

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

27 | amending s. 464.015, F.S.; providing title protection
28 | for independent advanced practice registered nurses;
29 | creating s. 464.0155, F.S.; requiring independent
30 | advanced practice registered nurses to report adverse
31 | incidents to the Department of Health in a certain
32 | manner; providing for department review of adverse
33 | incidents; authorizing the department to take
34 | disciplinary action in cases of adverse incidents;
35 | amending s. 464.016, F.S.; providing penalties for
36 | illegally using certain titles; amending s. 464.018,
37 | F.S.; adding grounds for disciplinary actions against
38 | nurses; amending s. 39.303, F.S.; revising
39 | requirements relating to review of certain cases of
40 | abuse or neglect and standards for face-to-face
41 | medical evaluations by a child protection team;
42 | amending s. 39.304, F.S.; authorizing a physician
43 | assistant and an independent advanced practice
44 | registered nurse to perform or order an examination
45 | and diagnose a child without parental consent under
46 | certain circumstances; amending s. 90.503, F.S.;
47 | redefining the term "psychotherapist" to include an
48 | independent advanced practice registered nurse with a
49 | specified scope of practice; amending s. 112.0455,
50 | F.S.; authorizing an independent advanced practice
51 | registered nurse to collect specimens for drug
52 | testing; amending s. 121.0515, F.S.; designating an

53 advanced practice registered nurse as a special risk
54 member under certain conditions; amending ss. 310.071,
55 310.073, and 310.081, F.S.; authorizing a physician
56 assistant and an independent advanced practice
57 registered nurse to administer the physical
58 examination required for deputy pilot certification
59 and state pilot licensure; broadening an exception to
60 the prohibition against the use of controlled
61 substances by an applicant for a deputy pilot
62 certificate or a state pilot license to allow the use
63 of controlled substances prescribed by a physician
64 assistant, an independent advanced practice registered
65 nurse, or an advanced practice registered nurse;
66 requiring a physician assistant or an independent
67 advanced practice registered nurse performing the
68 physical examination to know the minimum licensure
69 standards and certify that such standards are met;
70 amending s. 320.0848, F.S.; authorizing an independent
71 advanced practice registered nurse to certify that a
72 person is disabled; amending s. 381.00315, F.S.;

73 authorizing the reactivation of an independent
74 advanced practice registered nurse license in a public
75 health emergency; amending s. 381.00593, F.S.;

76 redefining the term "health care practitioner" to
77 include a physician assistant and an independent
78 advanced practice registered nurse; amending s.

79 381.026, F.S.; revising the definition of the term
80 "health care provider" to include a physician
81 assistant and an independent advanced practice
82 registered nurse; amending s. 382.008, F.S.;
83 authorizing a physician assistant, an independent
84 advanced practice nurse, or an advanced practice
85 registered nurse to file a certificate of death or
86 fetal death under certain circumstances; authorizing a
87 certified nurse midwife to provide certain information
88 to a funeral director within a specified time period;
89 revising the definition of the term "primary or
90 attending physician"; amending s. 383.14, F.S.;
91 authorizing the release of certain newborn tests and
92 screening results to an independent advanced practice
93 registered nurse; amending ss. 383.141, 627.357, and
94 766.1115, F.S.; revising the definition of the term
95 "health care provider" to include an independent
96 advanced practice registered nurse; amending s.
97 390.0111, F.S.; including an independent advanced
98 practice registered nurse in a list of health care
99 practitioners authorized to review an ultrasound with
100 a woman prior to an abortion procedure; amending s.
101 390.012, F.S.; including an independent advanced
102 practice registered nurse in a list of health care
103 practitioners authorized to provide postoperative
104 monitoring and required to be available throughout an

