical
230 therapist to implement a plan of treatment provided by
231 an independent advanced practice registered nurse;
232 amending s. 490.012, F.S.; allowing certain qualified
233 independent advanced practice registered nurses to use
234 the word, or a form of the word, "psychotherapy";

235 amending s. 491.0057, F.S.; authorizing certain
236 qualified independent advanced practice registered
237 nurses to be licensed as marriage and family
238 therapists; amending s. 491.012, F.S.; authorizing
239 certain qualified independent advanced practice
240 registered nurses to use specified terms; amending s.
241 493.6108, F.S.; authorizing an independent advanced
242 practice registered nurse to certify the physical
243 fitness of a certain class of applicants to bear a
244 weapon or firearm; amending s. 626.9707, F.S.;
245 including independent advanced practice registered
246 nurses in a list of entities and individuals that are
247 protected from insurer discrimination when providing
248 services to a person with the sickle-cell trait;
249 amending s. 627.6471, F.S.; requiring insurers to
250 provide eligibility criteria for certain qualified
251 independent advanced practice registered nurses under
252 certain circumstances; amending s. 627.6472, F.S.;
253 requiring insurers to provide eligibility criteria for
254 certain qualified independent advanced practice
255 registered nurses under certain circumstances;
256 prohibiting an exclusive provider organization from
257 discriminating against participation by an independent
258 advanced practice registered nurse; amending s.
259 627.736, F.S.; requiring personal injury protection
260 insurance to cover a certain percentage of medical

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

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

313 passing a physical examination conducted by an
314 independent advanced practice registered nurse;
315 amending s. 945.603, F.S.; authorizing the
316 Correctional Medical Authority to review and make
317 recommendations relating to the use of advanced
318 practice registered nurses as physician extenders;
319 amending ss. 1002.20 and 1002.42, F.S.; including
320 independent advanced practice registered nurses in a
321 list of individuals who have immunity relating to the
322 use of epinephrine auto-injectors in public and
323 private schools; amending s. 1006.062, F.S.;
324 authorizing nonmedical assistive personnel to perform
325 health services if trained by an independent advanced
326 practice registered nurse; requiring monitoring of
327 such personnel by an independent advanced practice
328 registered nurse; including independent advanced
329 practice registered nurses in a list of practitioners
330 who must determine whether such personnel may perform
331 certain invasive medical services; amending s.
332 1006.20, F.S.; authorizing an independent advanced
333 practice registered nurse to medically evaluate a
334 student athlete; amending ss. 110.12315, 252.515,
335 395.602, 397.427, 456.0391, 456.0392, 456.041,
336 458.331, 459.015, 464.004, 467.003, 483.801, 744.331,
337 960.28, 1009.65, 1009.66, and 1009.67, F.S.;
338 conforming terminology; providing an effective date.

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

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

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

(2) "Advanced or specialized nursing practice" or "to practice advanced or specialized nursing" means, in addition to the practice of professional nursing, the performance of advanced-level nursing acts approved by the board which, by virtue of postbasic specialized education, training, and experience, are appropriately performed by an independent advanced practice registered nurse or an advanced practice registered nurse practitioner. Within the context of advanced or specialized nursing practice, the independent advanced practice registered nurse and the advanced practice registered nurse practitioner may perform acts of nursing diagnosis and nursing treatment of alterations of the health status. The independent advanced practice registered nurse and the advanced practice registered nurse practitioner may also perform acts of medical diagnosis, and treatment, prescription, and operation which are identified and approved by a joint committee composed of three members appointed by the Board of Nursing, one of whom must be

365 an independent advanced practice registered nurse and one ~~two~~ of
366 whom must be an advanced practice registered nurse
367 ~~practitioners~~; three members appointed by the Board of Medicine,
368 two of whom must have had work experience with advanced practice
369 registered nurses ~~nurse practitioners~~; and the State Surgeon
370 General or the State Surgeon General's designee. Each committee
371 member appointed by a board shall be appointed to a term of 4
372 years unless a shorter term is required to establish or maintain
373 staggered terms. The Board of Nursing shall adopt rules
374 authorizing the performance of any such acts approved by the
375 joint committee. Unless otherwise specified by the joint
376 committee and unless such acts are performed by independent
377 advanced practice registered nurses, such medical acts must be
378 performed under the general supervision of a practitioner
379 licensed under chapter 458, chapter 459, or chapter 466 within
380 the framework of standing protocols which identify the medical
381 acts to be performed and the conditions for their performance.
382 The department may, by rule, require that a copy of the protocol
383 be filed with the department along with the notice required by
384 s. 458.348 or s. 459.025.

385 (3) "Advanced practice registered nurse ~~practitioner~~"
386 means any person licensed in this state to practice professional
387 nursing and certified in advanced or specialized nursing
388 practice, including certified registered nurse anesthetists,
389 certified nurse midwives, and certified nurse practitioners.

390 (16) "Independent advanced practice registered nurse"

391 means an advanced practice registered nurse who maintains an
 392 active and unencumbered certification under s. 464.012(2) and
 393 registration under s. 464.0125 to practice advanced or
 394 specialized nursing independently and without the supervision of
 395 a physician or a protocol.

396 (21)~~(20)~~ "Practice of professional nursing" means the
 397 performance of those acts requiring substantial specialized
 398 knowledge, judgment, and nursing skill based upon applied
 399 principles of psychological, biological, physical, and social
 400 sciences, which shall include, but not be limited to:

401 (a) The observation, assessment, nursing diagnosis,
 402 planning, intervention, and evaluation of care; health teaching
 403 and counseling of the ill, injured, or infirm; and the promotion
 404 of wellness, maintenance of health, and prevention of illness of
 405 others.

406 (b) The prescribing and administration of medications and
 407 treatments as ~~prescribed or~~ authorized by a ~~duly licensed~~
 408 ~~practitioner authorized by~~ the laws of this state ~~to prescribe~~
 409 ~~such medications and treatments.~~

410 (c) The supervision and teaching of other personnel in the
 411 theory and performance of any of the acts described in this
 412 subsection.

413
 414 A professional nurse is responsible and accountable for making
 415 decisions that are based upon the individual's educational
 416 preparation and experience in nursing.

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417 ~~(23)(22)~~ "Registered nurse" means any person licensed in
418 this state to practice professional nursing, except such
419 licensed person may only administer medications and treatments
420 authorized by a duly licensed practitioner authorized by the
421 laws of this state to prescribe such medications and treatments.

422 Section 2. Section 464.012, Florida Statutes, is amended
423 to read:

424 464.012 Certification of advanced practice registered
425 nurses ~~nurse practitioners~~; fees.-

426 (1) Any nurse desiring to be certified as an advanced
427 practice registered nurse ~~practitioner~~ shall apply to the board
428 ~~department~~ and submit proof that the nurse ~~he or she~~ holds a
429 current license to practice professional nursing and that the
430 nurse ~~he or she~~ meets ~~one or more of~~ the following requirements
431 ~~as determined by the board:~~

432 ~~(a) Satisfactory completion of a formal postbasic~~
433 ~~educational program of at least one academic year, the primary~~
434 ~~purpose of which is to prepare nurses for advanced or~~
435 ~~specialized practice.~~

436 ~~(a)(b)~~ Certification by an appropriate specialty board.
437 Such certification shall be required for initial state
438 certification and any recertification as a nurse practitioner,
439 registered nurse anesthetist, or nurse midwife. The board may by
440 rule provide for provisional state certification of graduate
441 nurse practitioners, nurse anesthetists, and nurse midwives for
442 a period of time determined to be appropriate for preparing for

443 and passing the national certification examination.

444 ~~(b)(e)~~ Graduation from a ~~program leading to a~~ master's
445 degree program in a nursing clinical specialty area with
446 preparation in specialized practitioner skills. ~~For applicants~~
447 ~~graduating on or after October 1, 1998, graduation from a~~
448 ~~master's degree program shall be required for initial~~
449 ~~certification as a nurse practitioner under paragraph (4)(c).~~
450 ~~For applicants graduating on or after October 1, 2001,~~
451 ~~graduation from a master's degree program shall be required for~~
452 ~~initial certification as a registered nurse anesthetist under~~
453 ~~paragraph (4)(a).~~

454 (2) The board shall provide by rule the appropriate
455 requirements for advanced practice registered nurses ~~nurse~~
456 ~~practitioners~~ in the categories of certified registered nurse
457 anesthetist, certified nurse midwife, and certified nurse
458 practitioner.

459 (3) An advanced practice registered nurse ~~practitioner~~
460 shall perform those functions authorized in this section within
461 the framework of an established protocol that is filed with the
462 board upon biennial license renewal and within 30 days after
463 entering into a supervisory relationship with a physician or
464 changes to the protocol. The board shall review the protocol to
465 ensure compliance with applicable regulatory standards for
466 protocols. The board shall refer to the department licensees
467 submitting protocols that are not compliant with the regulatory
468 standards for protocols. A practitioner currently licensed under

469 chapter 458, chapter 459, or chapter 466 shall maintain
 470 supervision for directing the specific course of medical
 471 treatment. Within the established framework, an advanced
 472 practice registered nurse ~~practitioner~~ may:

- 473 (a) Monitor and alter drug therapies.
- 474 (b) Initiate appropriate therapies for certain conditions.
- 475 (c) Perform additional functions as may be determined by
 476 rule in accordance with s. 464.003(2).
- 477 (d) Order diagnostic tests and physical and occupational
 478 therapy.
- 479 (e) Administer, dispense, and prescribe medicinal drugs,
 480 including controlled substances.

481 (4) In addition to the general functions specified in
 482 subsection (3), an advanced practice registered nurse
 483 ~~practitioner~~ may perform the following acts within his or her
 484 specialty:

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

- 489 1. Determine the health status of the patient as it
 490 relates to the risk factors and to the anesthetic management of
 491 the patient through the performance of the general functions.
- 492 2. Based on history, physical assessment, and supplemental
 493 laboratory results, determine, with the consent of the
 494 responsible physician, the appropriate type of anesthesia within

495 the framework of the protocol.

496 3. Order under the protocol preanesthetic medication.

497 4. Perform under the protocol procedures commonly used to
498 render the patient insensible to pain during the performance of
499 surgical, obstetrical, therapeutic, or diagnostic clinical
500 procedures. These procedures include ordering and administering
501 regional, spinal, and general anesthesia; inhalation agents and
502 techniques; intravenous agents and techniques; and techniques of
503 hypnosis.

504 5. Order or perform monitoring procedures indicated as
505 pertinent to the anesthetic health care management of the
506 patient.

507 6. Support life functions during anesthesia health care,
508 including induction and intubation procedures, the use of
509 appropriate mechanical supportive devices, and the management of
510 fluid, electrolyte, and blood component balances.

511 7. Recognize and take appropriate corrective action for
512 abnormal patient responses to anesthesia, adjunctive medication,
513 or other forms of therapy.

514 8. Recognize and treat a cardiac arrhythmia while the
515 patient is under anesthetic care.

516 9. Participate in management of the patient while in the
517 postanesthesia recovery area, including ordering the
518 administration of fluids and drugs.

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

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

- 527 1. Perform superficial minor surgical procedures.
- 528 2. Manage the patient during labor and delivery to include
 529 amniotomy, episiotomy, and repair.
- 530 3. Order, initiate, and perform appropriate anesthetic
 531 procedures.
- 532 4. Perform postpartum examination.
- 533 5. Order appropriate medications.
- 534 6. Provide family-planning services and well-woman care.
- 535 7. Manage the medical care of the normal obstetrical
 536 patient and the initial care of a newborn patient.

537 (c) The certified nurse practitioner may perform any or
 538 all of the following acts within the framework of established
 539 protocol:

- 540 1. Manage selected medical problems.
- 541 2. Order physical and occupational therapy.
- 542 3. Initiate, monitor, or alter therapies for certain
 543 uncomplicated acute illnesses.
- 544 4. Monitor and manage patients with stable chronic
 545 diseases.
- 546 5. Establish behavioral problems and diagnosis and make

547 treatment recommendations.

548 (5) The board shall certify, and the department shall
 549 issue a certificate to, any nurse meeting the qualifications in
 550 this section. The board shall establish an application fee not
 551 to exceed \$100 and a biennial renewal fee not to exceed \$50. The
 552 board is authorized to adopt such other rules as are necessary
 553 to implement the provisions of this section.

554 Section 3. Section 464.0125, Florida Statutes, is created
 555 to read:

556 464.0125 Registration of independent advanced practice
 557 registered nurses; fees.—

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

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

565 (b) Not been subject to any disciplinary action under s.
 566 464.018 or s. 456.072, or any similar disciplinary action in any
 567 other jurisdiction, during the 5 years immediately preceding the
 568 submission of the application.

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

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

573 (3) An independent advanced practice registered nurse may
574 perform, without physician supervision or a protocol, the
575 functions authorized in s. 464.012(3), the acts within his or
576 her specialty as described in s. 464.012(4), and any of the
577 following:

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

580 1. Admit the patient to the facility.

581 2. Manage the care that the patient receives in the
582 facility.

583 3. Discharge the patient from the facility.

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

587 (4) An advanced practice registered nurse registered under
588 this section must submit to the department proof of registration
589 along with the information required under s. 456.0391, and the
590 department shall include the registration in the advanced
591 practice registered nurse's practitioner profile created
592 pursuant to s. 456.041.

593 (5) To be eligible for biennial renewal of registration,
594 an independent advanced practice registered nurse must complete
595 at least 10 hours of continuing education approved by the board
596 in pharmacology in addition to completing the continuing
597 education requirements established by board rule pursuant to s.
598 464.013. The biennial renewal for registration shall coincide

599 with the independent advanced practice registered nurse's
600 biennial renewal period for advanced practice registered nurse
601 certification. If the initial renewal period occurs before
602 January 1, 2016, an independent advanced practice registered
603 nurse is not required to complete the continuing education
604 requirement under this subsection until the following biennial
605 renewal period.

606 (6) The board shall register any nurse meeting the
607 qualifications in this section. The board shall establish an
608 application fee not to exceed \$100 and a biennial renewal fee
609 not to exceed \$50. The board is authorized to adopt rules as
610 necessary to implement this section.

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

613 464.015 Titles and abbreviations; restrictions; penalty.-

614 (8) Only a person certified under s. 464.012 ~~persons who~~
615 ~~hold valid certificates to practice as an advanced practice~~
616 ~~registered nurse practitioners~~ in this state may use the title
617 "Advanced Practice Registered Nurse Practitioner" and the
618 abbreviation "A.P.R.N." Only a person registered under s.
619 464.0125 to practice as an independent advanced practice
620 registered nurse in this state may use the title "Independent
621 Advanced Practice Registered Nurse" and the abbreviation
622 "I.A.P.R.N." "A.R.N.P."

623 (9) A person may not practice or advertise as, or assume
624 the title of, registered nurse, licensed practical nurse,

625 clinical nurse specialist, certified registered nurse
 626 anesthetist, certified nurse midwife, certified nurse
 627 practitioner, ~~or~~ advanced practice registered nurse, or
 628 independent advanced practice registered nurse practitioner or
 629 use the abbreviation "R.N.," "L.P.N.," "C.N.S.," "C.R.N.A.,"
 630 "C.N.M.," "C.N.P.," "A.P.R.N.," or "I.A.P.R.N." "~~A.R.N.P.~~" or
 631 take any other action that would lead the public to believe that
 632 person was certified or registered as such or is performing
 633 nursing services pursuant to the exception set forth in s.
 634 464.022(8), unless that person is licensed, ~~or~~ certified, or
 635 registered to practice as such.

636 Section 5. Section 464.0155, Florida Statutes, is created
 637 to read:

638 464.0155 Reports of adverse incidents by independent
 639 advanced practice registered nurses.-

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

643 (2) The report must be in writing, sent to the department
 644 by certified mail, and postmarked within 15 days after the
 645 adverse incident if the adverse incident occurs when the patient
 646 is at the office of the independent advanced practice registered
 647 nurse. If the adverse incident occurs when the patient is not at
 648 the office of the independent advanced practice registered
 649 nurse, the report must be postmarked within 15 days after the
 650 independent advanced practice registered nurse discovers, or

651 reasonably should have discovered, the occurrence of the adverse
652 incident.

653 (3) For the purpose of this section, the term "adverse
654 incident" means any of the following events when it is
655 reasonable to believe that the event is attributable to the
656 prescription of a controlled substance by the independent
657 advanced practice registered nurse:

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

660 (b) Permanent physical injury to the patient.

661 (c) Death of the patient.

662 (4) The department shall review each adverse incident and
663 determine whether the independent advanced practice registered
664 nurse caused the adverse incident. The board may take
665 disciplinary action upon such a finding, in which case s.
666 456.073 applies.

667 Section 6. Paragraph (a) of subsection (2) of section
668 464.016, Florida Statutes, is amended to read:

669 464.016 Violations and penalties.—

670 (2) Each of the following acts constitutes a misdemeanor
671 of the first degree, punishable as provided in s. 775.082 or s.
672 775.083:

673 (a) Using the name or title "Nurse," "Registered Nurse,"
674 "Licensed Practical Nurse," "Clinical Nurse Specialist,"
675 "Certified Registered Nurse Anesthetist," "Certified Nurse
676 Midwife," "Certified Nurse Practitioner," "Advanced Practice

677 Registered Nurse ~~Practitioner,~~ "Independent Advanced Practice
 678 Registered Nurse," or any other name or title that ~~which~~ implies
 679 that a person was licensed, ~~or~~ certified, or registered as same,
 680 unless such person is duly licensed, ~~or~~ certified, or
 681 registered.

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

684 464.018 Disciplinary actions.—

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

687 (p) Prescribing, dispensing, administering, mixing, or
 688 otherwise preparing a legend drug, including any controlled
 689 substance, other than in the course of the professional practice
 690 of the independent advanced practice registered nurse or
 691 advanced practice registered nurse. For the purposes of this
 692 paragraph, it shall be legally presumed that prescribing,
 693 dispensing, administering, mixing, or otherwise preparing legend
 694 drugs, including all controlled substances, inappropriately or
 695 in excessive or inappropriate quantities is not in the best
 696 interest of the patient and is not in the course of the
 697 professional practice of the independent advanced practice
 698 registered nurse or advanced practice registered nurse, without
 699 regard to the nurse's intent.

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

702 (r) Presigning blank prescription forms.

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

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

709 1. The treatment of narcolepsy; hyperkinesis; behavioral
710 syndrome characterized by the developmentally inappropriate
711 symptoms of moderate to severe distractability, short attention
712 span, hyperactivity, emotional liability, and impulsivity; or
713 drug-induced brain dysfunction;

714 2. The differential diagnostic psychiatric evaluation of
715 depression or the treatment of depression shown to be refractory
716 to other therapeutic modalities; or

717 3. The clinical investigation of the effects of such drugs
718 or compounds when an investigative protocol therefor is
719 submitted to, reviewed, and approved by the board before such
720 investigation begins.

721 (u) Prescribing, ordering, dispensing, administering,
722 supplying, selling, or giving growth hormones, testosterone or
723 its analogs, human chorionic gonadotropin (HCG), or other
724 hormones for the purpose of muscle building or to enhance
725 athletic performance. For the purposes of this paragraph, the
726 term "muscle building" does not include the treatment of injured
727 muscle. A prescription written for the drug products listed in
728 this paragraph may be dispensed by the pharmacist with the

729 presumption that the prescription is for legitimate medical use.

730 (v) Prescribing, ordering, dispensing, administering,
 731 supplying, selling, or giving amygdalin (laetrile) to any
 732 person.

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

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

739 (y) Prescribing or dispensing any medicinal drug appearing
 740 on any schedule set forth in chapter 893 by the independent
 741 advanced practice registered nurse or the advanced practice
 742 registered nurse for himself or herself or administering any
 743 such drug by the nurse to himself or herself unless such drug is
 744 prescribed for the nurse by another practitioner authorized to
 745 prescribe medicinal drugs.

746 (z) For an independent advanced practice registered nurse
 747 registered under s. 464.0125:

748 1. Paying or receiving any commission, bonus, kickback, or
 749 rebate, or engaging in any split-fee arrangement in any form
 750 whatsoever with a health care practitioner, organization,
 751 agency, or person, either directly or indirectly, for patients
 752 referred to providers of health care goods and services,
 753 including, but not limited to, hospitals, nursing homes,
 754 clinical laboratories, ambulatory surgical centers, or

755 pharmacies. The provisions of this subparagraph may not be
756 construed to prevent an independent advanced practice registered
757 nurse from receiving a fee for professional consultation
758 services.

759 2. Exercising influence within a patient-independent
760 advanced practice registered nurse relationship for purposes of
761 engaging a patient in sexual activity. A patient shall be
762 presumed to be incapable of giving free, full, and informed
763 consent to sexual activity with his or her independent advanced
764 practice registered nurse.

765 3. Making deceptive, untrue, or fraudulent representations
766 in or related to the practice of advanced or specialized nursing
767 or employing a trick or scheme in the practice of advanced or
768 specialized nursing.

769 4. Soliciting patients, either personally or through an
770 agent, through the use of fraud, intimidation, undue influence,
771 or a form of overreaching or vexatious conduct. A solicitation
772 is any communication that directly or implicitly requests an
773 immediate oral response from the recipient.

774 5. Failing to keep legible, as defined by department rule
775 in consultation with the board, medical records that identify
776 the independent advanced practice registered nurse by name and
777 professional title who is responsible for rendering, ordering,
778 supervising, or billing for each diagnostic or treatment
779 procedure and that justify the course of treatment of the
780 patient, including, but not limited to, patient histories;

781 examination results; test results; records of drugs prescribed,
782 dispensed, or administered; and reports of consultations or
783 referrals.

784 6. Exercising influence on a patient or client in a manner
785 as to exploit the patient or client for financial gain of the
786 licensee or of a third party, which shall include, but not be
787 limited to, the promoting or selling of services, goods,
788 appliances, or drugs.

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

792 8. Performing any procedure or prescribing any therapy
793 that, by the prevailing standards of advanced or specialized
794 nursing practice in the community, would constitute
795 experimentation on a human subject, without first obtaining
796 full, informed, and written consent.

797 9. Delegating professional responsibilities to a person
798 when the licensee delegating the responsibilities knows or has
799 reason to know that the person is not qualified by training,
800 experience, or licensure to perform the responsibilities.

801 10. Conspiring with another independent advanced practice
802 registered nurse or with any other person to commit an act, or
803 committing an act, which would tend to coerce, intimidate, or
804 preclude another independent advanced practice registered nurse
805 from lawfully advertising his or her services.

806 11. Advertising or holding oneself out as having

807 certification in a specialty that the independent advanced
 808 practice registered nurse has not received.

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

812 13. Providing deceptive or fraudulent expert witness
 813 testimony related to the advanced or specialized practice of
 814 nursing.

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

818 39.303 Child protection teams; services; eligible cases.-
 819 The Children's Medical Services Program in the Department of
 820 Health shall develop, maintain, and coordinate the services of
 821 one or more multidisciplinary child protection teams in each of
 822 the service districts of the Department of Children and
 823 Families. Such teams may be composed of appropriate
 824 representatives of school districts and appropriate health,
 825 mental health, social service, legal service, and law
 826 enforcement agencies. The Department of Health and the
 827 Department of Children and Families shall maintain an
 828 interagency agreement that establishes protocols for oversight
 829 and operations of child protection teams and sexual abuse
 830 treatment programs. The State Surgeon General and the Deputy
 831 Secretary for Children's Medical Services, in consultation with
 832 the Secretary of Children and Families, shall maintain the

833 responsibility for the screening, employment, and, if necessary,
834 the termination of child protection team medical directors, at
835 headquarters and in the 15 districts. Child protection team
836 medical directors shall be responsible for oversight of the
837 teams in the districts.