105 | abortion procedure, remain at the abortion clinic
106 | until all patients are discharged, and attempt to
107 | assess the patient's recovery within a specified time;
108 | amending s. 394.455, F.S.; revising the definition of
109 | the term "psychiatric nurse" to include an independent
110 | advanced practice registered nurse certified in a
111 | specified specialty; amending s. 394.463, F.S.;
112 | authorizing a physician assistant, an independent
113 | advanced practice registered nurse, or an advanced
114 | practice registered nurse to initiate an involuntary
115 | examination for mental illness under certain
116 | circumstances; providing for examination of a patient
117 | by a physician assistant or psychiatric nurse;
118 | authorizing a psychiatric nurse to approve the release
119 | of a patient under certain conditions; amending s.
120 | 395.0191, F.S.; authorizing an independent advanced
121 | practice registered nurse to apply for clinical
122 | privileges; providing an exception to the requirement
123 | for onsite medical direction for certain independent
124 | advanced practice registered nurses; amending s.
125 | 395.605, F.S.; including independent advanced practice
126 | registered nurses in a list of health care
127 | practitioners who must supervise the care of a patient
128 | or be on duty for a specified duration in an emergency
129 | care setting; amending s. 397.311, F.S.; revising the
130 | definition of the term "qualified professional" to

131 include an independent advanced practice registered
132 nurse; conforming terminology; amending s. 397.405,
133 F.S.; providing that an independent advanced practice
134 registered nurse's practice may not be limited under
135 certain circumstances; amending s. 397.501, F.S.;
136 prohibiting the denial of certain services to an
137 individual who takes medication prescribed by a
138 physician assistant, an independent advanced practice
139 registered nurse, or an advanced practice registered
140 nurse; amending s. 400.021, F.S.; revising the
141 definition of the term "geriatric outpatient clinic"
142 to include a site staffed by an independent advanced
143 practice registered nurse; amending s. 400.0255, F.S.;
144 including independent advanced practice registered
145 nurses in a list of health care practitioners who must
146 sign a notice of discharge or transfer; amending s.
147 400.172, F.S.; including independent advanced practice
148 registered nurses and advanced practice registered
149 nurses in a list of health care practitioners who may
150 provide a prospective respite care resident with
151 certain medical information; amending s. 400.462,
152 F.S.; defining the term "independent advanced practice
153 registered nurse"; amending s. 400.487, F.S.;
154 including independent advanced practice registered
155 nurses in a list of health care practitioners who must
156 establish treatment orders for certain patients under

157 certain circumstances; amending s. 400.506, F.S.;

158 applying medical treatment plan requirements to

159 independent advanced practice registered nurses;

160 amending s. 400.9905, F.S.; exempting entities where

161 health care services are provided by independent

162 advanced practice registered nurses from clinic

163 licensure requirements; amending s. 401.445, F.S.;

164 prohibiting recovery of damages in court against an

165 independent advanced practice registered nurse under

166 certain circumstances; requiring an independent

167 advanced practice registered nurse to attempt to

168 obtain a person's consent prior to providing emergency

169 services; amending ss. 409.905 and 409.908, F.S.;

170 requiring the agency to reimburse independent advanced

171 practice registered nurses for providing certain

172 mandatory Medicaid services; amending s. 409.9081,

173 F.S.; requiring copayments under the Medicaid program

174 to be paid for independent advanced practice

175 registered nurse services; amending s. 409.973, F.S.;