838 (3) All abuse and neglect cases transmitted for
839 investigation to a district by the hotline must be
840 simultaneously transmitted to the Department of Health child
841 protection team for review. For the purpose of determining
842 whether face-to-face medical evaluation by a child protection
843 team is necessary, all cases transmitted to the child protection
844 team which meet the criteria in subsection (2) must be timely
845 reviewed by:

846 (c) An advanced practice registered nurse certified, or an
847 independent advanced practice registered nurse registered,
848 ~~practitioner licensed~~ under chapter 464 who has a specialty in
849 pediatrics or family medicine and is a member of a child
850 protection team;

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

853 (a) The child was examined for the alleged abuse or
854 neglect by a physician or an independent advanced practice
855 registered nurse who is not a member of the child protection
856 team, and a consultation between the child protection team
857 board-certified pediatrician, advanced practice registered nurse
858 ~~practitioner~~, physician assistant working under the supervision

859 of a child protection team board-certified pediatrician, or
 860 registered nurse working under the direct supervision of a child
 861 protection team board-certified pediatrician, and the examining
 862 practitioner ~~physician~~ concludes that a further medical
 863 evaluation is unnecessary;

864
 865 Notwithstanding paragraphs (a), (b), and (c), a child protection
 866 team pediatrician, as authorized in subsection (3), may
 867 determine that a face-to-face medical evaluation is necessary.

868 Section 9. Paragraph (b) of subsection (1) of section
 869 39.304, Florida Statutes, is amended to read:

870 39.304 Photographs, medical examinations, X rays, and
 871 medical treatment of abused, abandoned, or neglected child.—

872 (1)

873 (b) If the areas of trauma visible on a child indicate a
 874 need for a medical examination, or if the child verbally
 875 complains or otherwise exhibits distress as a result of injury
 876 through suspected child abuse, abandonment, or neglect, or is
 877 alleged to have been sexually abused, the person required to
 878 investigate may cause the child to be referred for diagnosis to
 879 a licensed physician, an independent advanced practice
 880 registered nurse, or an emergency department in a hospital
 881 without the consent of the child's parents or legal custodian.
 882 Such examination may be performed by a ~~any~~ licensed physician, a
 883 registered independent advanced practice registered nurse, or a
 884 certified ~~an~~ advanced practice registered nurse ~~practitioner~~

885 ~~licensed pursuant to part I of chapter 464. Any examining~~
 886 ~~practitioner licensed physician, or advanced registered nurse~~
 887 ~~practitioner licensed pursuant to part I of chapter 464,~~ who has
 888 reasonable cause to suspect that an injury was the result of
 889 child abuse, abandonment, or neglect may authorize a
 890 radiological examination to be performed on the child without
 891 the consent of the child's parent or legal custodian.

892 Section 10. Paragraph (a) of subsection (1) of section
 893 90.503, Florida Statutes, is amended to read:

894 90.503 Psychotherapist-patient privilege.-

895 (1) For purposes of this section:

896 (a) A "psychotherapist" is:

897 1. A person authorized to practice medicine in any state
 898 or nation, or reasonably believed by the patient so to be, who
 899 is engaged in the diagnosis or treatment of a mental or
 900 emotional condition, including alcoholism and other drug
 901 addiction;

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

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

911 4. Treatment personnel of facilities licensed by the state
 912 pursuant to chapter 394, chapter 395, or chapter 397, of
 913 facilities designated by the Department of Children and Families
 914 pursuant to chapter 394 as treatment facilities, or of
 915 facilities defined as community mental health centers pursuant
 916 to s. 394.907(1), who are engaged primarily in the diagnosis or
 917 treatment of a mental or emotional condition, including
 918 alcoholism and other drug addiction; or

919 5. An independent advanced practice registered nurse or
 920 advanced practice registered nurse ~~practitioner certified under~~
 921 ~~s. 464.012~~, whose primary scope of practice is the diagnosis or
 922 treatment of mental or emotional conditions, including chemical
 923 abuse, and limited only to actions performed in accordance with
 924 part I of chapter 464.

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

927 110.12315 Prescription drug program.—The state employees'
 928 prescription drug program is established. This program shall be
 929 administered by the Department of Management Services, according
 930 to the terms and conditions of the plan as established by the
 931 relevant provisions of the annual General Appropriations Act and
 932 implementing legislation, subject to the following conditions:

933 (3) ~~The department of Management Services~~ shall establish
 934 the reimbursement schedule for prescription pharmaceuticals
 935 dispensed under the program. Reimbursement rates for a
 936 prescription pharmaceutical must be based on the cost of the

937 generic equivalent drug if a generic equivalent exists, unless
938 the health care practitioner ~~physician~~ prescribing the
939 pharmaceutical clearly states on the prescription that the brand
940 name drug is medically necessary or that the drug product is
941 included on the formulary of drug products that may not be
942 interchanged as provided in chapter 465, in which case
943 reimbursement must be based on the cost of the brand name drug
944 as specified in the reimbursement schedule adopted by the
945 department ~~of Management Services~~.

946 Section 12. Paragraph (e) of subsection (8) of section
947 112.0455, Florida Statutes, is amended to read:

948 112.0455 Drug-Free Workplace Act.—

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

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

954 1. A physician, a physician ~~physician's~~ assistant, an
955 independent advanced practice registered nurse, an advanced
956 practice registered nurse, a registered ~~professional~~ nurse, a
957 licensed practical nurse, ~~a nurse practitioner,~~ or a certified
958 paramedic who is present at the scene of an accident for the
959 purpose of rendering emergency medical service or treatment.

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

961 Section 13. Paragraph (f) of subsection (3) of section
962 121.0515, Florida Statutes, is amended to read:

963 121.0515 Special Risk Class.—

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

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

- 971 1. Dietitian (class codes 5203 and 5204);
- 972 2. Public health nutrition consultant (class code 5224);
- 973 3. Psychological specialist (class codes 5230 and 5231);
- 974 4. Psychologist (class code 5234);
- 975 5. Senior psychologist (class codes 5237 and 5238);
- 976 6. Regional mental health consultant (class code 5240);
- 977 7. Psychological Services Director—DCF (class code 5242);
- 978 8. Pharmacist (class codes 5245 and 5246);
- 979 9. Senior pharmacist (class codes 5248 and 5249);
- 980 10. Dentist (class code 5266);
- 981 11. Senior dentist (class code 5269);
- 982 12. Registered nurse (class codes 5290 and 5291);
- 983 13. Senior registered nurse (class codes 5292 and 5293);
- 984 14. Registered nurse specialist (class codes 5294 and
985 5295);
- 986 15. Clinical associate (class codes 5298 and 5299);
- 987 16. Advanced practice registered nurse ~~practitioner~~ (class
988 codes 5297 and 5300);

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- 989 17. Advanced practice registered nurse ~~practitioner~~
 990 specialist (class codes 5304 and 5305);
- 991 18. Registered nurse supervisor (class codes 5306 and
 992 5307);
- 993 19. Senior registered nurse supervisor (class codes 5308
 994 and 5309);
- 995 20. Registered nursing consultant (class codes 5312 and
 996 5313);
- 997 21. Quality management program supervisor (class code
 998 5314);
- 999 22. Executive nursing director (class codes 5320 and
 1000 5321);
- 1001 23. Speech and hearing therapist (class code 5406); or
 1002 24. Pharmacy manager (class code 5251);
- 1003 Section 14. Paragraph (a) of subsection (3) of section
 1004 252.515, Florida Statutes, is amended to read:
- 1005 252.515 Postdisaster Relief Assistance Act; immunity from
 1006 civil liability.—
- 1007 (3) As used in this section, the term:
- 1008 (a) "Emergency first responder" means:
- 1009 1. A physician licensed under chapter 458.
 1010 2. An osteopathic physician licensed under chapter 459.
 1011 3. A chiropractic physician licensed under chapter 460.
 1012 4. A podiatric physician licensed under chapter 461.
 1013 5. A dentist licensed under chapter 466.
 1014 6. An advanced practice registered nurse ~~practitioner~~

1015 certified under s. 464.012.

1016 7. A physician assistant licensed under s. 458.347 or s.
1017 459.022.

1018 8. A worker employed by a public or private hospital in
1019 the state.

1020 9. A paramedic as defined in s. 401.23(17).

1021 10. An emergency medical technician as defined in s.
1022 401.23(11).

1023 11. A firefighter as defined in s. 633.102.

1024 12. A law enforcement officer as defined in s. 943.10.

1025 13. A member of the Florida National Guard.

1026 14. Any other personnel designated as emergency personnel
1027 by the Governor pursuant to a declared emergency.

1028 Section 15. Paragraph (c) of subsection (1) of section
1029 310.071, Florida Statutes, is amended to read:

1030 310.071 Deputy pilot certification.—

1031 (1) In addition to meeting other requirements specified in
1032 this chapter, each applicant for certification as a deputy pilot
1033 must:

1034 (c) Be in good physical and mental health, as evidenced by
1035 documentary proof of having satisfactorily passed a complete
1036 physical examination administered by a licensed physician or an
1037 independent advanced practice registered nurse within the
1038 preceding 6 months. The board shall adopt rules to establish
1039 requirements for passing the physical examination, which rules
1040 shall establish minimum standards for the physical or mental

1041 capabilities necessary to carry out the professional duties of a
 1042 certificated deputy pilot. Such standards shall include zero
 1043 tolerance for any controlled substance regulated under chapter
 1044 893 unless that individual is under the care of a physician, an
 1045 independent advanced practice registered nurse, or an advanced
 1046 practice registered nurse and that controlled substance was
 1047 prescribed by that physician, independent advanced practice
 1048 registered nurse, or advanced practice registered nurse. To
 1049 maintain eligibility as a certificated deputy pilot, each
 1050 certificated deputy pilot must annually provide documentary
 1051 proof of having satisfactorily passed a complete physical
 1052 examination administered by a licensed physician or an
 1053 independent advanced practice registered nurse. The examining
 1054 practitioner ~~physician~~ must know the minimum standards and
 1055 certify that the certificateholder satisfactorily meets the
 1056 standards. The standards for certificateholders shall include a
 1057 drug test.

1058 Section 16. Subsection (3) of section 310.073, Florida
 1059 Statutes, is amended to read:

1060 310.073 State pilot licensing.—In addition to meeting
 1061 other requirements specified in this chapter, each applicant for
 1062 license as a state pilot must:

1063 (3) Be in good physical and mental health, as evidenced by
 1064 documentary proof of having satisfactorily passed a complete
 1065 physical examination administered by a licensed physician or an
 1066 independent advanced practice registered nurse within the

1067 preceding 6 months. The board shall adopt rules to establish
 1068 requirements for passing the physical examination, which rules
 1069 shall establish minimum standards for the physical or mental
 1070 capabilities necessary to carry out the professional duties of a
 1071 licensed state pilot. Such standards shall include zero
 1072 tolerance for any controlled substance regulated under chapter
 1073 893 unless that individual is under the care of a physician, an
 1074 independent advanced practice registered nurse, or an advanced
 1075 practice registered nurse and that controlled substance was
 1076 prescribed by that physician, independent advanced practice
 1077 registered nurse, or advanced practice registered nurse. To
 1078 maintain eligibility as a licensed state pilot, each licensed
 1079 state pilot must annually provide documentary proof of having
 1080 satisfactorily passed a complete physical examination
 1081 administered by a licensed physician or an independent advanced
 1082 practice registered nurse. The examining practitioner ~~physician~~
 1083 must know the minimum standards and certify that the licensee
 1084 satisfactorily meets the standards. The standards for licensees
 1085 shall include a drug test.

1086 Section 17. Paragraph (b) of subsection (3) of section
 1087 310.081, Florida Statutes, is amended to read:

1088 310.081 Department to examine and license state pilots and
 1089 certificate deputy pilots; vacancies.—

1090 (3) Pilots shall hold their licenses or certificates
 1091 pursuant to the requirements of this chapter so long as they:

1092 (b) Are in good physical and mental health as evidenced by

1093 documentary proof of having satisfactorily passed a physical
1094 examination administered by a licensed physician, an independent
1095 advanced practice registered nurse, or a physician assistant
1096 within each calendar year. The board shall adopt rules to
1097 establish requirements for passing the physical examination,
1098 which rules shall establish minimum standards for the physical
1099 or mental capabilities necessary to carry out the professional
1100 duties of a licensed state pilot or a certificated deputy pilot.
1101 Such standards shall include zero tolerance for any controlled
1102 substance regulated under chapter 893 unless that individual is
1103 under the care of a physician, an independent advanced practice
1104 registered nurse, or an advanced practice registered nurse and
1105 that controlled substance was prescribed by that physician,
1106 independent advanced practice registered nurse, or advanced
1107 practice registered nurse. To maintain eligibility as a
1108 certificated deputy pilot or licensed state pilot, each
1109 certificated deputy pilot or licensed state pilot must annually
1110 provide documentary proof of having satisfactorily passed a
1111 complete physical examination administered by a licensed
1112 physician or an independent advanced practice registered nurse.
1113 The physician or independent advanced practice registered nurse
1114 must know the minimum standards and certify that the
1115 certificateholder or licensee satisfactorily meets the
1116 standards. The standards for certificateholders and for
1117 licensees shall include a drug test.

1118

1119 Upon resignation or in the case of disability permanently
1120 affecting a pilot's ability to serve, the state license or
1121 certificate issued under this chapter shall be revoked by the
1122 department.

1123 Section 18. Paragraph (b) of subsection (1) of section
1124 320.0848, Florida Statutes, is amended to read:

1125 320.0848 Persons who have disabilities; issuance of
1126 disabled parking permits; temporary permits; permits for certain
1127 providers of transportation services to persons who have
1128 disabilities.—

1129 (1)

1130 (b)1. The person must be currently certified as being
1131 legally blind or as having any of the following disabilities
1132 that render him or her unable to walk 200 feet without stopping
1133 to rest:

1134 a. Inability to walk without the use of or assistance from
1135 a brace, cane, crutch, prosthetic device, or other assistive
1136 device, or without the assistance of another person. If the
1137 assistive device significantly restores the person's ability to
1138 walk to the extent that the person can walk without severe
1139 limitation, the person is not eligible for the exemption parking
1140 permit.

1141 b. The need to permanently use a wheelchair.

1142 c. Restriction by lung disease to the extent that the
1143 person's forced (respiratory) expiratory volume for 1 second,
1144 when measured by spirometry, is less than 1 liter, or the

1145 person's arterial oxygen is less than 60 mm/hg on room air at
 1146 rest.

1147 d. Use of portable oxygen.

1148 e. Restriction by cardiac condition to the extent that the
 1149 person's functional limitations are classified in severity as
 1150 Class III or Class IV according to standards set by the American
 1151 Heart Association.

1152 f. Severe limitation in the person's ability to walk due
 1153 to an arthritic, neurological, or orthopedic condition.

1154 2. The certification of disability which is required under
 1155 subparagraph 1. must be provided by a physician licensed under
 1156 chapter 458, chapter 459, or chapter 460;; ~~by a podiatric~~
 1157 ~~physician licensed under chapter 461;~~ ~~by an optometrist~~
 1158 ~~licensed under chapter 463;~~ ~~by an independent advanced practice~~
 1159 ~~registered nurse registered, or an advanced practice registered~~
 1160 ~~nurse certified, practitioner licensed under part I of chapter~~
 1161 ~~464;~~ ~~under the protocol of a licensed physician as stated in~~
 1162 ~~this subparagraph,~~ by a physician assistant licensed under
 1163 chapter 458 or chapter 459;; ~~or by a similarly licensed~~
 1164 physician from another state if the application is accompanied
 1165 by documentation of the physician's licensure in the other state
 1166 and a form signed by the out-of-state physician verifying his or
 1167 her knowledge of this state's eligibility guidelines.

1168 Section 19. Paragraph (b) of subsection (1) of section
 1169 381.00315, Florida Statutes, is amended to read:

1170 381.00315 Public health advisories; public health

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1171 emergencies; quarantines.—The State Health Officer is
1172 responsible for declaring public health emergencies and
1173 quarantines and issuing public health advisories.

1174 (1) As used in this section, the term:

1175 (b) "Public health emergency" means any occurrence, or
1176 threat thereof, whether natural or man made, which results or
1177 may result in substantial injury or harm to the public health
1178 from infectious disease, chemical agents, nuclear agents,
1179 biological toxins, or situations involving mass casualties or
1180 natural disasters. Prior to declaring a public health emergency,
1181 the State Health Officer shall, to the extent possible, consult
1182 with the Governor and shall notify the Chief of Domestic
1183 Security. The declaration of a public health emergency shall
1184 continue until the State Health Officer finds that the threat or
1185 danger has been dealt with to the extent that the emergency
1186 conditions no longer exist and he or she terminates the
1187 declaration. However, a declaration of a public health emergency
1188 may not continue for longer than 60 days unless the Governor
1189 concurs in the renewal of the declaration. The State Health
1190 Officer, upon declaration of a public health emergency, may take
1191 actions that are necessary to protect the public health. Such
1192 actions include, but are not limited to:

1193 1. Directing manufacturers of prescription drugs or over-
1194 the-counter drugs who are permitted under chapter 499 and
1195 wholesalers of prescription drugs located in this state who are
1196 permitted under chapter 499 to give priority to the shipping of

1197 specified drugs to pharmacies and health care providers within
 1198 geographic areas that have been identified by the State Health
 1199 Officer. The State Health Officer must identify the drugs to be
 1200 shipped. Manufacturers and wholesalers located in the state must
 1201 respond to the State Health Officer's priority shipping
 1202 directive before shipping the specified drugs.

1203 2. Notwithstanding chapters 465 and 499 and rules adopted
 1204 thereunder, directing pharmacists employed by the department to
 1205 compound bulk prescription drugs and provide these bulk
 1206 prescription drugs to physicians and nurses of county health
 1207 departments or any qualified person authorized by the State
 1208 Health Officer for administration to persons as part of a
 1209 prophylactic or treatment regimen.

1210 3. Notwithstanding s. 456.036, temporarily reactivating
 1211 the inactive license of the following health care practitioners,
 1212 when such practitioners are needed to respond to the public
 1213 health emergency: physicians licensed under chapter 458 or
 1214 chapter 459; physician assistants licensed under chapter 458 or
 1215 chapter 459; independent advanced practice registered nurses
 1216 registered, ~~licensed~~ practical nurses or, registered nurses
 1217 licensed, and advanced practice registered nurses certified
 1218 ~~nurse practitioners licensed~~ under part I of chapter 464;
 1219 respiratory therapists licensed under part V of chapter 468; and
 1220 emergency medical technicians and paramedics certified under
 1221 part III of chapter 401. Only those health care practitioners
 1222 specified in this paragraph who possess an unencumbered inactive

1223 license and who request that such license be reactivated are
1224 eligible for reactivation. An inactive license that is
1225 reactivated under this paragraph shall return to inactive status
1226 when the public health emergency ends or prior to the end of the
1227 public health emergency if the State Health Officer determines
1228 that the health care practitioner is no longer needed to provide
1229 services during the public health emergency. Such licenses may
1230 only be reactivated for a period not to exceed 90 days without
1231 meeting the requirements of s. 456.036 or chapter 401, as
1232 applicable.

1233 4. Ordering an individual to be examined, tested,
1234 vaccinated, treated, or quarantined for communicable diseases
1235 that have significant morbidity or mortality and present a
1236 severe danger to public health. Individuals who are unable or
1237 unwilling to be examined, tested, vaccinated, or treated for
1238 reasons of health, religion, or conscience may be subjected to
1239 quarantine.

1240 a. Examination, testing, vaccination, or treatment may be
1241 performed by any qualified person authorized by the State Health
1242 Officer.

1243 b. If the individual poses a danger to the public health,
1244 the State Health Officer may subject the individual to
1245 quarantine. If there is no practical method to quarantine the
1246 individual, the State Health Officer may use any means necessary
1247 to vaccinate or treat the individual.

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1249 Any order of the State Health Officer given to effectuate this
 1250 paragraph shall be immediately enforceable by a law enforcement
 1251 officer under s. 381.0012.

1252 Section 20. Subsection (3) of section 381.00593, Florida
 1253 Statutes, is amended to read:

1254 381.00593 Public school volunteer health care practitioner
 1255 program.—

1256 (3) For purposes of this section, the term "health care
 1257 practitioner" means a physician licensed under chapter 458; an
 1258 osteopathic physician licensed under chapter 459; a chiropractic
 1259 physician licensed under chapter 460; a podiatric physician
 1260 licensed under chapter 461; an optometrist licensed under
 1261 chapter 463; an independent advanced practice registered nurse
 1262 registered, an advanced practice registered nurse certified
 1263 ~~practitioner~~, or a registered nurse, ~~or licensed~~ practical nurse
 1264 licensed under part I of chapter 464; a pharmacist licensed
 1265 under chapter 465; a dentist or dental hygienist licensed under
 1266 chapter 466; a midwife licensed under chapter 467; a speech-
 1267 language pathologist or audiologist licensed under part I of
 1268 chapter 468; a dietitian/nutritionist licensed under part X of
 1269 chapter 468; or a physical therapist licensed under chapter 486.

1270 Section 21. Paragraph (c) of subsection (2) of section
 1271 381.026, Florida Statutes, is amended to read:

1272 381.026 Florida Patient's Bill of Rights and
 1273 Responsibilities.—

1274 (2) DEFINITIONS.—As used in this section and s. 381.0261,

1275 the term:

1276 (c) "Health care provider" means a physician licensed
 1277 under chapter 458, an osteopathic physician licensed under
 1278 chapter 459, ~~or~~ a podiatric physician licensed under chapter
 1279 461, or an independent advanced practice registered nurse
 1280 registered under part I of chapter 464.

1281 Section 22. Paragraph (a) of subsection (2) and
 1282 subsections (3) through (5) of section 382.008, Florida
 1283 Statutes, are amended to read:

1284 382.008 Death and fetal death registration.—

1285 (2) (a) The funeral director who first assumes custody of a
 1286 dead body or fetus shall file the certificate of death or fetal
 1287 death. In the absence of the funeral director, the physician,
 1288 independent advanced practice registered nurse, advanced
 1289 practice registered nurse, or other person in attendance at or
 1290 after the death or the district medical examiner of the county
 1291 in which the death occurred or the body was found shall file the
 1292 certificate of death or fetal death. The person who files the
 1293 certificate shall obtain personal data from the next of kin or
 1294 the best qualified person or source available. The medical
 1295 certification of cause of death shall be furnished to the
 1296 funeral director, either in person or via certified mail or
 1297 electronic transfer, by the physician, independent advanced
 1298 practice registered nurse, advanced practice registered nurse,
 1299 or medical examiner responsible for furnishing such information.
 1300 For fetal deaths, the physician, certified nurse midwife,

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1301 midwife, or hospital administrator shall provide any medical or
 1302 health information to the funeral director within 72 hours after
 1303 expulsion or extraction.

1304 (3) Within 72 hours after receipt of a death or fetal
 1305 death certificate from the funeral director, the medical
 1306 certification of cause of death shall be completed and made
 1307 available to the funeral director by the decedent's primary or
 1308 attending practitioner ~~physician~~ or, if s. 382.011 applies, the
 1309 district medical examiner of the county in which the death
 1310 occurred or the body was found. The primary or attending
 1311 practitioner ~~physician~~ or the medical examiner shall certify
 1312 over his or her signature the cause of death to the best of his
 1313 or her knowledge and belief. As used in this section, the term
 1314 "primary or attending practitioner ~~physician~~" means a physician,
 1315 independent advanced practice registered nurse, or advanced
 1316 practice registered nurse, who treated the decedent through
 1317 examination, medical advice, or medication during the 12 months
 1318 preceding the date of death.

1319 (a) The local registrar may grant the funeral director an
 1320 extension of time upon a good and sufficient showing of any of
 1321 the following conditions:

- 1322 1. An autopsy is pending.
- 1323 2. Toxicology, laboratory, or other diagnostic reports
 1324 have not been completed.
- 1325 3. The identity of the decedent is unknown and further
 1326 investigation or identification is required.

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1327 (b) If the decedent's primary or attending practitioner,
1328 ~~physician~~ or the district medical examiner of the county in
1329 which the death occurred or the body was found, indicates that
1330 he or she will sign and complete the medical certification of
1331 cause of death but will not be available until after the 5-day
1332 registration deadline, the local registrar may grant an
1333 extension of 5 days. If a further extension is required, the
1334 funeral director must provide written justification to the
1335 registrar.