176 requiring managed care plans to cover independent

177 advanced practice registered nurse services; amending

178 s. 429.26, F.S.; prohibiting independent advanced

179 practice registered nurses from having a financial

180 interest in the assisted living facility that employs

181 them; including independent advanced practice

182 registered nurses in a list of health care

183 practitioners from whom an assisted living facility
184 resident may obtain an examination prior to admission;
185 amending s. 429.918, F.S.; revising the definition of
186 the term "ADRD participant" to include participants
187 who have a documented diagnosis of Alzheimer's disease
188 or a dementia-related disorder from an independent
189 advanced practice registered nurse; including
190 independent advanced practice registered nurses in a
191 list of health care practitioners from whom an ADRD
192 participant may obtain signed medical documentation;
193 amending s. 440.102, F.S.; authorizing, for the
194 purpose of drug-free workforce program requirements,
195 an independent advanced practice registered nurse to
196 collect a specimen for a drug test; amending s.
197 456.048, F.S.; requiring independent advanced practice
198 registered nurses to maintain medical malpractice
199 insurance or provide proof of financial
200 responsibility; exempting independent advanced
201 practice registered nurses from such requirements
202 under certain circumstances; amending s. 456.053,
203 F.S.; revising the definition of the term "board" to
204 include the Board of Nursing; revising the definitions
205 of the terms "health care provider" and "sole
206 provider" to include independent advanced practice
207 registered nurses; authorizing an independent advanced
208 practice registered nurse to make referrals under

209 certain circumstances; conforming a reference;
210 amending s. 456.072, F.S.; requiring the suspension
211 and fining of a physician assistant, an independent
212 advanced practice registered nurse, or an advanced
213 practice registered nurse for prescribing or
214 dispensing a controlled substance in a certain manner;
215 amending s. 456.44, F.S.; providing certain
216 requirements for physician assistants, independent
217 advanced practice registered nurses, and advanced
218 practice registered nurses who prescribe controlled
219 substances for the treatment of chronic nonmalignant
220 pain; amending ss. 458.3265 and 459.0137, F.S.;
221 requiring an independent advanced practice registered
222 nurse to perform a physical examination of a patient
223 at a pain-management clinic under certain
224 circumstances; amending s. 458.347, F.S.; deleting the
225 requirement for a formulary list of controlled
226 substances that a physician assistant may not
227 prescribe; amending ss. 458.348 and 459.025, F.S.;
228 deleting obsolete provisions; amending s. 464.0205,
229 F.S.; authorizing an independent advanced practice
230 registered nurse to directly supervise a certified
231 retired volunteer nurse; amending s. 480.0475;
232 authorizing the operation of a massage establishment
233 during specified times if a massage is prescribed by
234 an independent advanced practice registered nurse;

235 amending s. 483.041, F.S.; revising the definition of
236 the term "licensed practitioner" to include a
237 physician assistant and an independent advanced
238 practice registered nurse; amending s. 483.181, F.S.;
239 requiring clinical laboratories to accept a human
240 specimen submitted by an independent advanced practice
241 registered nurse; amending s. 486.021, F.S.;
242 authorizing a physical therapist to implement a plan
243 of treatment provided by an independent advanced
244 practice registered nurse; amending s. 490.012, F.S.;
245 allowing certain qualified independent advanced
246 practice registered nurses to use the word, or a form
247 of the word, "psychotherapy"; amending s. 491.0057,
248 F.S.; authorizing certain qualified independent
249 advanced practice registered nurses to be licensed as
250 marriage and family therapists; amending s. 491.012,
251 F.S.; authorizing certain qualified independent
252 advanced practice registered nurses to use specified
253 terms; amending s. 493.6108, F.S.; authorizing an
254 independent advanced practice registered nurse to
255 certify the physical fitness of a certain class of
256 applicants to bear a weapon or firearm; amending s.
257 626.9707, F.S.; including independent advanced
258 practice registered nurses in a list of entities and
259 individuals that are protected from insurer
260 discrimination when providing services to a person

261 with the sickle-cell trait; amending s. 627.6471,
262 F.S.; requiring insurers to provide eligibility
263 criteria for certain qualified independent advanced
264 practice registered nurses under certain
265 circumstances; amending s. 627.6472, F.S.; requiring
266 insurers to provide eligibility criteria for certain
267 qualified independent advanced practice registered
268 nurses under certain circumstances; prohibiting an
269 exclusive provider organization from discriminating
270 against participation by an independent advanced
271 practice registered nurse; amending s. 627.736, F.S.;
272 requiring personal injury protection insurance to
273 cover a certain percentage of medical services and
274 care provided by an independent advanced practice
275 registered nurse, a practitioner supervised by an
276 independent advanced practice registered nurse, or an
277 entity wholly owned by one or more independent
278 advanced practice registered nurses; reimbursing
279 independent advanced practice registered nurses up to
280 a specified amount for providing medical services and
281 care; amending s. 633.412, F.S.; authorizing an
282 independent advanced practice registered nurse to
283 medically examine an applicant for firefighter
284 certification; amending s. 641.3923, F.S.; prohibiting
285 a health maintenance organization from discriminating
286 against the participation of a physician assistant or

287 an independent advanced practice registered nurse;
288 amending s. 641.495, F.S.; requiring a health
289 maintenance organization to disclose in certain
290 documents that certain services may be provided by
291 independent advanced practice registered nurses;
292 amending s. 744.331, F.S.; including a physician
293 assistant as an eligible member of an examining
294 committee; conforming terminology; amending s.
295 744.703, F.S.; adding independent advanced practice
296 registered nurses to a list of authorized
297 professionals with whom a public guardian may contract
298 to carry out guardianship functions; amending s.
299 766.102, F.S.; providing requirements for
300 qualification as an expert witness in a medical
301 negligence case concerning the standard of care for an
302 independent advanced practice registered nurse and an
303 advanced practice registered nurse; amending s.
304 766.103, F.S.; prohibiting recovery of damages against
305 an independent advanced practice registered nurse
306 under certain conditions; amending s. 766.1116, F.S.;
307 revising the definition of the term "health care
308 practitioner" to include an independent advanced
309 practice registered nurse; amending s. 766.118, F.S.;
310 revising the definition of the term "practitioner" to
311 include an independent advanced practice registered
312 nurse; amending s. 768.135, F.S.; providing immunity

313 from liability for an independent advanced practice
314 registered nurse who provides volunteer services under
315 certain circumstances; amending s. 782.071, F.S.;
316 allowing an independent advanced practice registered
317 nurse or an advanced practice registered nurse to
318 supervise a person who is completing community service
319 hours in a trauma center or hospital; amending s.
320 794.08, F.S.; providing that the section does not
321 apply to procedures conducted by an independent
322 advanced practice registered nurse under certain
323 circumstances; amending s. 893.02, F.S.; revising the
324 definition of the term "practitioner" to include a
325 physician assistant, an independent advanced practice
326 registered nurse, and an advanced practice registered
327 nurse; amending s. 943.13, F.S.; authorizing a law
328 enforcement officer or correctional officer to satisfy
329 qualifications for employment or appointment by
330 passing a physical examination conducted by an
331 independent advanced practice registered nurse;
332 amending s. 945.603, F.S.; authorizing the
333 Correctional Medical Authority to review and make
334 recommendations relating to the use of advanced
335 practice registered nurses as physician extenders;
336 amending ss. 1002.20 and 1002.42, F.S.; including
337 independent advanced practice registered nurses in a
338 list of individuals who have immunity relating to the

339 use of epinephrine auto-injectors in public and
 340 private schools; amending s. 1006.062, F.S.;
 341 authorizing nonmedical assistive personnel to perform
 342 health services if trained by an independent advanced
 343 practice registered nurse; requiring monitoring of
 344 such personnel by an independent advanced practice
 345 registered nurse; including independent advanced
 346 practice registered nurses in a list of practitioners
 347 who must determine whether such personnel may perform
 348 certain invasive medical services; amending s.
 349 1006.20, F.S.; authorizing an independent advanced
 350 practice registered nurse to medically evaluate a
 351 student athlete; amending ss. 110.12315, 252.515,
 352 395.602, 397.427, 456.0391, 456.0392, 456.041,
 353 458.331, 459.015, 464.004, 467.003, 483.801, 960.28,
 354 1009.65, 1009.66, and 1009.67, F.S.; conforming
 355 terminology; providing an effective date.