1336 (4) If the department or local registrar grants an
1337 extension of time to provide the medical certification of cause
1338 of death, the funeral director shall file a temporary
1339 certificate of death or fetal death which shall contain all
1340 available information, including the fact that the cause of
1341 death is pending. The decedent's primary or attending
1342 practitioner ~~physician~~ or the district medical examiner of the
1343 county in which the death occurred or the body was found shall
1344 provide an estimated date for completion of the permanent
1345 certificate.

1346 (5) A permanent certificate of death or fetal death,
1347 containing the cause of death and any other information that was
1348 previously unavailable, shall be registered as a replacement for
1349 the temporary certificate. The permanent certificate may also
1350 include corrected information if the items being corrected are
1351 noted on the back of the certificate and dated and signed by the
1352 funeral director, physician, independent advanced practice

1353 registered nurse, advanced practice registered nurse, or
 1354 district medical examiner of the county in which the death
 1355 occurred or the body was found, as appropriate.

1356 Section 23. Paragraph (c) of subsection (1) of section
 1357 383.14, Florida Statutes, is amended to read:

1358 383.14 Screening for metabolic disorders, other hereditary
 1359 and congenital disorders, and environmental risk factors.—

1360 (1) SCREENING REQUIREMENTS.—To help ensure access to the
 1361 maternal and child health care system, the Department of Health
 1362 shall promote the screening of all newborns born in Florida for
 1363 metabolic, hereditary, and congenital disorders known to result
 1364 in significant impairment of health or intellect, as screening
 1365 programs accepted by current medical practice become available
 1366 and practical in the judgment of the department. The department
 1367 shall also promote the identification and screening of all
 1368 newborns in this state and their families for environmental risk
 1369 factors such as low income, poor education, maternal and family
 1370 stress, emotional instability, substance abuse, and other high-
 1371 risk conditions associated with increased risk of infant
 1372 mortality and morbidity to provide early intervention,
 1373 remediation, and prevention services, including, but not limited
 1374 to, parent support and training programs, home visitation, and
 1375 case management. Identification, perinatal screening, and
 1376 intervention efforts shall begin prior to and immediately
 1377 following the birth of the child by the attending health care
 1378 provider. Such efforts shall be conducted in hospitals,

1379 perinatal centers, county health departments, school health
 1380 programs that provide prenatal care, and birthing centers, and
 1381 reported to the Office of Vital Statistics.

1382 (c) Release of screening results.—Notwithstanding any law
 1383 to the contrary, the State Public Health Laboratory may release,
 1384 directly or through the Children's Medical Services program, the
 1385 results of a newborn's hearing and metabolic tests or screenings
 1386 to the newborn's health care practitioner. As used in this
 1387 paragraph, the term "health care practitioner" means a physician
 1388 or physician assistant licensed under chapter 458; an
 1389 osteopathic physician or physician assistant licensed under
 1390 chapter 459; an independent advanced practice registered nurse
 1391 registered, an advanced practice registered nurse certified
 1392 practitioner, or a registered nurse, or ~~licensed~~ practical nurse
 1393 licensed under part I of chapter 464; a midwife licensed under
 1394 chapter 467; a speech-language pathologist or audiologist
 1395 licensed under part I of chapter 468; or a dietician or
 1396 nutritionist licensed under part X of chapter 468.

1397 Section 24. Paragraph (c) of subsection (1) of section
 1398 383.141, Florida Statutes, is amended to read:

1399 383.141 Prenatally diagnosed conditions; patient to be
 1400 provided information; definitions; information clearinghouse;
 1401 advisory council.—

1402 (1) As used in this section, the term:

1403 (c) "Health care provider" means a practitioner licensed
 1404 or registered under chapter 458 or chapter 459, or an

1405 independent advanced practice registered nurse registered, or an
 1406 advanced practice registered nurse ~~practitioner~~ certified, under
 1407 part I of chapter 464.

1408 Section 25. Paragraph (a) of subsection (3) of section
 1409 390.0111, Florida Statutes, is amended to read:

1410 390.0111 Termination of pregnancies.—

1411 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
 1412 be performed or induced except with the voluntary and informed
 1413 written consent of the pregnant woman or, in the case of a
 1414 mental incompetent, the voluntary and informed written consent
 1415 of her court-appointed guardian.

1416 (a) Except in the case of a medical emergency, consent to
 1417 a termination of pregnancy is voluntary and informed only if:

1418 1. The physician who is to perform the procedure, or the
 1419 referring physician, has, at a minimum, orally, in person,
 1420 informed the woman of:

1421 a. The nature and risks of undergoing or not undergoing
 1422 the proposed procedure that a reasonable patient would consider
 1423 material to making a knowing and willful decision of whether to
 1424 terminate a pregnancy.

1425 b. The probable gestational age of the fetus, verified by
 1426 an ultrasound, at the time the termination of pregnancy is to be
 1427 performed.

1428 (I) The ultrasound must be performed by the physician who
 1429 is to perform the abortion or by a person having documented
 1430 evidence that he or she has completed a course in the operation

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1431 of ultrasound equipment as prescribed by rule and who is working
1432 in conjunction with the physician.

1433 (II) The person performing the ultrasound must offer the
1434 woman the opportunity to view the live ultrasound images and
1435 hear an explanation of them. If the woman accepts the
1436 opportunity to view the images and hear the explanation, a
1437 physician or a registered nurse, licensed practical nurse,
1438 advanced practice registered nurse ~~practitioner~~, independent
1439 advanced practice registered nurse, or physician assistant
1440 working in conjunction with the physician must contemporaneously
1441 review and explain the images to the woman before the woman
1442 gives informed consent to having an abortion procedure
1443 performed.

1444 (III) The woman has a right to decline to view and hear
1445 the explanation of the live ultrasound images after she is
1446 informed of her right and offered an opportunity to view the
1447 images and hear the explanation. If the woman declines, the
1448 woman shall complete a form acknowledging that she was offered
1449 an opportunity to view and hear the explanation of the images
1450 but that she declined that opportunity. The form must also
1451 indicate that the woman's decision was not based on any undue
1452 influence from any person to discourage her from viewing the
1453 images or hearing the explanation and that she declined of her
1454 own free will.

1455 (IV) Unless requested by the woman, the person performing
1456 the ultrasound may not offer the opportunity to view the images

1457 and hear the explanation and the explanation may not be given
1458 if, at the time the woman schedules or arrives for her
1459 appointment to obtain an abortion, a copy of a restraining
1460 order, police report, medical record, or other court order or
1461 documentation is presented which provides evidence that the
1462 woman is obtaining the abortion because the woman is a victim of
1463 rape, incest, domestic violence, or human trafficking or that
1464 the woman has been diagnosed as having a condition that, on the
1465 basis of a physician's good faith clinical judgment, would
1466 create a serious risk of substantial and irreversible impairment
1467 of a major bodily function if the woman delayed terminating her
1468 pregnancy.

1469 c. The medical risks to the woman and fetus of carrying
1470 the pregnancy to term.

1471 2. Printed materials prepared and provided by the
1472 department have been provided to the pregnant woman, if she
1473 chooses to view these materials, including:

1474 a. A description of the fetus, including a description of
1475 the various stages of development.

1476 b. A list of entities that offer alternatives to
1477 terminating the pregnancy.

1478 c. Detailed information on the availability of medical
1479 assistance benefits for prenatal care, childbirth, and neonatal
1480 care.

1481 3. The woman acknowledges in writing, before the
1482 termination of pregnancy, that the information required to be

1483 provided under this subsection has been provided.

1484

1485 Nothing in this paragraph is intended to prohibit a physician
 1486 from providing any additional information which the physician
 1487 deems material to the woman's informed decision to terminate her
 1488 pregnancy.

1489 Section 26. Paragraphs (c), (e), and (f) of subsection (3)
 1490 of section 390.012, Florida Statutes, are amended to read:

1491 390.012 Powers of agency; rules; disposal of fetal
 1492 remains.—

1493 (3) For clinics that perform or claim to perform abortions
 1494 after the first trimester of pregnancy, the agency shall adopt
 1495 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 1496 provisions of this chapter, including the following:

1497 (c) Rules relating to abortion clinic personnel. At a
 1498 minimum, these rules shall require that:

1499 1. The abortion clinic designate a medical director who is
 1500 licensed to practice medicine in this state and who has
 1501 admitting privileges at a licensed hospital in this state or has
 1502 a transfer agreement with a licensed hospital within reasonable
 1503 proximity of the clinic.

1504 2. If a physician is not present after an abortion is
 1505 performed, a registered nurse, licensed practical nurse,
 1506 advanced practice registered nurse ~~practitioner~~, independent
 1507 advanced practice registered nurse, or physician assistant shall
 1508 be present and remain at the clinic to provide postoperative

1509 monitoring and care until the patient is discharged.

1510 3. Surgical assistants receive training in counseling,
 1511 patient advocacy, and the specific responsibilities associated
 1512 with the services the surgical assistants provide.

1513 4. Volunteers receive training in the specific
 1514 responsibilities associated with the services the volunteers
 1515 provide, including counseling and patient advocacy as provided
 1516 in the rules adopted by the director for different types of
 1517 volunteers based on their responsibilities.

1518 (e) Rules relating to the abortion procedure. At a
 1519 minimum, these rules shall require:

1520 1. That a physician, registered nurse, licensed practical
 1521 nurse, advanced practice registered nurse ~~practitioner~~,
 1522 independent advanced practice registered nurse, or physician
 1523 assistant is available to all patients throughout the abortion
 1524 procedure.

1525 2. Standards for the safe conduct of abortion procedures
 1526 that conform to obstetric standards in keeping with established
 1527 standards of care regarding the estimation of fetal age as
 1528 defined in rule.

1529 3. Appropriate use of general and local anesthesia,
 1530 analgesia, and sedation if ordered by the physician.

1531 4. Appropriate precautions, such as the establishment of
 1532 intravenous access at least for patients undergoing post-first
 1533 trimester abortions.

1534 5. Appropriate monitoring of the vital signs and other

1535 defined signs and markers of the patient's status throughout the
 1536 abortion procedure and during the recovery period until the
 1537 patient's condition is deemed to be stable in the recovery room.

1538 (f) Rules that prescribe minimum recovery room standards.
 1539 At a minimum, these rules shall require that:

1540 1. Postprocedure recovery rooms are supervised and staffed
 1541 to meet the patients' needs.

1542 2. Immediate postprocedure care consists of observation in
 1543 a supervised recovery room for as long as the patient's
 1544 condition warrants.

1545 3. The clinic arranges hospitalization if any complication
 1546 beyond the medical capability of the staff occurs or is
 1547 suspected.

1548 4. A registered nurse, licensed practical nurse, advanced
 1549 practice registered nurse practitioner, independent advanced
 1550 practice registered nurse, or physician assistant who is trained
 1551 in the management of the recovery area and is capable of
 1552 providing basic cardiopulmonary resuscitation and related
 1553 emergency procedures remains on the premises of the abortion
 1554 clinic until all patients are discharged.

1555 5. A physician shall sign the discharge order and be
 1556 readily accessible and available until the last patient is
 1557 discharged to facilitate the transfer of emergency cases if
 1558 hospitalization of the patient or viable fetus is necessary.

1559 6. A physician discusses Rho(D) immune globulin with each
 1560 patient for whom it is indicated and ensures that it is offered

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1561 to the patient in the immediate postoperative period or that it
1562 will be available to her within 72 hours after completion of the
1563 abortion procedure. If the patient refuses the Rho(D) immune
1564 globulin, a refusal form approved by the agency shall be signed
1565 by the patient and a witness and included in the medical record.

1566 7. Written instructions with regard to postabortion
1567 coitus, signs of possible problems, and general aftercare are
1568 given to each patient. Each patient shall have specific written
1569 instructions regarding access to medical care for complications,
1570 including a telephone number to call for medical emergencies.

1571 8. There is a specified minimum length of time that a
1572 patient remains in the recovery room by type of abortion
1573 procedure and duration of gestation.

1574 9. The physician ensures that a registered nurse, licensed
1575 practical nurse, advanced practice registered nurse
1576 ~~practitioner~~, independent advanced practice registered nurse, or
1577 physician assistant from the abortion clinic makes a good faith
1578 effort to contact the patient by telephone, with the patient's
1579 consent, within 24 hours after surgery to assess the patient's
1580 recovery.

1581 10. Equipment and services are readily accessible to
1582 provide appropriate emergency resuscitative and life support
1583 procedures pending the transfer of the patient or viable fetus
1584 to the hospital.

1585 Section 27. Subsection (23) of section 394.455, Florida
1586 Statutes, is amended to read:

1587 394.455 Definitions.—As used in this part, unless the
 1588 context clearly requires otherwise, the term:

1589 (23) "Psychiatric nurse" means a registered nurse licensed
 1590 under part I of chapter 464 who has a master's degree or a
 1591 doctorate in psychiatric nursing and 2 years of post-master's
 1592 clinical experience under the supervision of a physician, or an
 1593 independent advanced practice registered nurse registered under,
 1594 or an advanced practice registered nurse certified under, part I
 1595 of chapter 464, who obtains national certification as a
 1596 psychiatric-mental health advanced practice nurse.

1597 Section 28. Paragraphs (a) and (f) of subsection (2) of
 1598 section 394.463, Florida Statutes, are amended to read:

1599 394.463 Involuntary examination.—

1600 (2) INVOLUNTARY EXAMINATION.—

1601 (a) An involuntary examination may be initiated by any one
 1602 of the following means:

1603 1. A court may enter an ex parte order stating that a
 1604 person appears to meet the criteria for involuntary examination,
 1605 giving the findings on which that conclusion is based. The ex
 1606 parte order for involuntary examination must be based on sworn
 1607 testimony, written or oral. If other less restrictive means are
 1608 not available, such as voluntary appearance for outpatient
 1609 evaluation, a law enforcement officer, or other designated agent
 1610 of the court, shall take the person into custody and deliver him
 1611 or her to the nearest receiving facility for involuntary
 1612 examination. The order of the court shall be made a part of the

1613 patient's clinical record. No fee shall be charged for the
1614 filing of an order under this subsection. Any receiving facility
1615 accepting the patient based on this order must send a copy of
1616 the order to the Agency for Health Care Administration on the
1617 next working day. The order shall be valid only until executed
1618 or, if not executed, for the period specified in the order
1619 itself. If no time limit is specified in the order, the order
1620 shall be valid for 7 days after the date that the order was
1621 signed.

1622 2. A law enforcement officer shall take a person who
1623 appears to meet the criteria for involuntary examination into
1624 custody and deliver the person or have him or her delivered to
1625 the nearest receiving facility for examination. The officer
1626 shall execute a written report detailing the circumstances under
1627 which the person was taken into custody, and the report shall be
1628 made a part of the patient's clinical record. Any receiving
1629 facility accepting the patient based on this report must send a
1630 copy of the report to the Agency for Health Care Administration
1631 on the next working day.

1632 3. A physician, clinical psychologist, psychiatric nurse,
1633 independent advanced practice registered nurse, advanced
1634 practice registered nurse, mental health counselor, marriage and
1635 family therapist, or clinical social worker may execute a
1636 certificate stating that he or she has examined a person within
1637 the preceding 48 hours and finds that the person appears to meet
1638 the criteria for involuntary examination and stating the

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1639 observations upon which that conclusion is based. If other less
1640 restrictive means are not available, such as voluntary
1641 appearance for outpatient evaluation, a law enforcement officer
1642 shall take the person named in the certificate into custody and
1643 deliver him or her to the nearest receiving facility for
1644 involuntary examination. The law enforcement officer shall
1645 execute a written report detailing the circumstances under which
1646 the person was taken into custody. The report and certificate
1647 shall be made a part of the patient's clinical record. Any
1648 receiving facility accepting the patient based on this
1649 certificate must send a copy of the certificate to the Agency
1650 for Health Care Administration on the next working day.

1651 (f) A patient shall be examined by a physician, ~~or~~
1652 clinical psychologist, or psychiatric nurse at a receiving
1653 facility without unnecessary delay and may, upon the order of a
1654 physician, be given emergency treatment if it is determined that
1655 such treatment is necessary for the safety of the patient or
1656 others. The patient may not be released by the receiving
1657 facility or its contractor without the documented approval of a
1658 psychiatrist, a clinical psychologist, or a psychiatric nurse,
1659 or, if the receiving facility is a hospital, the release may
1660 also be approved by an attending emergency department physician
1661 with experience in the diagnosis and treatment of mental and
1662 nervous disorders and after completion of an involuntary
1663 examination pursuant to this subsection. However, a patient may
1664 not be held in a receiving facility for involuntary examination

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1665 longer than 72 hours.

1666 Section 29. Paragraphs (a) and (b) of subsection (2) and
1667 subsection (4) of section 395.0191, Florida Statutes, are
1668 amended to read:

1669 395.0191 Staff membership and clinical privileges.—

1670 (2) (a) Each licensed facility shall establish rules and
1671 procedures for consideration of an application for clinical
1672 privileges submitted by an independent advanced practice
1673 registered nurse registered, or an advanced practice registered
1674 nurse practitioner licensed and certified, under part I of
1675 chapter 464, in accordance with the provisions of this section.
1676 A ~~No~~ licensed facility may not shall deny such application
1677 solely because the applicant is registered or certified licensed
1678 under part I of chapter 464 or because the applicant is not a
1679 participant in the Florida Birth-Related Neurological Injury
1680 Compensation Plan.

1681 (b) An advanced practice registered nurse ~~practitioner~~ who
1682 is a certified ~~as a~~ registered nurse anesthetist ~~licensed~~ under
1683 part I of chapter 464 shall administer anesthesia under the
1684 onsite medical direction of a professional licensed under
1685 chapter 458, chapter 459, or chapter 466, and in accordance with
1686 an established protocol approved by the medical staff. The
1687 medical direction shall specifically address the needs of the
1688 individual patient. This paragraph does not apply to an
1689 independent advanced practice registered nurse who is a
1690 certified registered nurse anesthetist under part I of chapter

1691 464.
 1692 (4) Nothing herein shall restrict in any way the authority
 1693 of the medical staff of a licensed facility to review for
 1694 approval or disapproval all applications for appointment and
 1695 reappointment to all categories of staff and to make
 1696 recommendations on each applicant to the governing board,
 1697 including the delineation of privileges to be granted in each
 1698 case. In making such recommendations and in the delineation of
 1699 privileges, each applicant shall be considered individually
 1700 pursuant to criteria for a doctor licensed under chapter 458,
 1701 chapter 459, chapter 461, or chapter 466;~~7~~ ~~or~~ for an independent
 1702 advanced practice registered nurse registered, or an advanced
 1703 practice registered nurse practitioner licensed and certified,
 1704 under part I of chapter 464;~~7~~ or for a psychologist licensed
 1705 under chapter 490, as applicable. The applicant's eligibility
 1706 for staff membership or clinical privileges shall be determined
 1707 by the applicant's background, experience, health, training, and
 1708 demonstrated competency; the applicant's adherence to applicable
 1709 professional ethics; the applicant's reputation; and the
 1710 applicant's ability to work with others and by such other
 1711 elements as determined by the governing board, consistent with
 1712 this part.

1713 Section 30. Subsection (3) of section 395.602, Florida
 1714 Statutes, is amended to read:

1715 395.602 Rural hospitals.—

1716 (3) USE OF FUNDS.—It is the intent of the Legislature that

1717 funds as appropriated shall be utilized by the department for
1718 the purpose of increasing the number of primary care physicians,
1719 physician assistants, certified nurse midwives, certified nurse
1720 practitioners, and nurses in rural areas, either through the
1721 Medical Education Reimbursement and Loan Repayment Program as
1722 defined by s. 1009.65 or through a federal loan repayment
1723 program which requires state matching funds. The department may
1724 use funds appropriated for the Medical Education Reimbursement
1725 and Loan Repayment Program as matching funds for federal loan
1726 repayment programs for health care personnel, such as that
1727 authorized in Pub. L. No. 100-177, s. 203. If the department
1728 receives federal matching funds, the department shall only
1729 implement the federal program. Reimbursement through either
1730 program shall be limited to:

1731 (a) Primary care physicians, physician assistants,
1732 certified nurse midwives, certified nurse practitioners, and
1733 nurses employed by or affiliated with rural hospitals, as
1734 defined in this act; and

1735 (b) Primary care physicians, physician assistants,
1736 certified nurse midwives, certified nurse practitioners, and
1737 nurses employed by or affiliated with rural area health
1738 education centers, as defined in this section. These personnel
1739 shall practice:

- 1740 1. In a county with a population density of no greater
1741 than 100 persons per square mile; or
1742 2. Within the boundaries of a hospital tax district which

1743 encompasses a population of no greater than 100 persons per
 1744 square mile.

1745
 1746 If the department administers a federal loan repayment program,
 1747 priority shall be given to obligating state and federal matching
 1748 funds pursuant to paragraphs (a) and (b). The department may use
 1749 federal matching funds in other health workforce shortage areas
 1750 and medically underserved areas in the state for loan repayment
 1751 programs for primary care physicians, physician assistants,
 1752 certified nurse midwives, certified nurse practitioners, and
 1753 nurses who are employed by publicly financed health care
 1754 programs that serve medically indigent persons.

1755 Section 31. Paragraphs (b) and (c) of subsection (8) of
 1756 section 395.605, Florida Statutes, are amended to read:

1757 395.605 Emergency care hospitals.—

1758 (8)

1759 (b) All patients shall be under the care of a physician or
 1760 an independent advanced practice registered nurse or under the
 1761 care of an advanced practice registered ~~a nurse practitioner~~ or
 1762 physician assistant supervised by a physician.

1763 (c) A physician, an independent advanced practice
 1764 registered nurse, an advanced practice registered nurse
 1765 ~~practitioner~~, or a physician assistant shall be on duty at all
 1766 times, or a physician shall be on call and available within 30
 1767 minutes at all times.

1768 Section 32. Subsection (26) of section 397.311, Florida

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1769 Statutes, is amended to read:

1770 397.311 Definitions.—As used in this chapter, except part
1771 VIII, the term:

1772 (26) "Qualified professional" means a physician or a
1773 physician assistant licensed under chapter 458 or chapter 459; a
1774 professional licensed under chapter 490 or chapter 491; an
1775 independent advanced practice registered nurse or advanced
1776 practice registered nurse, who has ~~practitioner having~~ a
1777 specialty in psychiatry and is registered or certified licensed
1778 under part I of chapter 464; or a person who is certified
1779 through a department-recognized certification process for
1780 substance abuse treatment services and who holds, at a minimum,
1781 a bachelor's degree. A person who is certified in substance
1782 abuse treatment services by a state-recognized certification
1783 process in another state at the time of employment with a
1784 licensed substance abuse provider in this state may perform the
1785 functions of a qualified professional as defined in this chapter
1786 but must meet certification requirements contained in this
1787 subsection no later than 1 year after his or her date of
1788 employment.

1789 Section 33. Section 397.405, Florida Statutes, is amended
1790 to read:

1791 397.405 Exemptions from licensure.—The following are
1792 exempt from the licensing provisions of this chapter:

1793 (1) A hospital or hospital-based component licensed under
1794 chapter 395.

- 1795 (2) A nursing home facility as defined in s. 400.021.
- 1796 (3) A substance abuse education program established
- 1797 pursuant to s. 1003.42.
- 1798 (4) A facility or institution operated by the Federal
- 1799 Government.
- 1800 (5) A physician or physician assistant licensed under
- 1801 chapter 458 or chapter 459.
- 1802 (6) A psychologist licensed under chapter 490.
- 1803 (7) A social worker, marriage and family therapist, or
- 1804 mental health counselor licensed under chapter 491.
- 1805 (8) A legally cognizable church or nonprofit religious
- 1806 organization or denomination providing substance abuse services,
- 1807 including prevention services, which are solely religious,
- 1808 spiritual, or ecclesiastical in nature. A church or nonprofit
- 1809 religious organization or denomination providing any of the
- 1810 licensed service components itemized under s. 397.311(18) is not
- 1811 exempt from substance abuse licensure but retains its exemption
- 1812 with respect to all services which are solely religious,
- 1813 spiritual, or ecclesiastical in nature.
- 1814 (9) Facilities licensed under chapter 393 which, in
- 1815 addition to providing services to persons with developmental
- 1816 disabilities, also provide services to persons developmentally
- 1817 at risk as a consequence of exposure to alcohol or other legal
- 1818 or illegal drugs while in utero.
- 1819 (10) DUI education and screening services provided
- 1820 pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291.

1821 Persons or entities providing treatment services must be
 1822 licensed under this chapter unless exempted from licensing as
 1823 provided in this section.

1824 (11) A facility licensed under s. 394.875 as a crisis
 1825 stabilization unit.

1826
 1827 The exemptions from licensure in this section do not apply to
 1828 any service provider that receives an appropriation, grant, or
 1829 contract from the state to operate as a service provider as
 1830 defined in this chapter or to any substance abuse program
 1831 regulated pursuant to s. 397.406. Furthermore, this chapter may
 1832 not be construed to limit the practice of a physician or
 1833 physician assistant licensed under chapter 458 or chapter 459, a
 1834 psychologist licensed under chapter 490, a psychotherapist
 1835 licensed under chapter 491, or an independent advanced practice
 1836 registered nurse registered, or an advanced practice registered
 1837 nurse certified, practitioner licensed under part I of chapter
 1838 464, who provides substance abuse treatment, unless a
 1839 practitioner represents ~~so long as the physician, physician~~
 1840 ~~assistant, psychologist, psychotherapist, or advanced registered~~
 1841 ~~nurse practitioner does not represent~~ to the public that the
 1842 practitioner ~~he or she~~ is a licensed service provider and
 1843 provides ~~does not provide~~ services to individuals pursuant to
 1844 part V of this chapter. Failure to comply with any requirement
 1845 necessary to maintain an exempt status under this section is a
 1846 misdemeanor of the first degree, punishable as provided in s.

1847 775.082 or s. 775.083.

1848 Section 34. Subsections (5), (9), and (10) of section
1849 397.427, Florida Statutes, are amended to read:

1850 397.427 Medication-assisted treatment service providers;
1851 rehabilitation program; needs assessment and provision of
1852 services; persons authorized to issue takeout medication;
1853 unlawful operation; penalty.-

1854 (5) Notwithstanding s. 465.019(2), a physician assistant,
1855 a registered nurse, an advanced practice registered nurse
1856 ~~practitioner~~, or a licensed practical nurse working for a
1857 licensed service provider may deliver takeout medication for
1858 opiate treatment to persons enrolled in a maintenance treatment
1859 program for medication-assisted treatment for opiate addiction
1860 if:

1861 (a) The medication-assisted treatment program for opiate
1862 addiction has an appropriate valid permit issued pursuant to
1863 rules adopted by the Board of Pharmacy;

1864 (b) The medication for treatment of opiate addiction has
1865 been delivered pursuant to a valid prescription written by the
1866 program's physician licensed pursuant to chapter 458 or chapter
1867 459;

1868 (c) The medication for treatment of opiate addiction which
1869 is ordered appears on a formulary and is prepackaged and
1870 prelabeled with dosage instructions and distributed from a
1871 source authorized under chapter 499;

1872 (d) Each licensed provider adopts written protocols which

1873 provide for supervision of the physician assistant, registered
1874 nurse, advanced practice registered nurse ~~practitioner~~, or
1875 licensed practical nurse by a physician licensed pursuant to
1876 chapter 458 or chapter 459 and for the procedures by which
1877 patients' medications may be delivered by the physician
1878 assistant, registered nurse, advanced practice registered nurse
1879 ~~practitioner~~, or licensed practical nurse. Such protocols shall
1880 be signed by the supervising physician and either the
1881 administering registered nurse, the advanced practice registered
1882 nurse ~~practitioner~~, or the licensed practical nurse.

1883 (e) Each licensed service provider maintains and has
1884 available for inspection by representatives of the Board of
1885 Pharmacy all medical records and patient care protocols,
1886 including records of medications delivered to patients, in
1887 accordance with the board.

1888 (9) A physician assistant, a registered nurse, an advanced
1889 practice registered nurse ~~practitioner~~, or a licensed practical
1890 nurse working for a licensed service provider may deliver
1891 medication as prescribed by rule if:

1892 (a) The service provider is authorized to provide
1893 medication-assisted treatment;

1894 (b) The medication has been administered pursuant to a
1895 valid prescription written by the program's physician who is
1896 licensed under chapter 458 or chapter 459; and

1897 (c) The medication ordered appears on a formulary or meets
1898 federal requirements for medication-assisted treatment.

1899 (10) Each licensed service provider that provides
 1900 medication-assisted treatment must adopt written protocols as
 1901 specified by the department and in accordance with federally
 1902 required rules, regulations, or procedures. The protocol shall
 1903 provide for the supervision of the physician assistant,
 1904 registered nurse, advanced practice registered nurse
 1905 ~~practitioner~~, or licensed practical nurse working under the
 1906 supervision of a physician who is licensed under chapter 458 or
 1907 chapter 459. The protocol must specify how the medication will
 1908 be used in conjunction with counseling or psychosocial treatment
 1909 and that the services provided will be included on the treatment
 1910 plan. The protocol must specify the procedures by which
 1911 medication-assisted treatment may be administered by the
 1912 supervised ~~physician assistant, registered nurse, advanced~~
 1913 ~~registered nurse practitioner, or licensed practical nurse.~~
 1914 These protocols shall be signed by the supervising physician and
 1915 the supervised ~~administering physician assistant, registered~~
 1916 ~~nurse, advanced registered nurse practitioner, or licensed~~
 1917 ~~practical nurse.~~

1918 Section 35. Paragraph (a) of subsection (2) of section
 1919 397.501, Florida Statutes, is amended to read:

1920 397.501 Rights of individuals.—Individuals receiving
 1921 substance abuse services from any service provider are
 1922 guaranteed protection of the rights specified in this section,
 1923 unless otherwise expressly provided, and service providers must
 1924 ensure the protection of such rights.

1925 (2) RIGHT TO NONDISCRIMINATORY SERVICES.—

1926 (a) Service providers may not deny an individual access to
 1927 substance abuse services solely on the basis of race, gender,
 1928 ethnicity, age, sexual preference, human immunodeficiency virus
 1929 status, prior service departures against medical advice,
 1930 disability, or number of relapse episodes. Service providers may
 1931 not deny an individual who takes medication prescribed by a
 1932 physician, an independent advanced practice registered nurse, or
 1933 an advanced practice registered nurse access to substance abuse
 1934 services solely on that basis. Service providers who receive
 1935 state funds to provide substance abuse services may not, if
 1936 space and sufficient state resources are available, deny access
 1937 to services based solely on inability to pay.

1938 Section 36. Subsection (8) of section 400.021, Florida
 1939 Statutes, is amended to read:

1940 400.021 Definitions.—When used in this part, unless the
 1941 context otherwise requires, the term:

1942 (8) "Geriatric outpatient clinic" means a site for
 1943 providing outpatient health care to persons 60 years of age or
 1944 older, which is staffed by a registered nurse, a physician
 1945 assistant, or a licensed practical nurse under the direct
 1946 supervision of a registered nurse, an independent advanced
 1947 practice registered nurse, an advanced practice registered nurse
 1948 ~~practitioner~~, a physician assistant, or a physician.

1949 Section 37. Subsection (3) of section 400.0255, Florida
 1950 Statutes, is amended to read:

1951 400.0255 Resident transfer or discharge; requirements and
 1952 procedures; hearings.-

1953 (3) When a discharge or transfer is initiated by the
 1954 nursing home, the nursing home administrator employed by the
 1955 nursing home that is discharging or transferring the resident,
 1956 or an individual employed by the nursing home who is designated
 1957 by the nursing home administrator to act on behalf of the
 1958 administration, must sign the notice of discharge or transfer.
 1959 Any notice indicating a medical reason for transfer or discharge
 1960 must either be signed by the resident's attending physician or
 1961 the medical director of the facility, or include an attached
 1962 written order for the discharge or transfer. The notice or the
 1963 order must be signed by the resident's physician, medical
 1964 director, treating physician, independent advanced practice
 1965 registered nurse, advanced practice registered nurse
 1966 ~~practitioner~~, or physician assistant.

1967 Section 38. Subsection (3) of section 400.172, Florida
 1968 Statutes, is amended to read:

1969 400.172 Respite care provided in nursing home facilities.-

1970 (3) A prospective respite care resident must provide
 1971 medical information from a physician, physician assistant,
 1972 independent advanced practice registered nurse, or advanced
 1973 practice registered nurse ~~practitioner~~ and any other information
 1974 provided by the primary caregiver required by the facility
 1975 before or when the person is admitted to receive respite care.
 1976 The medical information must include a physician's or an

1977 independent advanced practice registered nurse's order for
 1978 respite care and proof of a physical examination by a licensed
 1979 physician, physician assistant, independent advanced practice
 1980 registered nurse, or advanced practice registered nurse
 1981 ~~practitioner~~. The ~~physician's~~ order and physical examination may
 1982 be used to provide intermittent respite care for up to 12 months
 1983 after the date the order is written.

1984 Section 39. Subsections (20) through (29) of section
 1985 400.462, Florida Statutes, are renumbered as subsections (21)
 1986 through (30), respectively, subsection (3) is amended, and a new
 1987 subsection (20) is added to that section, to read:

1988 400.462 Definitions.—As used in this part, the term:

1989 (3) "Advanced practice registered nurse ~~practitioner~~"
 1990 means a person licensed in this state to practice professional
 1991 nursing and certified in advanced or specialized nursing
 1992 practice, as defined in s. 464.003.

1993 (20) "Independent advanced practice registered nurse"
 1994 means a person licensed in this state to practice professional
 1995 nursing as defined in s. 464.003 and registered to practice
 1996 advanced or specialized nursing independently and without
 1997 physician supervision or a protocol.

1998 Section 40. Subsection (2) of section 400.487, Florida
 1999 Statutes, is amended to read:

2000 400.487 Home health service agreements; physician's,
 2001 physician assistant's, independent advanced practice registered
 2002 nurse's, and advanced practice registered nurse's nurse

2003 ~~practitioner's~~ treatment orders; patient assessment;
 2004 establishment and review of plan of care; provision of services;
 2005 orders not to resuscitate.—

2006 (2) When required by the provisions of chapter 464; part
 2007 I, part III, or part V of chapter 468; or chapter 486, the
 2008 attending physician, physician assistant, independent advanced
 2009 practice registered nurse, or advanced practice registered nurse
 2010 ~~practitioner~~, acting within his or her respective scope of
 2011 practice, shall establish treatment orders for a patient who is
 2012 to receive skilled care. The treatment orders must be signed by
 2013 the physician, physician assistant, independent advanced
 2014 practice registered nurse, or advanced practice registered nurse
 2015 ~~practitioner~~ before a claim for payment for the skilled services
 2016 is submitted by the home health agency. If the claim is
 2017 submitted to a managed care organization, the treatment orders
 2018 must be signed within the time allowed under the provider
 2019 agreement. The treatment orders shall be reviewed, as frequently
 2020 as the patient's illness requires, by the physician, physician
 2021 assistant, independent advanced practice registered nurse, or
 2022 advanced practice registered nurse ~~practitioner~~ in consultation
 2023 with the home health agency.

2024 Section 41. Paragraph (a) of subsection (13) of section
 2025 400.506, Florida Statutes, is amended to read:

2026 400.506 Licensure of nurse registries; requirements;
 2027 penalties.—

2028 (13) All persons referred for contract in private

2029 residences by a nurse registry must comply with the following
2030 requirements for a plan of treatment:

2031 (a) When, in accordance with the privileges and
2032 restrictions imposed upon a nurse under part I of chapter 464,
2033 the delivery of care to a patient is under the direction or
2034 supervision of a physician or when a physician is responsible
2035 for the medical care of the patient, a medical plan of treatment
2036 must be established for each patient receiving care or treatment
2037 provided by a licensed nurse in the home. The original medical
2038 plan of treatment must be timely signed by the physician,
2039 physician assistant, independent advanced practice registered
2040 nurse, or advanced practice registered nurse ~~practitioner~~,
2041 acting within his or her respective scope of practice, and
2042 reviewed in consultation with the licensed nurse at least every
2043 2 months. Any additional order or change in orders must be
2044 obtained from, reduced to writing by, and timely signed by the
2045 physician, physician assistant, independent advanced practice
2046 registered nurse, or advanced practice registered nurse
2047 ~~practitioner and reduced to writing and timely signed by the~~
2048 ~~physician, physician assistant, or advanced registered nurse~~
2049 ~~practitioner~~. The delivery of care under a medical plan of
2050 treatment must be substantiated by the appropriate nursing notes
2051 or documentation made by the nurse in compliance with nursing
2052 practices established under part I of chapter 464.

2053 Section 42. Paragraph (g) of subsection (4) of section
2054 400.9905, Florida Statutes, is amended to read:

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2055 400.9905 Definitions.—

2056 (4) "Clinic" means an entity where health care services
2057 are provided to individuals and which tenders charges for
2058 reimbursement for such services, including a mobile clinic and a
2059 portable equipment provider. As used in this part, the term does
2060 not include and the licensure requirements of this part do not
2061 apply to:

2062 (g) A sole proprietorship, group practice, partnership, or
2063 corporation that provides health care services by licensed
2064 health care practitioners under chapter 457, chapter 458,
2065 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
2066 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
2067 chapter 490, chapter 491, or part I, part III, part X, part
2068 XIII, or part XIV of chapter 468, or s. 464.012 or s. 464.0125,
2069 and that is wholly owned by one or more licensed health care
2070 practitioners, or the licensed health care practitioners set
2071 forth in this paragraph and the spouse, parent, child, or
2072 sibling of a licensed health care practitioner if one of the
2073 owners who is a licensed health care practitioner is supervising
2074 the business activities and is legally responsible for the
2075 entity's compliance with all federal and state laws. However, a
2076 health care practitioner may not supervise services beyond the
2077 scope of the practitioner's license, except that, for the
2078 purposes of this part, a clinic owned by a licensee in s.
2079 456.053(3)(b) which provides only services authorized pursuant
2080 to s. 456.053(3)(b) may be supervised by a licensee specified in

2081 s. 456.053(3)(b).

2082

2083 Notwithstanding this subsection, an entity shall be deemed a
 2084 clinic and must be licensed under this part in order to receive
 2085 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
 2086 627.730-627.7405, unless exempted under s. 627.736(5)(h).

2087 Section 43. Subsections (1) and (2) of section 401.445,
 2088 Florida Statutes, are amended to read:

2089 401.445 Emergency examination and treatment of
 2090 incapacitated persons.—

2091 (1) ~~No Recovery~~ is not shall be allowed in any court in
 2092 this state against any emergency medical technician, paramedic,
 2093 or physician as defined in this chapter; any independent
 2094 advanced practice registered nurse registered under s.
 2095 464.0125; ~~any advanced practice registered nurse practitioner~~
 2096 certified under s. 464.012; ~~or any physician assistant licensed~~
 2097 under s. 458.347 or s. 459.022, or any person acting under the
 2098 direct medical supervision of a physician, in an action brought
 2099 for examining or treating a patient without his or her informed
 2100 consent if:

2101 (a) The patient at the time of examination or treatment is
 2102 intoxicated, under the influence of drugs, or otherwise
 2103 incapable of providing informed consent as provided in s.
 2104 766.103;

2105 (b) The patient at the time of examination or treatment is
 2106 experiencing an emergency medical condition; and

2107 (c) The patient would reasonably, under all the
 2108 surrounding circumstances, undergo such examination, treatment,
 2109 or procedure if the patient ~~he or she~~ were advised by the
 2110 emergency medical technician, paramedic, physician, independent
 2111 advanced practice registered nurse, advanced practice registered
 2112 nurse ~~practitioner~~, or physician assistant in accordance with s.
 2113 766.103(3).

2114
 2115 Examination and treatment provided under this subsection shall
 2116 be limited to reasonable examination of the patient to determine
 2117 the medical condition of the patient and treatment reasonably
 2118 necessary to alleviate the emergency medical condition or to
 2119 stabilize the patient.

2120 (2) In examining and treating a person who is apparently
 2121 intoxicated, under the influence of drugs, or otherwise
 2122 incapable of providing informed consent, the emergency medical
 2123 technician, paramedic, physician, independent advanced practice
 2124 registered nurse, advanced practice registered nurse
 2125 ~~practitioner~~, or physician assistant, or any person acting under
 2126 the direct medical supervision of a physician, shall proceed
 2127 wherever possible with the consent of the person. If the person
 2128 reasonably appears to be incapacitated and refuses his or her
 2129 consent, the person may be examined, treated, or taken to a
 2130 hospital or other appropriate treatment resource if he or she is
 2131 in need of emergency attention, without his or her consent, but
 2132 unreasonable force shall not be used.

2133 Section 44. Subsections (1) and (11) of section 409.905,
 2134 Florida Statutes, are amended to read:

2135 409.905 Mandatory Medicaid services.—The agency may make
 2136 payments for the following services, which are required of the
 2137 state by Title XIX of the Social Security Act, furnished by
 2138 Medicaid providers to recipients who are determined to be
 2139 eligible on the dates on which the services were provided. Any
 2140 service under this section shall be provided only when medically
 2141 necessary and in accordance with state and federal law.

2142 Mandatory services rendered by providers in mobile units to
 2143 Medicaid recipients may be restricted by the agency. Nothing in
 2144 this section shall be construed to prevent or limit the agency
 2145 from adjusting fees, reimbursement rates, lengths of stay,
 2146 number of visits, number of services, or any other adjustments
 2147 necessary to comply with the availability of moneys and any
 2148 limitations or directions provided for in the General
 2149 Appropriations Act or chapter 216.

2150 (1) INDEPENDENT ADVANCED PRACTICE REGISTERED NURSE AND
 2151 ADVANCED PRACTICE REGISTERED NURSE ~~PRACTITIONER~~ SERVICES.—The
 2152 agency shall pay for services provided to a recipient by a
 2153 registered independent advanced practice registered nurse, a
 2154 certified ~~licensed~~ advanced practice registered nurse
 2155 ~~practitioner~~ who has a valid collaboration agreement with a
 2156 licensed physician on file with the Department of Health, or a
 2157 certified registered nurse anesthetist who provides anesthesia
 2158 services in accordance with established protocol required by

2159 state law and approved by the medical staff of the facility in
 2160 which the anesthetic service is performed. Reimbursement for
 2161 such services must be provided in an amount that equals at least
 2162 ~~not less than~~ 80 percent of the reimbursement to a physician who
 2163 provides the same services, unless otherwise provided for in the
 2164 General Appropriations Act.

2165 (11) RURAL HEALTH CLINIC SERVICES.—The agency shall pay
 2166 for outpatient primary health care services for a recipient
 2167 provided by a clinic certified by and participating in the
 2168 Medicare program which is located in a federally designated,
 2169 rural, medically underserved area and has on its staff one or
 2170 more certified ~~licensed primary care~~ nurse practitioners or
 2171 physician assistants, and a licensed staff supervising
 2172 physician, ~~or~~ a consulting supervising physician, or an
 2173 independent advanced practice registered nurse.

2174 Section 45. Paragraph (a) of subsection (3) and subsection
 2175 (7) of section 409.908, Florida Statutes, are amended to read:

2176 409.908 Reimbursement of Medicaid providers.—Subject to
 2177 specific appropriations, the agency shall reimburse Medicaid
 2178 providers, in accordance with state and federal law, according
 2179 to methodologies set forth in the rules of the agency and in
 2180 policy manuals and handbooks incorporated by reference therein.
 2181 These methodologies may include fee schedules, reimbursement
 2182 methods based on cost reporting, negotiated fees, competitive
 2183 bidding pursuant to s. 287.057, and other mechanisms the agency
 2184 considers efficient and effective for purchasing services or

2185 goods on behalf of recipients. If a provider is reimbursed based
2186 on cost reporting and submits a cost report late and that cost
2187 report would have been used to set a lower reimbursement rate
2188 for a rate semester, then the provider's rate for that semester
2189 shall be retroactively calculated using the new cost report, and
2190 full payment at the recalculated rate shall be effected
2191 retroactively. Medicare-granted extensions for filing cost
2192 reports, if applicable, shall also apply to Medicaid cost
2193 reports. Payment for Medicaid compensable services made on
2194 behalf of Medicaid eligible persons is subject to the
2195 availability of moneys and any limitations or directions
2196 provided for in the General Appropriations Act or chapter 216.
2197 Further, nothing in this section shall be construed to prevent
2198 or limit the agency from adjusting fees, reimbursement rates,
2199 lengths of stay, number of visits, or number of services, or
2200 making any other adjustments necessary to comply with the
2201 availability of moneys and any limitations or directions
2202 provided for in the General Appropriations Act, provided the
2203 adjustment is consistent with legislative intent.

2204 (3) Subject to any limitations or directions provided for
2205 in the General Appropriations Act, the following Medicaid
2206 services and goods may be reimbursed on a fee-for-service basis.
2207 For each allowable service or goods furnished in accordance with
2208 Medicaid rules, policy manuals, handbooks, and state and federal
2209 law, the payment shall be the amount billed by the provider, the
2210 provider's usual and customary charge, or the maximum allowable

2211 fee established by the agency, whichever amount is less, with
 2212 the exception of those services or goods for which the agency
 2213 makes payment using a methodology based on capitation rates,
 2214 average costs, or negotiated fees.

2215 (a) Independent advanced practice registered nurse or
 2216 advanced practice registered nurse ~~practitioner~~ services.

2217 (7) A provider of family planning services shall be
 2218 reimbursed the lesser of the amount billed by the provider or an
 2219 all-inclusive amount per type of visit for physicians,
 2220 independent advanced practice registered nurses, and advanced
 2221 practice registered nurses ~~nurse practitioners,~~ as established
 2222 by the agency in a fee schedule.

2223 Section 46. Subsection (2) of section 409.9081, Florida
 2224 Statutes, is amended to read:

2225 409.9081 Copayments.—

2226 (2) The agency shall, subject to federal regulations and
 2227 any directions or limitations provided for in the General
 2228 Appropriations Act, require copayments for the following
 2229 additional services: hospital inpatient, laboratory and X-ray
 2230 services, transportation services, home health care services,
 2231 community mental health services, rural health services,
 2232 federally qualified health clinic services, and independent
 2233 advanced practice registered nurse or advanced practice
 2234 registered nurse ~~practitioner~~ services. The agency may only
 2235 establish copayments for prescribed drugs or for any other
 2236 federally authorized service if such copayment is specifically

2237 provided for in the General Appropriations Act or other law.

2238 Section 47. Paragraph (a) of subsection (1) of section
 2239 409.973, Florida Statutes, is amended to read:

2240 409.973 Benefits.—

2241 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
 2242 minimum, the following services:

2243 (a) Independent advanced practice registered nurse and
 2244 advanced practice registered nurse ~~practitioner~~ services.

2245 Section 48. Subsections (2), (4), and (5) of section
 2246 429.26, Florida Statutes, are amended to read:

2247 429.26 Appropriateness of placements; examinations of
 2248 residents.—

2249 (2) A physician, physician assistant, independent advanced
 2250 practice registered nurse, or advanced practice registered nurse
 2251 ~~practitioner~~ who is employed by an assisted living facility to
 2252 provide an initial examination for admission purposes may not
 2253 have financial interest in the facility.

2254 (4) If possible, each resident shall have been examined by
 2255 a licensed physician, a licensed physician assistant, a
 2256 registered independent advanced practice registered nurse, or a
 2257 certified advanced practice registered ~~licensed~~ nurse
 2258 ~~practitioner~~ within 60 days before admission to the facility.
 2259 The signed and completed medical examination report shall be
 2260 submitted to the owner or administrator of the facility who
 2261 shall use the information contained therein to assist in the
 2262 determination of the appropriateness of the resident's admission

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2263 and continued stay in the facility. The medical examination
2264 report shall become a permanent part of the record of the
2265 resident at the facility and shall be made available to the
2266 agency during inspection or upon request. An assessment that has
2267 been completed through the Comprehensive Assessment and Review
2268 for Long-Term Care Services (CARES) Program fulfills the
2269 requirements for a medical examination under this subsection and
2270 s. 429.07(3)(b)6.