356
 357 Be It Enacted by the Legislature of the State of Florida:

358
 359 Section 1. Subsections (16) through (23) of section
 360 464.003, Florida Statutes, are renumbered as subsections (17)
 361 through (24), respectively, present subsections (2), (3), (20),
 362 and (22) are amended, and a new subsection (16) is added to that
 363 section, to read:

364 464.003 Definitions.—As used in this part, the term:

365 (2) "Advanced or specialized nursing practice" or "to
366 practice advanced or specialized nursing" means, in addition to
367 the practice of professional nursing, the performance of
368 advanced-level nursing acts approved by the board which, by
369 virtue of postbasic specialized education, training, and
370 experience, are appropriately performed by an independent
371 advanced practice registered nurse or an advanced practice
372 registered nurse practitioner. Within the context of advanced or
373 specialized nursing practice, the independent advanced practice
374 registered nurse and the advanced practice registered nurse
375 practitioner may perform acts of nursing diagnosis and nursing
376 treatment of alterations of the health status. The independent
377 advanced practice registered nurse and the advanced practice
378 registered nurse practitioner may also perform acts of medical
379 diagnosis, and treatment, prescription, and operation which are
380 identified and approved by a joint committee composed of three
381 members appointed by the Board of Nursing, one of whom must be
382 an independent advanced practice registered nurse and one ~~two~~ of
383 whom must be an advanced practice registered nurse
384 practitioners; three members appointed by the Board of Medicine,
385 two of whom must have had work experience with advanced practice
386 registered nurses nurse practitioners; and the State Surgeon
387 General or the State Surgeon General's designee. Each committee
388 member appointed by a board shall be appointed to a term of 4
389 years unless a shorter term is required to establish or maintain
390 staggered terms. The Board of Nursing shall adopt rules

391 authorizing the performance of any such acts approved by the
 392 joint committee. Unless otherwise specified by the joint
 393 committee and unless such acts are performed by independent
 394 advanced practice registered nurses, such medical acts must be
 395 performed under the general supervision of a practitioner
 396 licensed under chapter 458, chapter 459, or chapter 466 within
 397 the framework of standing protocols which identify the medical
 398 acts to be performed and the conditions for their performance.
 399 The department may, by rule, require that a copy of the protocol
 400 be filed with the department along with the notice required by
 401 s. 458.348 or s. 459.025.

402 (3) "Advanced practice registered nurse ~~practitioner~~"
 403 means any person licensed in this state to practice professional
 404 nursing and certified in advanced or specialized nursing
 405 practice, including certified registered nurse anesthetists,
 406 certified nurse midwives, and certified nurse practitioners.

407 (16) "Independent advanced practice registered nurse"
 408 means an advanced practice registered nurse who maintains an
 409 active and unencumbered certification under s. 464.012(2) and
 410 registration under s. 464.0125 to practice advanced or
 411 specialized nursing independently and without the supervision of
 412 a physician or a protocol.

413 ~~(21)-(20)~~ "Practice of professional nursing" means the
 414 performance of those acts requiring substantial specialized
 415 knowledge, judgment, and nursing skill based upon applied

416 principles of psychological, biological, physical, and social
417 sciences, which shall include, but not be limited to:

418 (a) The observation, assessment, nursing diagnosis,
419 planning, intervention, and evaluation of care; health teaching
420 and counseling of the ill, injured, or infirm; and the promotion
421 of wellness, maintenance of health, and prevention of illness of
422 others.

423 (b) The prescribing and administration of medications and
424 treatments as ~~prescribed or~~ authorized by a ~~duly licensed~~
425 ~~practitioner authorized by~~ the laws of this state ~~to prescribe~~
426 ~~such medications and treatments.~~

427 (c) The supervision and teaching of other personnel in the
428 theory and performance of any of the acts described in this
429 subsection.