2271 (5) Except as provided in s. 429.07, if a medical
2272 examination has not been completed within 60 days before the
2273 admission of the resident to the facility, a licensed physician,
2274 licensed physician assistant, registered independent advanced
2275 practice registered nurse, or certified advanced practice
2276 registered licensed nurse practitioner shall examine the
2277 resident and complete a medical examination form provided by the
2278 agency within 30 days following the admission to the facility to
2279 enable the facility owner or administrator to determine the
2280 appropriateness of the admission. The medical examination form
2281 shall become a permanent part of the record of the resident at
2282 the facility and shall be made available to the agency during
2283 inspection by the agency or upon request.

2284 Section 49. Paragraph (a) of subsection (2) and paragraph
2285 (a) of subsection (7) of section 429.918, Florida Statutes, are
2286 amended to read:

2287 429.918 Licensure designation as a specialized Alzheimer's
2288 services adult day care center.—

2289 (2) As used in this section, the term:

2290 (a) "ADRD participant" means a participant who has a
 2291 documented diagnosis of Alzheimer's disease or a dementia-
 2292 related disorder (ADRD) from a licensed physician, licensed
 2293 physician assistant, registered independent advanced practice
 2294 registered nurse, or certified ~~a licensed~~ advanced practice
 2295 registered nurse ~~practitioner~~.

2296 (7) (a) An ADRD participant admitted to an adult day care
 2297 center having a license designated under this section, or the
 2298 caregiver when applicable, must:

2299 1. Require ongoing supervision to maintain the highest
 2300 level of medical or custodial functioning and have a
 2301 demonstrated need for a responsible party to oversee his or her
 2302 care.

2303 2. Not actively demonstrate aggressive behavior that
 2304 places himself, herself, or others at risk of harm.

2305 3. Provide the following medical documentation signed by a
 2306 licensed physician, licensed physician assistant, registered
 2307 independent advanced practice registered nurse, or certified ~~a~~
 2308 ~~licensed~~ advanced practice registered nurse ~~practitioner~~:

2309 a. Any physical, health, or emotional conditions that
 2310 require medical care.

2311 b. A listing of the ADRD participant's current prescribed
 2312 and over-the-counter medications and dosages, diet restrictions,
 2313 mobility restrictions, and other physical limitations.

2314 4. Provide documentation signed by a health care provider

2315 licensed in this state which indicates that the ADRD participant
 2316 is free of the communicable form of tuberculosis and free of
 2317 signs and symptoms of other communicable diseases.

2318 Section 50. Paragraph (e) of subsection (5) of section
 2319 440.102, Florida Statutes, is amended to read:

2320 440.102 Drug-free workplace program requirements.—The
 2321 following provisions apply to a drug-free workplace program
 2322 implemented pursuant to law or to rules adopted by the Agency
 2323 for Health Care Administration:

2324 (5) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen
 2325 collection and testing for drugs under this section shall be
 2326 performed in accordance with the following procedures:

2327 (e) A specimen for a drug test may be taken or collected
 2328 by any of the following persons:

2329 1. A physician, a physician assistant, an independent
 2330 advanced practice registered nurse, an advanced practice
 2331 registered nurse, a registered ~~professional~~ nurse, a licensed
 2332 practical nurse, or ~~a nurse practitioner or~~ a certified
 2333 paramedic who is present at the scene of an accident for the
 2334 purpose of rendering emergency medical service or treatment.

2335 2. A qualified person employed by a licensed or certified
 2336 laboratory as described in subsection (9).

2337 Section 51. Subsection (2) and paragraph (d) of subsection
 2338 (4) of section 456.0391, Florida Statutes, are amended to read:

2339 456.0391 Advanced practice registered nurses ~~nurse~~
 2340 ~~practitioners~~; information required for certification.—

2341 (2) The Department of Health shall send a notice to each
 2342 person certified under s. 464.012 at the certificateholder's
 2343 last known address of record regarding the requirements for
 2344 information to be submitted by advanced practice registered
 2345 nurses ~~nurse practitioners~~ pursuant to this section in
 2346 conjunction with the renewal of such certificate.

2347 (4)

2348 (d) Any applicant for initial certification or renewal of
 2349 certification as an advanced practice registered nurse
 2350 ~~practitioner~~ who submits to the Department of Health a set of
 2351 fingerprints and information required for the criminal history
 2352 check required under this section shall not be required to
 2353 provide a subsequent set of fingerprints or other duplicate
 2354 information required for a criminal history check to the Agency
 2355 for Health Care Administration, the Department of Juvenile
 2356 Justice, or the Department of Children and Families for
 2357 employment or licensure with such agency or department, if the
 2358 applicant has undergone a criminal history check as a condition
 2359 of initial certification or renewal of certification as an
 2360 advanced practice registered nurse ~~practitioner~~ with the
 2361 Department of Health, notwithstanding any other provision of law
 2362 to the contrary. In lieu of such duplicate submission, the
 2363 Agency for Health Care Administration, the Department of
 2364 Juvenile Justice, and the Department of Children and Families
 2365 shall obtain criminal history information for employment or
 2366 licensure of persons certified under s. 464.012 by such agency

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2367 or department from the Department of Health's health care
 2368 practitioner credentialing system.

2369 Section 52. Subsection (2) of section 456.0392, Florida
 2370 Statutes, is amended to read:

2371 456.0392 Prescription labeling.—

2372 (2) A prescription for a drug ~~that is not listed as a~~
 2373 ~~controlled substance in chapter 893 which is~~ written by an
 2374 advanced practice registered nurse ~~practitioner~~ certified under
 2375 s. 464.012 is presumed, subject to rebuttal, to be valid and
 2376 within the parameters of the prescriptive authority delegated by
 2377 a practitioner licensed under chapter 458, chapter 459, or
 2378 chapter 466.

2379 Section 53. Paragraph (a) of subsection (1) and subsection
 2380 (6) of section 456.041, Florida Statutes, are amended to read:

2381 456.041 Practitioner profile; creation.—

2382 (1)(a) The Department of Health shall compile the
 2383 information submitted pursuant to s. 456.039 into a practitioner
 2384 profile of the applicant submitting the information, except that
 2385 the Department of Health shall develop a format to compile
 2386 uniformly any information submitted under s. 456.039(4)(b).
 2387 Beginning July 1, 2001, the Department of Health may compile the
 2388 information submitted pursuant to s. 456.0391 into a
 2389 practitioner profile of the applicant submitting the
 2390 information. The protocol submitted pursuant to s. 464.012(3)
 2391 must be included in the practitioner profile of the advanced
 2392 practice registered nurse ~~practitioner~~.

2393 (6) The Department of Health shall provide in each
 2394 practitioner profile for every physician or advanced practice
 2395 registered nurse ~~practitioner~~ terminated for cause from
 2396 participating in the Medicaid program, pursuant to s. 409.913,
 2397 or sanctioned by the Medicaid program a statement that the
 2398 practitioner has been terminated from participating in the
 2399 Florida Medicaid program or sanctioned by the Medicaid program.

2400 Section 54. Subsection (1) and paragraphs (a), (d), and
 2401 (e) of subsection (2) of section 456.048, Florida Statutes, are
 2402 amended to read:

2403 456.048 Financial responsibility requirements for certain
 2404 health care practitioners.—

2405 (1) As a prerequisite for licensure or license renewal,
 2406 the Board of Acupuncture, the Board of Chiropractic Medicine,
 2407 the Board of Podiatric Medicine, and the Board of Dentistry
 2408 shall, by rule, require that all health care practitioners
 2409 licensed under the respective board, and the Board of Medicine
 2410 and the Board of Osteopathic Medicine shall, by rule, require
 2411 that all anesthesiologist assistants licensed pursuant to s.
 2412 458.3475 or s. 459.023, and the Board of Nursing shall, by rule,
 2413 require that independent advanced practice registered nurses
 2414 registered under s. 464.0125 and advanced practice registered
 2415 nurses ~~nurse practitioners~~ certified under s. 464.012, and the
 2416 department shall, by rule, require that midwives maintain
 2417 medical malpractice insurance or provide proof of financial
 2418 responsibility in an amount and in a manner determined by the

2419 board or department to be sufficient to cover claims arising out
2420 of the rendering of or failure to render professional care and
2421 services in this state.

2422 (2) The board or department may grant exemptions upon
2423 application by practitioners meeting any of the following
2424 criteria:

2425 (a) Any person licensed under chapter 457, s. 458.3475, s.
2426 459.023, chapter 460, chapter 461, s. 464.012, s. 464.0125,
2427 chapter 466, or chapter 467 who practices exclusively as an
2428 officer, employee, or agent of the Federal Government or of the
2429 state or its agencies or its subdivisions. For the purposes of
2430 this subsection, an agent of the state, its agencies, or its
2431 subdivisions is a person who is eligible for coverage under any
2432 self-insurance or insurance program authorized by the provisions
2433 of s. 768.28(16) or who is a volunteer under s. 110.501(1).

2434 (d) Any person licensed or certified under chapter 457, s.
2435 458.3475, s. 459.023, chapter 460, chapter 461, s. 464.012, s.
2436 464.0125, chapter 466, or chapter 467 who practices only in
2437 conjunction with his or her teaching duties at an accredited
2438 school or in its main teaching hospitals. Such person may engage
2439 in the practice of medicine to the extent that such practice is
2440 incidental to and a necessary part of duties in connection with
2441 the teaching position in the school.

2442 (e) Any person holding an active license or certification
2443 under chapter 457, s. 458.3475, s. 459.023, chapter 460, chapter
2444 461, s. 464.012, s. 464.0125, chapter 466, or chapter 467 who is

2445 not practicing in this state. If such person initiates or
 2446 resumes practice in this state, he or she must notify the
 2447 department of such activity.

2448 Section 55. Paragraphs (a), (i), (o), and (r) of
 2449 subsection (3) and paragraph (g) of subsection (5) of section
 2450 456.053, Florida Statutes, are amended to read:

2451 456.053 Financial arrangements between referring health
 2452 care providers and providers of health care services.—

2453 (3) DEFINITIONS.—For the purpose of this section, the
 2454 word, phrase, or term:

2455 (a) "Board" means any of the following boards relating to
 2456 the respective professions: the Board of Medicine as created in
 2457 s. 458.307; the Board of Osteopathic Medicine as created in s.
 2458 459.004; the Board of Chiropractic Medicine as created in s.
 2459 460.404; the Board of Podiatric Medicine as created in s.
 2460 461.004; the Board of Optometry as created in s. 463.003; the
 2461 Board of Pharmacy as created in s. 465.004; ~~and~~ the Board of
 2462 Dentistry as created in s. 466.004; and the Board of Nursing as
 2463 created in s. 464.004.

2464 (i) "Health care provider" means a ~~any~~ physician licensed
 2465 under chapter 458, chapter 459, chapter 460, or chapter 461; an
 2466 independent advanced practice registered nurse registered under
 2467 s. 464.0125; ~~7~~ or a ~~any~~ health care provider licensed under
 2468 chapter 463 or chapter 466.

2469 (o) "Referral" means any referral of a patient by a health
 2470 care provider for health care services, including, without

2471 limitation:

2472 1. The forwarding of a patient by a health care provider
 2473 to another health care provider or to an entity which provides
 2474 or supplies designated health services or any other health care
 2475 item or service; or

2476 2. The request or establishment of a plan of care by a
 2477 health care provider, which includes the provision of designated
 2478 health services or other health care item or service.

2479 3. The following orders, recommendations, or plans of care
 2480 shall not constitute a referral by a health care provider:

2481 a. By a radiologist for diagnostic-imaging services.

2482 b. By a physician specializing in the provision of
 2483 radiation therapy services for such services.

2484 c. By a medical oncologist for drugs and solutions to be
 2485 prepared and administered intravenously to such oncologist's
 2486 patient, as well as for the supplies and equipment used in
 2487 connection therewith to treat such patient for cancer and the
 2488 complications thereof.

2489 d. By a cardiologist for cardiac catheterization services.

2490 e. By a pathologist for diagnostic clinical laboratory
 2491 tests and pathological examination services, if furnished by or
 2492 under the supervision of such pathologist pursuant to a
 2493 consultation requested by another physician.

2494 f. By a health care provider who is the sole provider or
 2495 member of a group practice for designated health services or
 2496 other health care items or services that are prescribed or

2497 provided solely for such referring health care provider's or
2498 group practice's own patients, and that are provided or
2499 performed by or under the direct supervision of such referring
2500 health care provider or group practice; provided, however, ~~that~~
2501 ~~effective July 1, 1999,~~ a physician licensed pursuant to chapter
2502 458, chapter 459, chapter 460, or chapter 461 or an independent
2503 advanced practice registered nurse registered under s. 464.0125
2504 may refer a patient to a sole provider or group practice for
2505 diagnostic imaging services, excluding radiation therapy
2506 services, for which the sole provider or group practice billed
2507 both the technical and the professional fee for or on behalf of
2508 the patient, if the referring physician or independent advanced
2509 practice registered nurse has no investment interest in the
2510 practice. The diagnostic imaging service referred to a group
2511 practice or sole provider must be a diagnostic imaging service
2512 normally provided within the scope of practice to the patients
2513 of the group practice or sole provider. The group practice or
2514 sole provider may accept no more than 15 percent of their
2515 patients receiving diagnostic imaging services from outside
2516 referrals, excluding radiation therapy services.

2517 g. By a health care provider for services provided by an
2518 ambulatory surgical center licensed under chapter 395.

2519 h. By a urologist for lithotripsy services.

2520 i. By a dentist for dental services performed by an
2521 employee of or health care provider who is an independent
2522 contractor with the dentist or group practice of which the

2523 dentist is a member.

2524 j. By a physician for infusion therapy services to a
 2525 patient of that physician or a member of that physician's group
 2526 practice.

2527 k. By a nephrologist for renal dialysis services and
 2528 supplies, except laboratory services.

2529 l. By a health care provider whose principal professional
 2530 practice consists of treating patients in their private
 2531 residences for services to be rendered in such private
 2532 residences, except for services rendered by a home health agency
 2533 licensed under chapter 400. For purposes of this sub-
 2534 subparagraph, the term "private residences" includes patients'
 2535 private homes, independent living centers, and assisted living
 2536 facilities, but does not include skilled nursing facilities.

2537 m. By a health care provider for sleep-related testing.

2538 (r) "Sole provider" means one health care provider
 2539 licensed under chapter 458, chapter 459, chapter 460, ~~or~~ chapter
 2540 461, or s. 464.0125, who maintains a separate medical office and
 2541 a medical practice separate from any other health care provider
 2542 and who bills for his or her services separately from the
 2543 services provided by any other health care provider. A sole
 2544 provider shall not share overhead expenses or professional
 2545 income with any other person or group practice.

2546 (5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as
 2547 provided in this section:

2548 (g) A violation of this section by a health care provider

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2549 shall constitute grounds for disciplinary action to be taken by
 2550 the applicable board pursuant to s. 458.331(2), s. 459.015(2),
 2551 s. 460.413(2), s. 461.013(2), s. 463.016(2), s. 464.018, or s.
 2552 466.028(2). Any hospital licensed under chapter 395 found in
 2553 violation of this section shall be subject to s. 395.0185(2).

2554 Section 56. Subsection (7) of section 456.072, Florida
 2555 Statutes, is amended to read:

2556 456.072 Grounds for discipline; penalties; enforcement.—

2557 (7) Notwithstanding subsection (2), upon a finding that a
 2558 physician, an independent advanced practice registered nurse, or
 2559 an advanced practice registered nurse has prescribed or
 2560 dispensed a controlled substance, or caused a controlled
 2561 substance to be prescribed or dispensed, in a manner that
 2562 violates the standard of practice set forth in s. 458.331(1)(q)
 2563 or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o) or (s), s.
 2564 464.018(1)(p), or s. 466.028(1)(p) or (x), the practitioner
 2565 ~~physician~~ shall be suspended for a period of at least not less
 2566 ~~than~~ 6 months and pay a fine of at least not less than \$10,000
 2567 per count. Repeated violations shall result in increased
 2568 penalties.

2569 Section 57. Paragraph (a) of subsection (2) and subsection
 2570 (3) of section 456.44, Florida Statutes, are amended to read:

2571 456.44 Controlled substance prescribing.—

2572 (2) REGISTRATION.—~~Effective January 1, 2012,~~ A physician
 2573 licensed under chapter 458, chapter 459, chapter 461, or chapter
 2574 466, or an independent advanced practice registered nurse

2575 registered, or an advanced practice registered nurse certified,
 2576 under part I of chapter 464, who prescribes any controlled
 2577 substance, listed in Schedule II, Schedule III, or Schedule IV
 2578 as defined in s. 893.03, for the treatment of chronic
 2579 nonmalignant pain, must:

2580 (a) Designate himself or herself as a controlled substance
 2581 prescribing practitioner on the practitioner's ~~physician's~~
 2582 ~~practitioner~~ profile.

2583 (3) STANDARDS OF PRACTICE.—The standards of practice in
 2584 this section do not supersede the level of care, skill, and
 2585 treatment recognized in general law related to health care
 2586 licensure.

2587 (a) A complete medical history and a physical examination
 2588 must be conducted before beginning any treatment and must be
 2589 documented in the medical record. The exact components of the
 2590 physical examination shall be left to the judgment of the
 2591 clinician who is expected to perform a physical examination
 2592 proportionate to the diagnosis that justifies a treatment. The
 2593 medical record must, at a minimum, document the nature and
 2594 intensity of the pain, current and past treatments for pain,
 2595 underlying or coexisting diseases or conditions, the effect of
 2596 the pain on physical and psychological function, a review of
 2597 previous medical records, previous diagnostic studies, and
 2598 history of alcohol and substance abuse. The medical record shall
 2599 also document the presence of one or more recognized medical
 2600 indications for the use of a controlled substance. Each

2601 registrant must develop a written plan for assessing each
2602 patient's risk of aberrant drug-related behavior, which may
2603 include patient drug testing. Registrants must assess each
2604 patient's risk for aberrant drug-related behavior and monitor
2605 that risk on an ongoing basis in accordance with the plan.

2606 (b) Each registrant must develop a written individualized
2607 treatment plan for each patient. The treatment plan shall state
2608 objectives that will be used to determine treatment success,
2609 such as pain relief and improved physical and psychosocial
2610 function, and shall indicate if any further diagnostic
2611 evaluations or other treatments are planned. After treatment
2612 begins, the practitioner ~~physician~~ shall adjust drug therapy to
2613 the individual medical needs of each patient. Other treatment
2614 modalities, including a rehabilitation program, shall be
2615 considered depending on the etiology of the pain and the extent
2616 to which the pain is associated with physical and psychosocial
2617 impairment. The interdisciplinary nature of the treatment plan
2618 shall be documented.

2619 (c) The practitioner ~~physician~~ shall discuss the risks and
2620 benefits of the use of controlled substances, including the
2621 risks of abuse and addiction, as well as physical dependence and
2622 its consequences, with the patient, persons designated by the
2623 patient, or the patient's surrogate or guardian if the patient
2624 is incompetent. The practitioner ~~physician~~ shall use a written
2625 controlled substance agreement between the practitioner
2626 ~~physician~~ and the patient outlining the patient's

2627 responsibilities, including, but not limited to:

2628 1. Number and frequency of controlled substance
2629 prescriptions and refills.

2630 2. Patient compliance and reasons for which drug therapy
2631 may be discontinued, such as a violation of the agreement.

2632 3. An agreement that controlled substances for the
2633 treatment of chronic nonmalignant pain shall be prescribed by a
2634 single treating practitioner ~~physician~~ unless otherwise
2635 authorized by the treating practitioner ~~physician~~ and documented
2636 in the medical record.

2637 (d) The patient shall be seen by the practitioner
2638 ~~physician~~ at regular intervals, not to exceed 3 months, to
2639 assess the efficacy of treatment, ensure that controlled
2640 substance therapy remains indicated, evaluate the patient's
2641 progress toward treatment objectives, consider adverse drug
2642 effects, and review the etiology of the pain. Continuation or
2643 modification of therapy shall depend on the practitioner's
2644 ~~physician's~~ evaluation of the patient's progress. If treatment
2645 goals are not being achieved, despite medication adjustments,
2646 the practitioner ~~physician~~ shall reevaluate the appropriateness
2647 of continued treatment. The practitioner ~~physician~~ shall monitor
2648 patient compliance in medication usage, related treatment plans,
2649 controlled substance agreements, and indications of substance
2650 abuse or diversion at a minimum of 3-month intervals.

2651 (e) The practitioner ~~physician~~ shall refer the patient as
2652 necessary for additional evaluation and treatment in order to

2653 achieve treatment objectives. Special attention shall be given
2654 to those patients who are at risk for misusing their medications
2655 and those whose living arrangements pose a risk for medication
2656 misuse or diversion. The management of pain in patients with a
2657 history of substance abuse or with a comorbid psychiatric
2658 disorder requires extra care, monitoring, and documentation and
2659 requires consultation with or referral to an addiction medicine
2660 specialist or psychiatrist.

2661 (f) A practitioner ~~physician~~ registered under this section
2662 must maintain accurate, current, and complete records that are
2663 accessible and readily available for review and comply with the
2664 requirements of this section, the applicable practice act, and
2665 applicable board rules. The medical records must include, but
2666 are not limited to:

- 2667 1. The complete medical history and a physical
2668 examination, including history of drug abuse or dependence.
- 2669 2. Diagnostic, therapeutic, and laboratory results.
- 2670 3. Evaluations and consultations.
- 2671 4. Treatment objectives.
- 2672 5. Discussion of risks and benefits.
- 2673 6. Treatments.
- 2674 7. Medications, including date, type, dosage, and quantity
2675 prescribed.
- 2676 8. Instructions and agreements.
- 2677 9. Periodic reviews.
- 2678 10. Results of any drug testing.

2679 | 11. A photocopy of the patient's government-issued photo
 2680 | identification.

2681 | 12. If a written prescription for a controlled substance
 2682 | is given to the patient, a duplicate of the prescription.

2683 | 13. The practitioner's ~~physician's~~ full name presented in
 2684 | a legible manner.

2685 | (g) Patients with signs or symptoms of substance abuse
 2686 | shall be immediately referred to a board-certified pain
 2687 | management physician, an addiction medicine specialist, or a
 2688 | mental health addiction facility as it pertains to drug abuse or
 2689 | addiction unless the practitioner is a physician ~~who~~ is board-
 2690 | certified or board-eligible in pain management. Throughout the
 2691 | period of time before receiving the consultant's report, a
 2692 | prescribing practitioner ~~physician~~ shall clearly and completely
 2693 | document medical justification for continued treatment with
 2694 | controlled substances and those steps taken to ensure medically
 2695 | appropriate use of controlled substances by the patient. Upon
 2696 | receipt of the consultant's written report, the prescribing
 2697 | practitioner ~~physician~~ shall incorporate the consultant's
 2698 | recommendations for continuing, modifying, or discontinuing
 2699 | controlled substance therapy. The resulting changes in treatment
 2700 | shall be specifically documented in the patient's medical
 2701 | record. Evidence or behavioral indications of diversion shall be
 2702 | followed by discontinuation of controlled substance therapy, and
 2703 | the patient shall be discharged, and all results of testing and
 2704 | actions taken by the practitioner ~~physician~~ shall be documented

2705 | in the patient's medical record.

2706 |

2707 | This subsection does not apply to a board-eligible or board-
 2708 | certified anesthesiologist, physiatrist, rheumatologist, or
 2709 | neurologist, or to a board-certified physician who has surgical
 2710 | privileges at a hospital or ambulatory surgery center and
 2711 | primarily provides surgical services. This subsection does not
 2712 | apply to a board-eligible or board-certified medical specialist
 2713 | who has also completed a fellowship in pain medicine approved by
 2714 | the Accreditation Council for Graduate Medical Education or the
 2715 | American Osteopathic Association, or who is board eligible or
 2716 | board certified in pain medicine by the American Board of Pain
 2717 | Medicine or a board approved by the American Board of Medical
 2718 | Specialties or the American Osteopathic Association and performs
 2719 | interventional pain procedures of the type routinely billed
 2720 | using surgical codes. This subsection does not apply to a
 2721 | practitioner ~~physician~~ who prescribes medically necessary
 2722 | controlled substances for a patient during an inpatient stay in
 2723 | a hospital licensed under chapter 395.

2724 | Section 58. Paragraph (c) of subsection (2) of section
 2725 | 458.3265, Florida Statutes, is amended to read:

2726 | 458.3265 Pain-management clinics.—

2727 | (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 2728 | apply to any physician who provides professional services in a
 2729 | pain-management clinic that is required to be registered in
 2730 | subsection (1).

2731 (c) A physician, a physician assistant, an independent
 2732 advanced practice registered nurse, or an advanced practice
 2733 registered nurse ~~practitioner~~ must perform a physical
 2734 examination of a patient on the same day that the physician
 2735 prescribes a controlled substance to a patient at a pain-
 2736 management clinic. If the physician prescribes more than a 72-
 2737 hour dose of controlled substances for the treatment of chronic
 2738 nonmalignant pain, the physician must document in the patient's
 2739 record the reason for prescribing that quantity.

2740 Section 59. Paragraph (dd) of subsection (1) of section
 2741 458.331, Florida Statutes, is amended to read:

2742 458.331 Grounds for disciplinary action; action by the
 2743 board and department.—

2744 (1) The following acts constitute grounds for denial of a
 2745 license or disciplinary action, as specified in s. 456.072(2):

2746 (dd) Failing to supervise adequately the activities of
 2747 those physician assistants, paramedics, emergency medical
 2748 technicians, advanced practice registered nurses ~~nurse~~
 2749 ~~practitioners~~, or anesthesiologist assistants acting under the
 2750 supervision of the physician.

2751 Section 60. Paragraph (a) of subsection (1) and
 2752 subsections (2) and (4) of section 458.348, Florida Statutes,
 2753 are amended to read:

2754 458.348 Formal supervisory relationships, standing orders,
 2755 and established protocols; notice; standards.—

2756 (1) NOTICE.—

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2757 (a) When a physician enters into a formal supervisory
2758 relationship or standing orders with an emergency medical
2759 technician or paramedic licensed pursuant to s. 401.27, which
2760 relationship or orders contemplate the performance of medical
2761 acts, or when a physician enters into an established protocol
2762 with an advanced practice registered nurse ~~practitioner~~, which
2763 protocol contemplates the performance of medical acts identified
2764 and approved by the joint committee pursuant to s. 464.003(2) or
2765 acts set forth in s. 464.012(3) and (4), the physician shall
2766 submit notice to the board. The notice shall contain a statement
2767 in substantially the following form:

2768 I, ...(name and professional license number of
2769 physician)..., of ...(address of physician)... have hereby
2770 entered into a formal supervisory relationship, standing orders,
2771 or an established protocol with ...(number of persons)...
2772 emergency medical technician(s), ...(number of persons)...
2773 paramedic(s), or ...(number of persons)... advanced practice
2774 registered nurse(s) ~~nurse practitioner(s)~~.

2775 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The
2776 joint committee created under s. 464.003(2) shall determine
2777 minimum standards for the content of established protocols
2778 pursuant to which an advanced practice registered nurse
2779 ~~practitioner~~ may perform medical acts identified and approved by
2780 the joint committee pursuant to s. 464.003(2) or acts set forth
2781 in s. 464.012(3) and (4) and shall determine minimum standards
2782 for supervision of such acts by the physician, unless the joint

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2783 | committee determines that any act set forth in s. 464.012(3) or
2784 | (4) is not a medical act. Such standards shall be based on risk
2785 | to the patient and acceptable standards of medical care and
2786 | shall take into account the special problems of medically
2787 | underserved areas. The standards developed by the joint
2788 | committee shall be adopted as rules by the Board of Nursing and
2789 | the Board of Medicine for purposes of carrying out their
2790 | responsibilities pursuant to part I of chapter 464 and this
2791 | chapter, respectively, but neither board shall have disciplinary
2792 | powers over the licensees of the other board.

2793 | (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—
2794 | A physician who supervises an advanced practice registered nurse
2795 | ~~practitioner~~ or physician assistant at a medical office other
2796 | than the physician's primary practice location, where the
2797 | advanced practice registered nurse ~~practitioner~~ or physician
2798 | assistant is not under the onsite supervision of a supervising
2799 | physician, must comply with the standards set forth in this
2800 | subsection. For the purpose of this subsection, a physician's
2801 | "primary practice location" means the address reflected on the
2802 | physician's profile published pursuant to s. 456.041.

2803 | (a) A physician who is engaged in providing primary health
2804 | care services may not supervise more than four offices in
2805 | addition to the physician's primary practice location. For the
2806 | purpose of this subsection, "primary health care" means health
2807 | care services that are commonly provided to patients without
2808 | referral from another practitioner, including obstetrical and

2809 | gynecological services, and excludes practices providing
 2810 | primarily dermatologic and skin care services, which include
 2811 | aesthetic skin care services.

2812 | (b) A physician who is engaged in providing specialty
 2813 | health care services may not supervise more than two offices in
 2814 | addition to the physician's primary practice location. For the
 2815 | purpose of this subsection, "specialty health care" means health
 2816 | care services that are commonly provided to patients with a
 2817 | referral from another practitioner and excludes practices
 2818 | providing primarily dermatologic and skin care services, which
 2819 | include aesthetic skin care services.

2820 | (c) A physician who supervises an advanced practice
 2821 | registered nurse ~~practitioner~~ or physician assistant at a
 2822 | medical office other than the physician's primary practice
 2823 | location, where the advanced practice registered nurse
 2824 | ~~practitioner~~ or physician assistant is not under the onsite
 2825 | supervision of a supervising physician and the services offered
 2826 | at the office are primarily dermatologic or skin care services,
 2827 | which include aesthetic skin care services other than plastic
 2828 | surgery, must comply with the standards listed in subparagraphs
 2829 | 1.-4. Notwithstanding s. 458.347(4)(e)6., a physician
 2830 | supervising a physician assistant pursuant to this paragraph may
 2831 | not be required to review and cosign charts or medical records
 2832 | prepared by such physician assistant.

2833 | 1. The physician shall submit to the board the addresses
 2834 | of all offices where the physician ~~he or she~~ is supervising an

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2835 advanced practice registered nurse ~~practitioner~~ or a physician
2836 ~~physician's~~ assistant which are not the physician's primary
2837 practice location.

2838 2. The physician must be board certified or board eligible
2839 in dermatology or plastic surgery as recognized by the board
2840 pursuant to s. 458.3312.

2841 3. All such offices that are not the physician's primary
2842 place of practice must be within 25 miles of the physician's
2843 primary place of practice or in a county that is contiguous to
2844 the county of the physician's primary place of practice.
2845 However, the distance between any of the offices may not exceed
2846 75 miles.

2847 4. The physician may supervise only one office other than
2848 the physician's primary place of practice ~~except that until July~~
2849 ~~1, 2011, the physician may supervise up to two medical offices~~
2850 ~~other than the physician's primary place of practice if the~~
2851 ~~addresses of the offices are submitted to the board before July~~
2852 ~~1, 2006. Effective July 1, 2011, the physician may supervise~~
2853 ~~only one office other than the physician's primary place of~~
2854 ~~practice, regardless of when the addresses of the offices were~~
2855 ~~submitted to the board.~~

2856 (d) A physician who supervises an office in addition to
2857 the physician's primary practice location must conspicuously
2858 post in each of the physician's offices a current schedule of
2859 the regular hours when the physician is present in that office
2860 and the hours when the office is open while the physician is not

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2861 present.

2862 (e) This subsection does not apply to health care services
2863 provided in facilities licensed under chapter 395 or in
2864 conjunction with a college of medicine, a college of nursing, an
2865 accredited graduate medical program, or a nursing education
2866 program; not-for-profit, family-planning clinics that are not
2867 licensed pursuant to chapter 390; rural and federally qualified
2868 health centers; health care services provided in a nursing home
2869 licensed under part II of chapter 400, an assisted living
2870 facility licensed under part I of chapter 429, a continuing care
2871 facility licensed under chapter 651, or a retirement community
2872 consisting of independent living units and a licensed nursing
2873 home or assisted living facility; anesthesia services provided
2874 in accordance with law; health care services provided in a
2875 designated rural health clinic; health care services provided to
2876 persons enrolled in a program designed to maintain elderly
2877 persons and persons with disabilities in a home or community-
2878 based setting; university primary care student health centers;
2879 school health clinics; or health care services provided in
2880 federal, state, or local government facilities. Subsection (3)
2881 and this subsection do not apply to offices at which the
2882 exclusive service being performed is laser hair removal by an
2883 advanced practice registered nurse ~~practitioner~~ or physician
2884 assistant.

2885 Section 61. Paragraph (c) of subsection (2) of section
2886 459.0137, Florida Statutes, is amended to read:

2887 459.0137 Pain-management clinics.—

2888 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 2889 apply to any osteopathic physician who provides professional
 2890 services in a pain-management clinic that is required to be
 2891 registered in subsection (1).

2892 (c) An osteopathic physician, a physician assistant, an
 2893 independent advanced practice registered nurse, or an advanced
 2894 practice registered nurse ~~practitioner~~ must perform a physical
 2895 examination of a patient on the same day that the physician
 2896 prescribes a controlled substance to a patient at a pain-
 2897 management clinic. If the osteopathic physician prescribes more
 2898 than a 72-hour dose of controlled substances for the treatment
 2899 of chronic nonmalignant pain, the osteopathic physician must
 2900 document in the patient's record the reason for prescribing that
 2901 quantity.

2902 Section 62. Paragraph (hh) of subsection (1) of section
 2903 459.015, Florida Statutes, is amended to read:

2904 459.015 Grounds for disciplinary action; action by the
 2905 board and department.—

2906 (1) The following acts constitute grounds for denial of a
 2907 license or disciplinary action, as specified in s. 456.072(2):

2908 (hh) Failing to supervise adequately the activities of
 2909 those physician assistants, paramedics, emergency medical
 2910 technicians, advanced practice registered nurses ~~nurse~~
 2911 ~~practitioners~~, anesthesiologist assistants, or other persons
 2912 acting under the supervision of the osteopathic physician.

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2913 Section 63. Paragraph (a) of subsection (1) and subsection
 2914 (3) of section 459.025, Florida Statutes, are amended to read:
 2915 459.025 Formal supervisory relationships, standing orders,
 2916 and established protocols; notice; standards.—

2917 (1) NOTICE.—

2918 (a) When an osteopathic physician enters into a formal
 2919 supervisory relationship or standing orders with an emergency
 2920 medical technician or paramedic licensed pursuant to s. 401.27,
 2921 which relationship or orders contemplate the performance of
 2922 medical acts, or when an osteopathic physician enters into an
 2923 established protocol with an advanced practice registered nurse
 2924 ~~practitioner~~, which protocol contemplates the performance of
 2925 medical acts identified and approved by the joint committee
 2926 pursuant to s. 464.003(2) or acts set forth in s. 464.012(3) and
 2927 (4), the osteopathic physician shall submit notice to the board.
 2928 The notice must contain a statement in substantially the
 2929 following form:

2930 I, ...(name and professional license number of osteopathic
 2931 physician)..., of ...(address of osteopathic physician)... have
 2932 hereby entered into a formal supervisory relationship, standing
 2933 orders, or an established protocol with ...(number of
 2934 persons)... emergency medical technician(s), ...(number of
 2935 persons)... paramedic(s), or ...(number of persons)... advanced
 2936 practice registered nurse(s) ~~nurse practitioner(s)~~.

2937 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

2938 An osteopathic physician who supervises an advanced practice

2939 registered nurse ~~practitioner~~ or physician assistant at a
2940 medical office other than the osteopathic physician's primary
2941 practice location, where the advanced practice registered nurse
2942 ~~practitioner~~ or physician assistant is not under the onsite
2943 supervision of a supervising osteopathic physician, must comply
2944 with the standards set forth in this subsection. For the purpose
2945 of this subsection, an osteopathic physician's "primary practice
2946 location" means the address reflected on the physician's profile
2947 published pursuant to s. 456.041.

2948 (a) An osteopathic physician who is engaged in providing
2949 primary health care services may not supervise more than four
2950 offices in addition to the osteopathic physician's primary
2951 practice location. For the purpose of this subsection, "primary
2952 health care" means health care services that are commonly
2953 provided to patients without referral from another practitioner,
2954 including obstetrical and gynecological services, and excludes
2955 practices providing primarily dermatologic and skin care
2956 services, which include aesthetic skin care services.

2957 (b) An osteopathic physician who is engaged in providing
2958 specialty health care services may not supervise more than two
2959 offices in addition to the osteopathic physician's primary
2960 practice location. For the purpose of this subsection,
2961 "specialty health care" means health care services that are
2962 commonly provided to patients with a referral from another
2963 practitioner and excludes practices providing primarily
2964 dermatologic and skin care services, which include aesthetic

2965 skin care services.

2966 (c) An osteopathic physician who supervises an advanced
2967 practice registered nurse ~~practitioner~~ or physician assistant at
2968 a medical office other than the osteopathic physician's primary
2969 practice location, where the advanced practice registered nurse
2970 ~~practitioner~~ or physician assistant is not under the onsite
2971 supervision of a supervising osteopathic physician and the
2972 services offered at the office are primarily dermatologic or
2973 skin care services, which include aesthetic skin care services
2974 other than plastic surgery, must comply with the standards
2975 listed in subparagraphs 1.-4. Notwithstanding s.
2976 459.022(4)(e)6., an osteopathic physician supervising a
2977 physician assistant pursuant to this paragraph may not be
2978 required to review and cosign charts or medical records prepared
2979 by such physician assistant.

2980 1. The osteopathic physician shall submit to the Board of
2981 Osteopathic Medicine the addresses of all offices where the
2982 osteopathic physician ~~he or she~~ is supervising or has a protocol
2983 with an advanced practice registered nurse ~~practitioner~~ or a
2984 physician ~~physician's~~ assistant which are not the osteopathic
2985 physician's primary practice location.

2986 2. The osteopathic physician must be board certified or
2987 board eligible in dermatology or plastic surgery as recognized
2988 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

2989 3. All such offices that are not the osteopathic
2990 physician's primary place of practice must be within 25 miles of

2991 the osteopathic physician's primary place of practice or in a
2992 county that is contiguous to the county of the osteopathic
2993 physician's primary place of practice. However, the distance
2994 between any of the offices may not exceed 75 miles.

2995 4. The osteopathic physician may supervise only one office
2996 other than the osteopathic physician's primary place of practice
2997 ~~except that until July 1, 2011, the osteopathic physician may~~
2998 ~~supervise up to two medical offices other than the osteopathic~~
2999 ~~physician's primary place of practice if the addresses of the~~
3000 ~~offices are submitted to the Board of Osteopathic Medicine~~
3001 ~~before July 1, 2006. Effective July 1, 2011, the osteopathic~~
3002 ~~physician may supervise only one office other than the~~
3003 ~~osteopathic physician's primary place of practice, regardless of~~
3004 ~~when the addresses of the offices were submitted to the Board of~~
3005 ~~Osteopathic Medicine.~~

3006 (d) An osteopathic physician who supervises an office in
3007 addition to the osteopathic physician's primary practice
3008 location must conspicuously post in each of the osteopathic
3009 physician's offices a current schedule of the regular hours when
3010 the osteopathic physician is present in that office and the
3011 hours when the office is open while the osteopathic physician is
3012 not present.

3013 (e) This subsection does not apply to health care services
3014 provided in facilities licensed under chapter 395 or in
3015 conjunction with a college of medicine or college of nursing or
3016 an accredited graduate medical or nursing education program;

3017 offices where the only service being performed is hair removal
 3018 by an advanced practice registered nurse ~~practitioner~~ or
 3019 physician assistant; not-for-profit, family-planning clinics
 3020 that are not licensed pursuant to chapter 390; rural and
 3021 federally qualified health centers; health care services
 3022 provided in a nursing home licensed under part II of chapter
 3023 400, an assisted living facility licensed under part I of
 3024 chapter 429, a continuing care facility licensed under chapter
 3025 651, or a retirement community consisting of independent living
 3026 units and either a licensed nursing home or assisted living
 3027 facility; anesthesia services provided in accordance with law;
 3028 health care services provided in a designated rural health
 3029 clinic; health care services provided to persons enrolled in a
 3030 program designed to maintain elderly persons and persons with
 3031 disabilities in a home or community-based setting; university
 3032 primary care student health centers; school health clinics; or
 3033 health care services provided in federal, state, or local
 3034 government facilities.

3035 Section 64. Subsection (2) of section 464.004, Florida
 3036 Statutes, is amended to read:

3037 464.004 Board of Nursing; membership; appointment; terms.—

3038 (2) Seven members of the board must be registered nurses
 3039 who are residents of this state and who have been engaged in the
 3040 practice of professional nursing for at least 4 years, including
 3041 at least one advanced practice registered nurse ~~practitioner~~,
 3042 one nurse educator member of an approved program, and one nurse

3043 executive. These seven board members should be representative of
 3044 the diverse areas of practice within the nursing profession. In
 3045 addition, three members of the board must be licensed practical
 3046 nurses who are residents of this state and who have been
 3047 actively engaged in the practice of practical nursing for at
 3048 least 4 years prior to their appointment. The remaining three
 3049 members must be residents of the state who have never been
 3050 licensed as nurses and who are in no way connected with the
 3051 practice of nursing. No person may be appointed as a lay member
 3052 who is in any way connected with, or has any financial interest
 3053 in, any health care facility, agency, or insurer. At least one
 3054 member of the board must be 60 years of age or older.

3055 Section 65. Paragraph (a) of subsection (4) of section
 3056 464.0205, Florida Statutes, is amended to read:

3057 464.0205 Retired volunteer nurse certificate.—

3058 (4) A retired volunteer nurse receiving certification from
 3059 the board shall:

3060 (a) Work under the direct supervision of the director of a
 3061 county health department, a physician working under a limited
 3062 license issued pursuant to s. 458.317 or s. 459.0075, a
 3063 physician licensed under chapter 458 or chapter 459, an
 3064 independent advanced practice registered nurse registered under
 3065 s. 464.0125, an advanced practice registered nurse ~~practitioner~~
 3066 certified under s. 464.012, or a registered nurse licensed under
 3067 s. 464.008 or s. 464.009.

3068 Section 66. Subsection (2) of section 467.003, Florida

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3069 Statutes, is amended to read:

3070 467.003 Definitions.—As used in this chapter, unless the
3071 context otherwise requires:

3072 (2) "Certified nurse midwife" means a person who is
3073 certified ~~licensed~~ as an advanced practice registered nurse
3074 ~~practitioner~~ under part I of chapter 464 and who is certified to
3075 practice midwifery by the American College of Nurse Midwives.

3076 Section 67. Paragraph (b) of subsection (1) of section
3077 480.0475, Florida Statutes, is amended to read:

3078 480.0475 Massage establishments; prohibited practices.—

3079 (1) A person may not operate a massage establishment
3080 between the hours of midnight and 5 a.m. This subsection does
3081 not apply to a massage establishment:

3082 (b) In which every massage performed between the hours of
3083 midnight and 5 a.m. is performed by a massage therapist acting
3084 under the prescription of a physician or physician assistant
3085 licensed under chapter 458, an osteopathic physician or
3086 physician assistant licensed under chapter 459, a chiropractic
3087 physician licensed under chapter 460, a podiatric physician
3088 licensed under chapter 461, an independent advanced practice
3089 registered nurse registered, or an advanced practice registered
3090 nurse certified, ~~practitioner licensed~~ under part I of chapter
3091 464, or a dentist licensed under chapter 466; or

3092 Section 68. Subsection (7) of section 483.041, Florida
3093 Statutes, is amended to read:

3094 483.041 Definitions.—As used in this part, the term:

3095 (7) "Licensed practitioner" means a physician licensed
 3096 under chapter 458, chapter 459, chapter 460, or chapter 461; a
 3097 certified optometrist licensed under chapter 463; a dentist
 3098 licensed under chapter 466; a person licensed under chapter 462;
 3099 an independent advanced practice registered nurse registered, or
 3100 an advanced practice registered nurse certified, ~~practitioner~~
 3101 ~~licensed~~ under part I of chapter 464; or a duly licensed
 3102 practitioner from another state licensed under similar statutes
 3103 who orders examinations on materials or specimens for
 3104 nonresidents of the State of Florida, but who reside in the same
 3105 state as the requesting licensed practitioner.

3106 Section 69. Subsection (5) of section 483.181, Florida
 3107 Statutes, is amended to read:

3108 483.181 Acceptance, collection, identification, and
 3109 examination of specimens.—

3110 (5) A clinical laboratory licensed under this part must
 3111 accept a human specimen submitted for examination by a
 3112 practitioner licensed under chapter 458, chapter 459, chapter
 3113 460, chapter 461, chapter 462, chapter 463, s. 464.012, s.
 3114 464.0125, or chapter 466, if the specimen and test are the type
 3115 performed by the clinical laboratory. A clinical laboratory may
 3116 only refuse a specimen based upon a history of nonpayment for
 3117 services by the practitioner. A clinical laboratory shall not
 3118 charge different prices for tests based upon the chapter under
 3119 which a practitioner submitting a specimen for testing is
 3120 licensed.

3121 Section 70. Subsection (5) of section 483.801, Florida
 3122 Statutes, is amended to read:

3123 483.801 Exemptions.—This part applies to all clinical
 3124 laboratories and clinical laboratory personnel within this
 3125 state, except:

3126 (5) Advanced practice registered nurses certified ~~nurse~~
 3127 ~~practitioners licensed~~ under part I of chapter 464 who perform
 3128 provider-performed microscopy procedures (PPMP) in an exclusive-
 3129 use laboratory setting.

3130 Section 71. Paragraph (a) of subsection (11) of section
 3131 486.021, Florida Statutes, is amended to read:

3132 486.021 Definitions.—In this chapter, unless the context
 3133 otherwise requires, the term:

3134 (11) "Practice of physical therapy" means the performance
 3135 of physical therapy assessments and the treatment of any
 3136 disability, injury, disease, or other health condition of human
 3137 beings, or the prevention of such disability, injury, disease,
 3138 or other condition of health, and rehabilitation as related
 3139 thereto by the use of the physical, chemical, and other
 3140 properties of air; electricity; exercise; massage; the
 3141 performance of acupuncture only upon compliance with the
 3142 criteria set forth by the Board of Medicine, when no penetration
 3143 of the skin occurs; the use of radiant energy, including
 3144 ultraviolet, visible, and infrared rays; ultrasound; water; the
 3145 use of apparatus and equipment in the application of the
 3146 foregoing or related thereto; the performance of tests of

3147 neuromuscular functions as an aid to the diagnosis or treatment
 3148 of any human condition; or the performance of electromyography
 3149 as an aid to the diagnosis of any human condition only upon
 3150 compliance with the criteria set forth by the Board of Medicine.

3151 (a) A physical therapist may implement a plan of treatment
 3152 developed by the physical therapist for a patient or provided
 3153 for a patient by a practitioner of record or by an independent
 3154 advanced practice registered nurse registered under s. 464.0125
 3155 or an advanced practice registered nurse certified ~~practitioner~~
 3156 ~~licensed~~ under s. 464.012. The physical therapist shall refer
 3157 the patient to or consult with a practitioner of record if the
 3158 patient's condition is found to be outside the scope of physical
 3159 therapy. If physical therapy treatment for a patient is required
 3160 beyond 21 days for a condition not previously assessed by a
 3161 practitioner of record, the physical therapist shall obtain a
 3162 practitioner of record who will review and sign the plan. For
 3163 purposes of this paragraph, a health care practitioner licensed
 3164 under chapter 458, chapter 459, chapter 460, chapter 461, or
 3165 chapter 466 and engaged in active practice is eligible to serve
 3166 as a practitioner of record.

3167 Section 72. Paragraph (d) of subsection (1) of section
 3168 490.012, Florida Statutes, is amended to read:

3169 490.012 Violations; penalties; injunction.—

3170 (1)

3171 (d) No person shall hold herself or himself out by any
 3172 title or description incorporating the word, or a permutation of

3173 the word, "psychotherapy" unless such person holds a valid,
 3174 active license under chapter 458, chapter 459, chapter 490, or
 3175 chapter 491, or such person is registered as an independent
 3176 advanced practice registered nurse under s. 464.0125 or
 3177 certified as an advanced practice registered nurse under
 3178 practitioner, pursuant to s. 464.012 and, who has been
 3179 determined by the Board of Nursing to be ~~as~~ a specialist in
 3180 psychiatric mental health.

3181 Section 73. Subsection (1) of section 491.0057, Florida
 3182 Statutes, is amended to read:

3183 491.0057 Dual licensure as a marriage and family
 3184 therapist.—The department shall license as a marriage and family
 3185 therapist any person who demonstrates to the board that he or
 3186 she:

3187 (1) Holds a valid, active license as a psychologist under
 3188 chapter 490 or as a clinical social worker or mental health
 3189 counselor under this chapter, or is registered under s. 464.0125
 3190 as an independent advanced practice registered nurse or
 3191 certified under s. 464.012 as an advanced practice registered
 3192 nurse and practitioner ~~who~~ has been determined by the Board of
 3193 Nursing to be ~~as~~ a specialist in psychiatric mental health.

3194 Section 74. Paragraph (d) of subsection (1) and subsection
 3195 (2) of section 491.012, Florida Statutes, are amended to read:

3196 491.012 Violations; penalty; injunction.—

3197 (1) It is unlawful and a violation of this chapter for any
 3198 person to:

3199 (d) Use the terms "psychotherapist," "sex therapist," or
 3200 "juvenile sexual offender therapist" unless such person is
 3201 licensed pursuant to this chapter or chapter 490, or is
 3202 registered under s. 464.0125 as an independent advanced practice
 3203 registered nurse or certified under s. 464.012 as an advanced
 3204 practice registered nurse and ~~practitioner who~~ has been
 3205 determined by the Board of Nursing to be ~~as~~ a specialist in
 3206 psychiatric mental health and the use of such terms is within
 3207 the scope of her or his practice based on education, training,
 3208 and licensure.

3209 (2) It is unlawful and a violation of this chapter for any
 3210 person to describe her or his services using the following terms
 3211 or any derivative thereof, unless such person holds a valid,
 3212 active license under this chapter or chapter 490, or is
 3213 registered under s. 464.0125 as an independent advanced practice
 3214 registered nurse or is certified under s. 464.012 as an advanced
 3215 practice registered nurse and ~~practitioner who~~ has been
 3216 determined by the Board of Nursing to be ~~as~~ a specialist in
 3217 psychiatric mental health and the use of such terms is within
 3218 the scope of her or his practice based on education, training,
 3219 and licensure:

- 3220 (a) "Psychotherapy."
- 3221 (b) "Sex therapy."
- 3222 (c) "Sex counseling."
- 3223 (d) "Clinical social work."
- 3224 (e) "Psychiatric social work."

3225 (f) "Marriage and family therapy."
 3226 (g) "Marriage and family counseling."
 3227 (h) "Marriage counseling."
 3228 (i) "Family counseling."
 3229 (j) "Mental health counseling."
 3230 Section 75. Subsection (2) of section 493.6108, Florida
 3231 Statutes, is amended to read:
 3232 493.6108 Investigation of applicants by Department of
 3233 Agriculture and Consumer Services.—
 3234 (2) In addition to subsection (1), the department shall
 3235 make an investigation of the general physical fitness of the
 3236 Class "G" applicant to bear a weapon or firearm. Determination
 3237 of physical fitness shall be certified by a physician or
 3238 physician assistant currently licensed pursuant to chapter 458,
 3239 chapter 459, or any similar law of another state or authorized
 3240 to act as a licensed physician by a federal agency or
 3241 department, or by an independent advanced practice registered
 3242 nurse registered, or an advanced practice registered nurse
 3243 certified, under part I of practitioner currently licensed
 3244 ~~pursuant to~~ chapter 464. Such certification shall be submitted
 3245 on a form provided by the department.
 3246 Section 76. Subsection (1) of section 626.9707, Florida
 3247 Statutes, is amended to read:
 3248 626.9707 Disability insurance; discrimination on basis of
 3249 sickle-cell trait prohibited.—
 3250 (1) An ~~No~~ insurer authorized to transact insurance in this

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3251 state may not ~~shall~~ refuse to issue and deliver in this state
 3252 any policy of disability insurance, whether such policy is
 3253 defined as individual, group, blanket, franchise, industrial, or
 3254 otherwise, which is currently being issued for delivery in this
 3255 state and which affords benefits and coverage for any medical
 3256 treatment or service authorized and permitted to be furnished by
 3257 a hospital, clinic, health clinic, neighborhood health clinic,
 3258 health maintenance organization, physician, physician
 3259 ~~physician's~~ assistant, independent advanced practice registered
 3260 nurse, advanced practice registered nurse practitioner, or
 3261 medical service facility or personnel solely because the person
 3262 to be insured has the sickle-cell trait.

3263 Section 77. Paragraph (b) of subsection (1) of section
 3264 627.357, Florida Statutes, is amended to read:

3265 627.357 Medical malpractice self-insurance.—

3266 (1) DEFINITIONS.—As used in this section, the term:

3267 (b) "Health care provider" means any:

3268 1. Hospital licensed under chapter 395.

3269 2. Physician licensed, or physician assistant licensed,
 3270 under chapter 458.

3271 3. Osteopathic physician or physician assistant licensed
 3272 under chapter 459.

3273 4. Podiatric physician licensed under chapter 461.

3274 5. Health maintenance organization certificated under part
 3275 I of chapter 641.

3276 6. Ambulatory surgical center licensed under chapter 395.

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- 3277 7. Chiropractic physician licensed under chapter 460.
 3278 8. Psychologist licensed under chapter 490.
 3279 9. Optometrist licensed under chapter 463.
 3280 10. Dentist licensed under chapter 466.
 3281 11. Pharmacist licensed under chapter 465.
 3282 12. Registered nurse, licensed practical nurse,
 3283 independent advanced practice registered nurse, or advanced
 3284 practice registered nurse ~~practitioner~~ licensed, registered, or
 3285 certified ~~registered~~ under part I of chapter 464.
 3286 13. Other medical facility.
 3287 14. Professional association, partnership, corporation,
 3288 joint venture, or other association established by the
 3289 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,
 3290 10., 11., and 12. for professional activity.
- 3291 Section 78. Subsection (6) of section 627.6471, Florida
 3292 Statutes, is amended to read:
- 3293 627.6471 Contracts for reduced rates of payment;
 3294 limitations; coinsurance and deductibles.—
- 3295 (6) If psychotherapeutic services are covered by a policy
 3296 issued by the insurer, the insurer shall provide eligibility
 3297 criteria for each group of health care providers licensed under
 3298 chapter 458, chapter 459, chapter 490, or chapter 491, which
 3299 include psychotherapy within the scope of their practice as
 3300 provided by law, or for any person who is registered as an
 3301 independent advanced practice registered nurse under s. 464.0125
 3302 or certified as an advanced practice registered nurse

3303 ~~practitioner in psychiatric mental health~~ under s. 464.012 and
 3304 who specializes in psychiatric mental health. When
 3305 psychotherapeutic services are covered, eligibility criteria
 3306 shall be established by the insurer to be included in the
 3307 insurer's criteria for selection of network providers. The
 3308 insurer may not discriminate against a health care provider by
 3309 excluding such practitioner from its provider network solely on
 3310 the basis of the practitioner's license.

3311 Section 79. Subsections (15) and (17) of section 627.6472,
 3312 Florida Statutes, are amended to read:

3313 627.6472 Exclusive provider organizations.—

3314 (15) If psychotherapeutic services are covered by a policy
 3315 issued by the insurer, the insurer shall provide eligibility
 3316 criteria for all groups of health care providers licensed under
 3317 chapter 458, chapter 459, chapter 490, or chapter 491, which
 3318 include psychotherapy within the scope of their practice as
 3319 provided by law, or for any person who is registered as an
 3320 independent advanced practice registered nurse under s. 464.0125
 3321 or certified as an advanced practice registered nurse
 3322 ~~practitioner in psychiatric mental health~~ under s. 464.012 and
 3323 who specializes in psychiatric mental health. When
 3324 psychotherapeutic services are covered, eligibility criteria
 3325 shall be established by the insurer to be included in the
 3326 insurer's criteria for selection of network providers. The
 3327 insurer may not discriminate against a health care provider by
 3328 excluding such practitioner from its provider network solely on

3329 the basis of the practitioner's license.

3330 (17) An exclusive provider organization may ~~shall~~ not
 3331 discriminate with respect to participation as to any independent
 3332 advanced practice registered nurse registered pursuant to s.
 3333 464.0125 or advanced practice registered nurse ~~practitioner~~
 3334 ~~licensed and~~ certified pursuant to s. 464.012, who is acting
 3335 within the scope of such registration or license ~~and~~
 3336 certification, solely on the basis of such registration ~~license~~
 3337 or certification. This subsection shall not be construed to
 3338 prohibit a plan from including providers only to the extent
 3339 necessary to meet the needs of the plan's enrollees or from
 3340 establishing any measure designed to maintain quality and
 3341 control costs consistent with the responsibilities of the plan.

3342 Section 80. Paragraph (a) of subsection (1) of section
 3343 627.736, Florida Statutes, is amended to read:

3344 627.736 Required personal injury protection benefits;
 3345 exclusions; priority; claims.—

3346 (1) REQUIRED BENEFITS.—An insurance policy complying with
 3347 the security requirements of s. 627.733 must provide personal
 3348 injury protection to the named insured, relatives residing in
 3349 the same household, persons operating the insured motor vehicle,
 3350 passengers in the motor vehicle, and other persons struck by the
 3351 motor vehicle and suffering bodily injury while not an occupant
 3352 of a self-propelled vehicle, subject to subsection (2) and
 3353 paragraph (4) (e), to a limit of \$10,000 in medical and
 3354 disability benefits and \$5,000 in death benefits resulting from

3355 | bodily injury, sickness, disease, or death arising out of the
 3356 | ownership, maintenance, or use of a motor vehicle as follows:

3357 | (a) Medical benefits.—Eighty percent of all reasonable
 3358 | expenses for medically necessary medical, surgical, X-ray,
 3359 | dental, and rehabilitative services, including prosthetic
 3360 | devices and medically necessary ambulance, hospital, and nursing
 3361 | services if the individual receives initial services and care
 3362 | pursuant to subparagraph 1. within 14 days after the motor
 3363 | vehicle accident. The medical benefits provide reimbursement
 3364 | only for:

3365 | 1. Initial services and care that are lawfully provided,
 3366 | supervised, ordered, or prescribed by a physician licensed under
 3367 | chapter 458 or chapter 459, a dentist licensed under chapter
 3368 | 466, ~~or~~ a chiropractic physician licensed under chapter 460, or
 3369 | an independent advanced practice registered nurse registered
 3370 | under s. 464.0125, or that are provided in a hospital or in a
 3371 | facility that owns, or is wholly owned by, a hospital. Initial
 3372 | services and care may also be provided by a person or entity
 3373 | licensed under part III of chapter 401 which provides emergency
 3374 | transportation and treatment.

3375 | 2. Upon referral by a provider described in subparagraph
 3376 | 1., followup services and care consistent with the underlying
 3377 | medical diagnosis rendered pursuant to subparagraph 1. which may
 3378 | be provided, supervised, ordered, or prescribed only by a
 3379 | physician licensed under chapter 458 or chapter 459, a
 3380 | chiropractic physician licensed under chapter 460, a dentist

3381 licensed under chapter 466, an independent advanced practice
 3382 registered nurse registered under s. 464.0125, or, to the extent
 3383 permitted by applicable law and under the supervision of such
 3384 physician, osteopathic physician, chiropractic physician, ~~or~~
 3385 dentist, or independent advanced practice registered nurse, by a
 3386 physician assistant licensed under chapter 458 or chapter 459 or
 3387 an advanced practice registered nurse certified practitioner
 3388 ~~licensed~~ under s. 464.012 ~~chapter 464~~. Followup services and
 3389 care may also be provided by the following persons or entities:

3390 a. A hospital or ambulatory surgical center licensed under
 3391 chapter 395.

3392 b. An entity wholly owned by one or more physicians
 3393 licensed under chapter 458 or chapter 459, chiropractic
 3394 physicians licensed under chapter 460, independent advanced
 3395 practice registered nurses registered under s. 464.0125, or
 3396 dentists licensed under chapter 466 or by such practitioners and
 3397 the spouse, parent, child, or sibling of such practitioners.

3398 c. An entity that owns or is wholly owned, directly or
 3399 indirectly, by a hospital or hospitals.

3400 d. A physical therapist licensed under chapter 486, based
 3401 upon a referral by a provider described in this subparagraph.

3402 e. A health care clinic licensed under part X of chapter
 3403 400 which is accredited by an accrediting organization whose
 3404 standards incorporate comparable regulations required by this
 3405 state, or

3406 (I) Has a medical director licensed under chapter 458,

3407 chapter 459, or chapter 460;

3408 (II) Has been continuously licensed for more than 3 years

3409 or is a publicly traded corporation that issues securities

3410 traded on an exchange registered with the United States

3411 Securities and Exchange Commission as a national securities

3412 exchange; and

3413 (III) Provides at least four of the following medical

3414 specialties:

3415 (A) General medicine.

3416 (B) Radiography.

3417 (C) Orthopedic medicine.

3418 (D) Physical medicine.

3419 (E) Physical therapy.

3420 (F) Physical rehabilitation.

3421 (G) Prescribing or dispensing outpatient prescription

3422 medication.

3423 (H) Laboratory services.

3424 3. Reimbursement for services and care provided in

3425 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician

3426 licensed under chapter 458 or chapter 459, a dentist licensed

3427 under chapter 466, an independent advanced practice registered

3428 nurse registered under s. 464.0125, a physician assistant

3429 licensed under chapter 458 or chapter 459, or an advanced

3430 practice registered nurse certified practitioner~~licensed~~ under

3431 s. 464.012 ~~chapter 464~~ has determined that the injured person

3432 had an emergency medical condition.

3433 4. Reimbursement for services and care provided in
3434 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
3435 provider listed in subparagraph 1. or subparagraph 2. determines
3436 that the injured person did not have an emergency medical
3437 condition.

3438 5. Medical benefits do not include massage as defined in
3439 s. 480.033 or acupuncture as defined in s. 457.102, regardless
3440 of the person, entity, or licensee providing massage or
3441 acupuncture, and a licensed massage therapist or licensed
3442 acupuncturist may not be reimbursed for medical benefits under
3443 this section.

3444 6. The Financial Services Commission shall adopt by rule
3445 the form that must be used by an insurer and a health care
3446 provider specified in sub-subparagraph 2.b., sub-subparagraph
3447 2.c., or sub-subparagraph 2.e. to document that the health care
3448 provider meets the criteria of this paragraph. Such rule must
3449 include a requirement for a sworn statement or affidavit.

3450
3451 Only insurers writing motor vehicle liability insurance in this
3452 state may provide the required benefits of this section, and
3453 such insurer may not require the purchase of any other motor
3454 vehicle coverage other than the purchase of property damage
3455 liability coverage as required by s. 627.7275 as a condition for
3456 providing such benefits. Insurers may not require that property
3457 damage liability insurance in an amount greater than \$10,000 be
3458 purchased in conjunction with personal injury protection. Such

3459 insurers shall make benefits and required property damage
 3460 liability insurance coverage available through normal marketing
 3461 channels. An insurer writing motor vehicle liability insurance
 3462 in this state who fails to comply with such availability
 3463 requirement as a general business practice violates part IX of
 3464 chapter 626, and such violation constitutes an unfair method of
 3465 competition or an unfair or deceptive act or practice involving
 3466 the business of insurance. An insurer committing such violation
 3467 is subject to the penalties provided under that part, as well as
 3468 those provided elsewhere in the insurance code.

3469 Section 81. Paragraph (e) of subsection (1) of section
 3470 633.412, Florida Statutes, is amended to read:

3471 633.412 Firefighters; qualifications for certification.—

3472 (1) A person applying for certification as a firefighter
 3473 must:

3474 (e) Be in good physical condition as determined by a
 3475 medical examination given by a physician, surgeon, or physician
 3476 assistant licensed to practice in the state under ~~pursuant to~~
 3477 chapter 458; an osteopathic physician, surgeon, or physician
 3478 assistant licensed to practice in the state under ~~pursuant to~~
 3479 chapter 459; an independent advanced practice registered nurse
 3480 registered, or an advanced practice registered nurse certified,
 3481 ~~practitioner licensed~~ to practice in the state under part I of
 3482 ~~pursuant to~~ chapter 464. Such examination may include, but need
 3483 not be limited to, the National Fire Protection Association
 3484 Standard 1582. A medical examination evidencing good physical

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3485 condition shall be submitted to the division, on a form as
 3486 provided by rule, before an individual is eligible for admission
 3487 into a course under s. 633.408.

3488 Section 82. Section 641.3923, Florida Statutes, is amended
 3489 to read:

3490 641.3923 Discrimination against providers prohibited.—A
 3491 health maintenance organization may ~~shall~~ not discriminate with
 3492 respect to participation as to any independent advanced practice
 3493 registered nurse registered pursuant to s. 464.0125 or advanced
 3494 practice registered nurse practitioner licensed and certified
 3495 pursuant to s. 464.012, who is acting within the scope of such
 3496 registration or license ~~and certification~~, solely on the basis
 3497 of such registration ~~license~~ or certification. This section
 3498 shall not be construed to prohibit a plan from including
 3499 providers only to the extent necessary to meet the needs of the
 3500 plan's enrollees or from establishing any measure designed to
 3501 maintain quality and control costs consistent with the
 3502 responsibilities of the plan.

3503 Section 83. Subsection (8) of section 641.495, Florida
 3504 Statutes, is amended to read:

3505 641.495 Requirements for issuance and maintenance of
 3506 certificate.—

3507 (8) Each organization's contracts, certificates, and
 3508 subscriber handbooks shall contain a provision, if applicable,
 3509 disclosing that, for certain types of described medical
 3510 procedures, services may be provided by physician assistants,

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3511 independent advanced practice registered nurses, advanced
3512 practice registered nurses ~~nurse practitioners~~, or other
3513 individuals who are not licensed physicians.

3514 Section 84. Paragraph (a) of subsection (3) of section
3515 744.331, Florida Statutes, is amended to read:

3516 744.331 Procedures to determine incapacity.—

3517 (3) EXAMINING COMMITTEE.—

3518 (a) Within 5 days after a petition for determination of
3519 incapacity has been filed, the court shall appoint an examining
3520 committee consisting of three members. One member must be a
3521 psychiatrist or other physician. The remaining members must be
3522 either a psychologist, gerontologist, another psychiatrist, or
3523 other physician, a registered nurse, an advanced practice
3524 registered nurse ~~practitioner~~, a licensed social worker, a
3525 person with an advanced degree in gerontology from an accredited
3526 institution of higher education, or other person who by
3527 knowledge, skill, experience, training, or education may, in the
3528 court's discretion, advise the court in the form of an expert
3529 opinion. One of three members of the committee must have
3530 knowledge of the type of incapacity alleged in the petition.
3531 Unless good cause is shown, the attending or family physician
3532 may not be appointed to the committee. If the attending or
3533 family physician is available for consultation, the committee
3534 must consult with the physician. Members of the examining
3535 committee may not be related to or associated with one another,
3536 with the petitioner, with counsel for the petitioner or the

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3537 proposed guardian, or with the person alleged to be totally or
3538 partially incapacitated. A member may not be employed by any
3539 private or governmental agency that has custody of, or
3540 furnishes, services or subsidies, directly or indirectly, to the
3541 person or the family of the person alleged to be incapacitated
3542 or for whom a guardianship is sought. A petitioner may not serve
3543 as a member of the examining committee. Members of the examining
3544 committee must be able to communicate, either directly or
3545 through an interpreter, in the language that the alleged
3546 incapacitated person speaks or to communicate in a medium
3547 understandable to the alleged incapacitated person if she or he
3548 is able to communicate. The clerk of the court shall send notice
3549 of the appointment to each person appointed no later than 3 days
3550 after the court's appointment.

3551 Section 85. Subsection (1) of section 744.703, Florida
3552 Statutes, is amended to read:

3553 744.703 Office of public guardian; appointment,
3554 notification.—

3555 (1) The executive director of the Statewide Public
3556 Guardianship Office, after consultation with the chief judge and
3557 other circuit judges within the judicial circuit and with
3558 appropriate advocacy groups and individuals and organizations
3559 who are knowledgeable about the needs of incapacitated persons,
3560 may establish, within a county in the judicial circuit or within
3561 the judicial circuit, one or more offices of public guardian and
3562 if so established, shall create a list of persons best qualified

3563 to serve as the public guardian, who have been investigated
 3564 pursuant to s. 744.3135. The public guardian must have knowledge
 3565 of the legal process and knowledge of social services available
 3566 to meet the needs of incapacitated persons. The public guardian
 3567 shall maintain a staff or contract with professionally qualified
 3568 individuals to carry out the guardianship functions, including
 3569 an attorney who has experience in probate areas and another
 3570 person who has a master's degree in social work, or a
 3571 gerontologist, psychologist, registered nurse, independent
 3572 advanced practice registered nurse, or advanced practice
 3573 registered nurse practitioner. A public guardian that is a
 3574 nonprofit corporate guardian under s. 744.309(5) must receive
 3575 tax-exempt status from the United States Internal Revenue
 3576 Service.

3577 Section 86. Subsection (6) of section 766.102, Florida
 3578 Statutes, is amended to read:

3579 766.102 Medical negligence; standards of recovery; expert
 3580 witness.—

3581 (6) A physician licensed under chapter 458 or chapter 459
 3582 who qualifies as an expert witness under subsection (5) and who,
 3583 by reason of active clinical practice or instruction of
 3584 students, has knowledge of the applicable standard of care for
 3585 nurses, independent advanced practice registered nurses,
 3586 advanced practice registered nurses ~~nurse practitioners,~~
 3587 ~~certified registered nurse anesthetists, certified registered~~
 3588 ~~nurse midwives,~~ physician assistants, or other medical support

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3589 staff may give expert testimony in a medical negligence action
 3590 with respect to the standard of care of such medical support
 3591 staff.

3592 Section 87. Subsection (3) of section 766.103, Florida
 3593 Statutes, is amended to read:

3594 766.103 Florida Medical Consent Law.—

3595 (3) ~~No~~ Recovery is not ~~shall be~~ allowed in any court in
 3596 this state against any physician licensed under chapter 458,
 3597 osteopathic physician licensed under chapter 459, chiropractic
 3598 physician licensed under chapter 460, podiatric physician
 3599 licensed under chapter 461, dentist licensed under chapter 466,
 3600 independent advanced practice registered nurse registered under
 3601 s. 464.0125, advanced practice registered nurse ~~practitioner~~
 3602 certified under s. 464.012, or physician assistant licensed
 3603 under s. 458.347 or s. 459.022 in an action brought for
 3604 treating, examining, or operating on a patient without his or
 3605 her informed consent when:

3606 (a)1. The action of the physician, osteopathic physician,
 3607 chiropractic physician, podiatric physician, dentist,
 3608 independent advanced practice registered nurse, advanced
 3609 practice registered nurse ~~practitioner~~, or physician assistant
 3610 in obtaining the consent of the patient or another person
 3611 authorized to give consent for the patient was in accordance
 3612 with an accepted standard of medical practice among members of
 3613 the medical profession with similar training and experience in
 3614 the same or similar medical community as that of the person

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3615 treating, examining, or operating on the patient for whom the
3616 consent is obtained; and

3617 2. A reasonable individual, from the information provided
3618 by the physician, osteopathic physician, chiropractic physician,
3619 podiatric physician, dentist, independent advanced practice
3620 registered nurse, advanced practice registered nurse
3621 ~~practitioner~~, or physician assistant, under the circumstances,
3622 would have a general understanding of the procedure, the
3623 medically acceptable alternative procedures or treatments, and
3624 the substantial risks and hazards inherent in the proposed
3625 treatment or procedures, which are recognized among other
3626 physicians, osteopathic physicians, chiropractic physicians,
3627 podiatric physicians, or dentists in the same or similar
3628 community who perform similar treatments or procedures; or

3629 (b) The patient would reasonably, under all the
3630 surrounding circumstances, have undergone such treatment or
3631 procedure had he or she been advised by the physician,
3632 osteopathic physician, chiropractic physician, podiatric
3633 physician, dentist, independent advanced practice registered
3634 nurse, advanced practice registered nurse ~~practitioner~~, or
3635 physician assistant in accordance with the provisions of
3636 paragraph (a).

3637 Section 88. Paragraph (d) of subsection (3) of section
3638 766.1115, Florida Statutes, is amended to read:

3639 766.1115 Health care providers; creation of agency
3640 relationship with governmental contractors.—

- 3641 (3) DEFINITIONS.—As used in this section, the term:
- 3642 (d) "Health care provider" or "provider" means:
- 3643 1. A birth center licensed under chapter 383.
- 3644 2. An ambulatory surgical center licensed under chapter
- 3645 395.
- 3646 3. A hospital licensed under chapter 395.
- 3647 4. A physician or physician assistant licensed under
- 3648 chapter 458.
- 3649 5. An osteopathic physician or osteopathic physician
- 3650 assistant licensed under chapter 459.
- 3651 6. A chiropractic physician licensed under chapter 460.
- 3652 7. A podiatric physician licensed under chapter 461.
- 3653 8. A registered nurse, ~~nurse midwife~~, licensed practical
- 3654 nurse, independent advanced practice registered nurse, or
- 3655 advanced practice registered nurse ~~practitioner~~ licensed,
- 3656 registered, or certified ~~registered~~ under part I of chapter 464
- 3657 or any facility that ~~which~~ employs nurses licensed, registered,
- 3658 or certified ~~registered~~ under part I of chapter 464 to supply
- 3659 all or part of the care delivered under this section.
- 3660 9. A midwife licensed under chapter 467.
- 3661 10. A health maintenance organization certificated under
- 3662 part I of chapter 641.
- 3663 11. A health care professional association and its
- 3664 employees or a corporate medical group and its employees.
- 3665 12. Any other medical facility the primary purpose of
- 3666 which is to deliver human medical diagnostic services or which

3667 delivers nonsurgical human medical treatment, and which includes
 3668 an office maintained by a provider.

3669 13. A dentist or dental hygienist licensed under chapter
 3670 466.

3671 14. A free clinic that delivers only medical diagnostic
 3672 services or nonsurgical medical treatment free of charge to all
 3673 low-income recipients.

3674 15. Any other health care professional, practitioner,
 3675 provider, or facility under contract with a governmental
 3676 contractor, including a student enrolled in an accredited
 3677 program that prepares the student for licensure as any one of
 3678 the professionals listed in subparagraphs 4.-9.

3679
 3680 The term includes any nonprofit corporation qualified as exempt
 3681 from federal income taxation under s. 501(a) of the Internal
 3682 Revenue Code, and described in s. 501(c) of the Internal Revenue
 3683 Code, which delivers health care services provided by licensed
 3684 professionals listed in this paragraph, any federally funded
 3685 community health center, and any volunteer corporation or
 3686 volunteer health care provider that delivers health care
 3687 services.

3688 Section 89. Subsection (1) of section 766.1116, Florida
 3689 Statutes, is amended to read:

3690 766.1116 Health care practitioner; waiver of license
 3691 renewal fees and continuing education requirements.-

3692 (1) As used in this section, the term "health care

3693 practitioner" means a physician or physician assistant licensed
 3694 under chapter 458; an osteopathic physician or physician
 3695 assistant licensed under chapter 459; a chiropractic physician
 3696 licensed under chapter 460; a podiatric physician licensed under
 3697 chapter 461; an independent advanced practice registered nurse,
 3698 an advanced practice registered nurse ~~practitioner~~, a registered
 3699 nurse, or a licensed practical nurse licensed, registered, or
 3700 certified under part I of chapter 464; a dentist or dental
 3701 hygienist licensed under chapter 466; or a midwife licensed
 3702 under chapter 467, who participates as a health care provider
 3703 under s. 766.1115.

3704 Section 90. Paragraph (c) of subsection (1) of section
 3705 766.118, Florida Statutes, is amended to read:

3706 766.118 Determination of noneconomic damages.—

3707 (1) DEFINITIONS.—As used in this section, the term:

3708 (c) "Practitioner" means any person licensed under chapter
 3709 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter
 3710 463, chapter 466, chapter 467, or chapter 486; registered under
 3711 s. 464.0125; or certified under s. 464.012. "Practitioner" also
 3712 means any association, corporation, firm, partnership, or other
 3713 business entity under which such practitioner practices or any
 3714 employee of such practitioner or entity acting in the scope of
 3715 his or her employment. For the purpose of determining the
 3716 limitations on noneconomic damages set forth in this section,
 3717 the term "practitioner" includes any person or entity for whom a
 3718 practitioner is vicariously liable and any person or entity

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3719 whose liability is based solely on such person or entity being
3720 vicariously liable for the actions of a practitioner.

3721 Section 91. Subsection (3) of section 768.135, Florida
3722 Statutes, is amended to read:

3723 768.135 Volunteer team practitioners ~~physicians~~;
3724 immunity.—

3725 (3) A practitioner licensed under chapter 458, chapter
3726 459, chapter 460, ~~or~~ s. 464.012, or s. 464.0125 who gratuitously
3727 and in good faith conducts an evaluation pursuant to s.
3728 1006.20(2)(c) is not liable for any civil damages arising from
3729 that evaluation unless the evaluation was conducted in a
3730 wrongful manner.

3731 Section 92. Subsection (4) of section 782.071, Florida
3732 Statutes, is amended to read:

3733 782.071 Vehicular homicide.—"Vehicular homicide" is the
3734 killing of a human being, or the killing of an unborn child by
3735 any injury to the mother, caused by the operation of a motor
3736 vehicle by another in a reckless manner likely to cause the
3737 death of, or great bodily harm to, another.

3738 (4) In addition to any other punishment, the court may
3739 order the person to serve 120 community service hours in a
3740 trauma center or hospital that regularly receives victims of
3741 vehicle accidents, under the supervision of an independent
3742 advanced practice registered nurse, an advanced practice
3743 registered nurse, a registered nurse, an emergency room
3744 physician, or an emergency medical technician pursuant to a

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3745 voluntary community service program operated by the trauma
3746 center or hospital.

3747 Section 93. Subsection (5) of section 794.08, Florida
3748 Statutes, is amended to read:

3749 794.08 Female genital mutilation.—

3750 (5) This section does not apply to procedures performed by
3751 or under the direction of a physician licensed under chapter
3752 458;~~;~~ an osteopathic physician licensed under chapter 459;~~;~~ a
3753 registered nurse ~~licensed under part I of chapter 464~~, a
3754 practical nurse ~~licensed under part I of chapter 464~~, an
3755 independent advanced practice registered nurse, or an advanced
3756 practice registered nurse licensed, registered, or certified
3757 ~~practitioner licensed~~ under part I of chapter 464;~~;~~ a midwife
3758 licensed under chapter 467;~~;~~ or a physician assistant licensed
3759 under chapter 458 or chapter 459, when necessary to preserve the
3760 physical health of a female person. This section also does not
3761 apply to any autopsy or limited dissection conducted pursuant to
3762 chapter 406.

3763 Section 94. Subsection (21) of section 893.02, Florida
3764 Statutes, is amended to read:

3765 893.02 Definitions.—The following words and phrases as
3766 used in this chapter shall have the following meanings, unless
3767 the context otherwise requires:

3768 (21) "Practitioner" means a physician licensed pursuant to
3769 chapter 458, a dentist licensed pursuant to chapter 466, a
3770 veterinarian licensed pursuant to chapter 474, an osteopathic

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3771 physician licensed pursuant to chapter 459, a naturopath
3772 licensed pursuant to chapter 462, a certified optometrist
3773 licensed pursuant to chapter 463, an independent advanced
3774 practice registered nurse registered pursuant to s. 464.0125, an
3775 advanced practice registered nurse certified pursuant to s.
3776 464.012, or a podiatric physician licensed pursuant to chapter
3777 461, provided such practitioner holds a valid federal controlled
3778 substance registry number.

3779 Section 95. Subsection (6) of section 943.13, Florida
3780 Statutes, is amended to read:

3781 943.13 Officers' minimum qualifications for employment or
3782 appointment.—On or after October 1, 1984, any person employed or
3783 appointed as a full-time, part-time, or auxiliary law
3784 enforcement officer or correctional officer; on or after October
3785 1, 1986, any person employed as a full-time, part-time, or
3786 auxiliary correctional probation officer; and on or after
3787 October 1, 1986, any person employed as a full-time, part-time,
3788 or auxiliary correctional officer by a private entity under
3789 contract to the Department of Corrections, to a county
3790 commission, or to the Department of Management Services shall:

3791 (6) Have passed a physical examination by a licensed
3792 physician, physician assistant, independent advanced practice
3793 registered nurse, or certified advanced practice registered
3794 nurse ~~practitioner,~~ based on specifications established by the
3795 commission. In order to be eligible for the presumption set
3796 forth in s. 112.18 while employed with an employing agency, a

3797 law enforcement officer, correctional officer, or correctional
 3798 probation officer must have successfully passed the physical
 3799 examination required by this subsection upon entering into
 3800 service as a law enforcement officer, correctional officer, or
 3801 correctional probation officer with the employing agency, which
 3802 examination must have failed to reveal any evidence of
 3803 tuberculosis, heart disease, or hypertension. A law enforcement
 3804 officer, correctional officer, or correctional probation officer
 3805 may not use a physical examination from a former employing
 3806 agency for purposes of claiming the presumption set forth in s.
 3807 112.18 against the current employing agency.

3808 Section 96. Subsection (2) of section 945.603, Florida
 3809 Statutes, is amended to read:

3810 945.603 Powers and duties of authority.—The purpose of the
 3811 authority is to assist in the delivery of health care services
 3812 for inmates in the Department of Corrections by advising the
 3813 Secretary of Corrections on the professional conduct of primary,
 3814 convalescent, dental, and mental health care and the management
 3815 of costs consistent with quality care, by advising the Governor
 3816 and the Legislature on the status of the Department of
 3817 Corrections' health care delivery system, and by assuring that
 3818 adequate standards of physical and mental health care for
 3819 inmates are maintained at all Department of Corrections
 3820 institutions. For this purpose, the authority has the authority
 3821 to:

3822 (2) Review and make recommendations regarding health care

3823 for the delivery of health care services including, but not
 3824 limited to, acute hospital-based services and facilities,
 3825 primary and tertiary care services, ancillary and clinical
 3826 services, dental services, mental health services, intake and
 3827 screening services, medical transportation services, and the use
 3828 of advanced practice registered nurses ~~nurse practitioner~~ and
 3829 physician assistants ~~assistant personnel~~ to act as physician
 3830 extenders as these relate to inmates in the Department of
 3831 Corrections.

3832 Section 97. Paragraph (i) of subsection (3) of section
 3833 1002.20, Florida Statutes, is amended to read:

3834 1002.20 K-12 student and parent rights.—Parents of public
 3835 school students must receive accurate and timely information
 3836 regarding their child's academic progress and must be informed
 3837 of ways they can help their child to succeed in school. K-12
 3838 students and their parents are afforded numerous statutory
 3839 rights including, but not limited to, the following:

3840 (3) HEALTH ISSUES.—

3841 (i) Epinephrine use and supply.—

3842 1. A student who has experienced or is at risk for life-
 3843 threatening allergic reactions may carry an epinephrine auto-
 3844 injector and self-administer epinephrine by auto-injector while
 3845 in school, participating in school-sponsored activities, or in
 3846 transit to or from school or school-sponsored activities if the
 3847 school has been provided with parental and physician
 3848 authorization. The State Board of Education, in cooperation with

3849 the Department of Health, shall adopt rules for such use of
3850 epinephrine auto-injectors that shall include provisions to
3851 protect the safety of all students from the misuse or abuse of
3852 auto-injectors. A school district, county health department,
3853 public-private partner, and their employees and volunteers shall
3854 be indemnified by the parent of a student authorized to carry an
3855 epinephrine auto-injector for any and all liability with respect
3856 to the student's use of an epinephrine auto-injector pursuant to
3857 this paragraph.

3858 2. A public school may purchase from a wholesale
3859 distributor as defined in s. 499.003 and maintain in a locked,
3860 secure location on its premises a supply of epinephrine auto-
3861 injectors for use if a student is having an anaphylactic
3862 reaction. The participating school district shall adopt a
3863 protocol developed by a licensed physician for the
3864 administration by school personnel who are trained to recognize
3865 an anaphylactic reaction and to administer an epinephrine auto-
3866 injection. The supply of epinephrine auto-injectors may be
3867 provided to and used by a student authorized to self-administer
3868 epinephrine by auto-injector under subparagraph 1. or trained
3869 school personnel.

3870 3. The school district and its employees and agents,
3871 including the physician who provides the standing protocol for
3872 school epinephrine auto-injectors, are not liable for any injury
3873 arising from the use of an epinephrine auto-injector
3874 administered by trained school personnel who follow the adopted

3875 | protocol and whose professional opinion is that the student is
 3876 | having an anaphylactic reaction:

3877 | a. Unless the trained school personnel's action is willful
 3878 | and wanton;

3879 | b. Notwithstanding that the parents or guardians of the
 3880 | student to whom the epinephrine is administered have not been
 3881 | provided notice or have not signed a statement acknowledging
 3882 | that the school district is not liable; and

3883 | c. Regardless of whether authorization has been given by
 3884 | the student's parents or guardians or by the student's
 3885 | physician, a physician ~~physician's~~ assistant, an independent
 3886 | advanced practice registered nurse, or an advanced practice
 3887 | registered nurse ~~practitioner~~.

3888 | Section 98. Paragraph (b) of subsection (17) of section
 3889 | 1002.42, Florida Statutes, is amended to read:

3890 | 1002.42 Private schools.—

3891 | (17) EPINEPHRINE SUPPLY.—

3892 | (b) The private school and its employees and agents,
 3893 | including the physician who provides the standing protocol for
 3894 | school epinephrine auto-injectors, are not liable for any injury
 3895 | arising from the use of an epinephrine auto-injector
 3896 | administered by trained school personnel who follow the adopted
 3897 | protocol and whose professional opinion is that the student is
 3898 | having an anaphylactic reaction:

3899 | 1. Unless the trained school personnel's action is willful
 3900 | and wanton;

3901 2. Notwithstanding that the parents or guardians of the
 3902 student to whom the epinephrine is administered have not been
 3903 provided notice or have not signed a statement acknowledging
 3904 that the school district is not liable; and

3905 3. Regardless of whether authorization has been given by
 3906 the student's parents or guardians or by the student's
 3907 physician, a physician ~~physician's~~ assistant, an independent
 3908 advanced practice registered nurse, or an advanced practice
 3909 registered nurse ~~practitioner~~.

3910 Section 99. Subsections (4) and (5) of section 1006.062,
 3911 Florida Statutes, are amended to read:

3912 1006.062 Administration of medication and provision of
 3913 medical services by district school board personnel.—

3914 (4) Nonmedical assistive personnel shall be allowed to
 3915 perform health-related services upon successful completion of
 3916 child-specific training by a registered nurse, an independent
 3917 advanced practice registered nurse, or an advanced practice
 3918 registered nurse ~~practitioner~~ licensed, registered, or certified
 3919 under part I of chapter 464; ~~;~~ a physician licensed pursuant to
 3920 chapter 458 or chapter 459; ~~;~~ or a physician assistant licensed
 3921 pursuant to chapter 458 or chapter 459. All procedures shall be
 3922 monitored periodically by a nurse, an independent advanced
 3923 practice registered nurse, an advanced practice registered nurse
 3924 ~~practitioner~~, a physician assistant, or a physician, including,
 3925 but not limited to:

3926 (a) Intermittent clean catheterization.

3927 (b) Gastrostomy tube feeding.
 3928 (c) Monitoring blood glucose.
 3929 (d) Administering emergency injectable medication.
 3930 (5) For all other invasive medical services not listed in
 3931 this subsection, a registered nurse, an independent advanced
 3932 practice registered nurse, or an advanced practice registered
 3933 nurse practitioner licensed, registered, or certified under part
 3934 I of chapter 464; a physician licensed pursuant to chapter 458
 3935 or chapter 459; or a physician assistant licensed pursuant to
 3936 chapter 458 or chapter 459 shall determine if nonmedical
 3937 district school board personnel shall be allowed to perform such
 3938 service.

3939 Section 100. Paragraph (c) of subsection (2) of section
 3940 1006.20, Florida Statutes, is amended to read:

3941 1006.20 Athletics in public K-12 schools.—

3942 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

3943 (c) The FHSAA shall adopt bylaws that require all students
 3944 participating in interscholastic athletic competition or who are
 3945 candidates for an interscholastic athletic team to
 3946 satisfactorily pass a medical evaluation each year prior to
 3947 participating in interscholastic athletic competition or
 3948 engaging in any practice, tryout, workout, or other physical
 3949 activity associated with the student's candidacy for an
 3950 interscholastic athletic team. Such medical evaluation may be
 3951 administered only by a practitioner licensed under chapter 458,
 3952 chapter 459, chapter 460, ~~or~~ s. 464.012, or s. 464.0125, and in

3953 | good standing with the practitioner's regulatory board. The
3954 | bylaws shall establish requirements for eliciting a student's
3955 | medical history and performing the medical evaluation required
3956 | under this paragraph, which shall include a physical assessment
3957 | of the student's physical capabilities to participate in
3958 | interscholastic athletic competition as contained in a uniform
3959 | preparticipation physical evaluation and history form. The
3960 | evaluation form shall incorporate the recommendations of the
3961 | American Heart Association for participation cardiovascular
3962 | screening and shall provide a place for the signature of the
3963 | practitioner performing the evaluation with an attestation that
3964 | each examination procedure listed on the form was performed by
3965 | the practitioner or by someone under the direct supervision of
3966 | the practitioner. The form shall also contain a place for the
3967 | practitioner to indicate if a referral to another practitioner
3968 | was made in lieu of completion of a certain examination
3969 | procedure. The form shall provide a place for the practitioner
3970 | to whom the student was referred to complete the remaining
3971 | sections and attest to that portion of the examination. The
3972 | preparticipation physical evaluation form shall advise students
3973 | to complete a cardiovascular assessment and shall include
3974 | information concerning alternative cardiovascular evaluation and
3975 | diagnostic tests. Results of such medical evaluation must be
3976 | provided to the school. No student shall be eligible to
3977 | participate in any interscholastic athletic competition or
3978 | engage in any practice, tryout, workout, or other physical

3979 activity associated with the student's candidacy for an
 3980 interscholastic athletic team until the results of the medical
 3981 evaluation have been received and approved by the school.

3982 Section 101. Subsection (1) and paragraph (a) of
 3983 subsection (2) of section 1009.65, Florida Statutes, are amended
 3984 to read:

3985 1009.65 Medical Education Reimbursement and Loan Repayment
 3986 Program.—

3987 (1) To encourage qualified medical professionals to
 3988 practice in underserved locations where there are shortages of
 3989 such personnel, there is established the Medical Education
 3990 Reimbursement and Loan Repayment Program. The function of the
 3991 program is to make payments that offset loans and educational
 3992 expenses incurred by students for studies leading to a medical
 3993 or nursing degree, medical or nursing licensure, or advanced
 3994 practice registered nurse ~~practitioner~~ certification or
 3995 physician assistant licensure. The following licensed or
 3996 certified health care professionals are eligible to participate
 3997 in this program: medical doctors with primary care specialties,
 3998 doctors of osteopathic medicine with primary care specialties,
 3999 physician ~~physician's~~ assistants, licensed practical nurses and
 4000 registered nurses, and advanced practice registered nurses ~~nurse~~
 4001 ~~practitioners~~ with primary care specialties such as certified
 4002 nurse midwives. Primary care medical specialties for physicians
 4003 include obstetrics, gynecology, general and family practice,
 4004 internal medicine, pediatrics, and other specialties which may

4005 be identified by the Department of Health.

4006 (2) From the funds available, the Department of Health
 4007 shall make payments to selected medical professionals as
 4008 follows:

4009 (a) Up to \$4,000 per year for licensed practical nurses
 4010 and registered nurses, up to \$10,000 per year for advanced
 4011 practice registered nurses ~~nurse-practitioners~~ and physician
 4012 ~~physician's~~ assistants, and up to \$20,000 per year for
 4013 physicians. Penalties for noncompliance shall be the same as
 4014 those in the National Health Services Corps Loan Repayment
 4015 Program. Educational expenses include costs for tuition,
 4016 matriculation, registration, books, laboratory and other fees,
 4017 other educational costs, and reasonable living expenses as
 4018 determined by the Department of Health.

4019 Section 102. Subsection (2) of section 1009.66, Florida
 4020 Statutes, is amended to read:

4021 1009.66 Nursing Student Loan Forgiveness Program.—

4022 (2) To be eligible, a candidate must have graduated from
 4023 an accredited or approved nursing program and have received a
 4024 Florida license as a licensed practical nurse or a registered
 4025 nurse or a Florida certificate as an advanced practice
 4026 registered nurse ~~practitioner~~.

4027 Section 103. Subsection (3) of section 1009.67, Florida
 4028 Statutes, is amended to read:

4029 1009.67 Nursing scholarship program.—

4030 (3) A scholarship may be awarded for no more than 2 years,

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4031 in an amount not to exceed \$8,000 per year. However, registered
4032 nurses pursuing a graduate degree for a faculty position or to
4033 practice as an advanced practice registered nurse ~~practitioner~~
4034 may receive up to \$12,000 per year. These amounts shall be
4035 adjusted by the amount of increase or decrease in the Consumer
4036 Price Index for All Urban Consumers published by the United
4037 States Department of Commerce.

4038 Section 104. Subsection (2) of section 960.28, Florida
4039 Statutes, is amended to read:

4040 960.28 Payment for victims' initial forensic physical
4041 examinations.—

4042 (2) The Crime Victims' Services Office of the department
4043 shall pay for medical expenses connected with an initial
4044 forensic physical examination of a victim of sexual battery as
4045 defined in chapter 794 or a lewd or lascivious offense as
4046 defined in chapter 800. Such payment shall be made regardless of
4047 whether the victim is covered by health or disability insurance
4048 and whether the victim participates in the criminal justice
4049 system or cooperates with law enforcement. The payment shall be
4050 made only out of moneys allocated to the Crime Victims' Services
4051 Office for the purposes of this section, and the payment may not
4052 exceed \$500 with respect to any violation. The department shall
4053 develop and maintain separate protocols for the initial forensic
4054 physical examination of adults and children. Payment under this
4055 section is limited to medical expenses connected with the
4056 initial forensic physical examination, and payment may be made

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4057 | to a medical provider using an examiner qualified under part I
4058 | of chapter 464, excluding s. 464.003(17) ~~464.003(16)~~; chapter
4059 | 458; or chapter 459. Payment made to the medical provider by the
4060 | department shall be considered by the provider as payment in
4061 | full for the initial forensic physical examination associated
4062 | with the collection of evidence. The victim may not be required
4063 | to pay, directly or indirectly, the cost of an initial forensic
4064 | physical examination performed in accordance with this section.
4065 | Section 105. This act shall take effect July 1, 2015.