430

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

434 ~~(23)-(22)~~ "Registered nurse" means any person licensed in
435 this state to practice professional nursing, except such
436 licensed person may only administer medications and treatments
437 authorized by a duly licensed practitioner authorized by the
438 laws of this state to prescribe such medications and treatments.

439 Section 2. Section 464.012, Florida Statutes, is amended
440 to read:

441 464.012 Certification of advanced practice registered
442 nurses ~~nurse practitioners~~; fees.—

443 (1) Any nurse desiring to be certified as an advanced
444 practice registered nurse ~~practitioner~~ shall apply to the board
445 ~~department~~ and submit proof that the nurse ~~he or she~~ holds a
446 current license to practice professional nursing and that the
447 nurse ~~he or she~~ meets ~~one or more of~~ the following requirements
448 ~~as determined by the board~~:

449 ~~(a) Satisfactory completion of a formal postbasic~~
450 ~~educational program of at least one academic year, the primary~~
451 ~~purpose of which is to prepare nurses for advanced or~~
452 ~~specialized practice.~~

453 (a)(b) Certification by an appropriate specialty board.
454 Such certification shall be required for initial state
455 certification and any recertification as a nurse practitioner,
456 registered nurse anesthetist, or nurse midwife. The board may by
457 rule provide for provisional state certification of graduate
458 nurse practitioners, nurse anesthetists, and nurse midwives for
459 a period of time determined to be appropriate for preparing for
460 and passing the national certification examination.

461 (b)(c) Graduation from a ~~program leading to a~~ master's
462 degree program in a nursing clinical specialty area with
463 preparation in specialized practitioner skills. ~~For applicants~~
464 ~~graduating on or after October 1, 1998, graduation from a~~
465 ~~master's degree program shall be required for initial~~
466 ~~certification as a nurse practitioner under paragraph (4)(c).~~

467 ~~For applicants graduating on or after October 1, 2001,~~
468 ~~graduation from a master's degree program shall be required for~~
469 ~~initial certification as a registered nurse anesthetist under~~
470 ~~paragraph (4)(a).~~

471 (2) The board shall provide by rule the appropriate
472 requirements for advanced practice registered nurses ~~nurse~~
473 ~~practitioners~~ in the categories of certified registered nurse
474 anesthetist, certified nurse midwife, and certified nurse
475 practitioner.

476 (3) An advanced practice registered nurse ~~practitioner~~
477 shall perform those functions authorized in this section within
478 the framework of an established protocol that is filed with the
479 board upon biennial license renewal and within 30 days after
480 entering into a supervisory relationship with a physician or
481 changes to the protocol. The board shall review the protocol to
482 ensure compliance with applicable regulatory standards for
483 protocols. The board shall refer to the department licensees
484 submitting protocols that are not compliant with the regulatory
485 standards for protocols. A practitioner currently licensed under
486 chapter 458, chapter 459, or chapter 466 shall maintain
487 supervision for directing the specific course of medical
488 treatment. Within the established framework, an advanced
489 practice registered nurse ~~practitioner~~ may:

490 (a) Monitor and alter drug therapies.

491 (b) Initiate appropriate therapies for certain conditions.

492 (c) Perform additional functions as may be determined by
 493 rule in accordance with s. 464.003(2).

494 (d) Order diagnostic tests and physical and occupational
 495 therapy.

496 (e) Administer, dispense, and prescribe medicinal drugs,
 497 including controlled substances.

498 (4) In addition to the general functions specified in
 499 subsection (3), an advanced practice registered nurse
 500 ~~practitioner~~ may perform the following acts within his or her
 501 specialty:

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

506 1. Determine the health status of the patient as it
 507 relates to the risk factors and to the anesthetic management of
 508 the patient through the performance of the general functions.

509 2. Based on history, physical assessment, and supplemental
 510 laboratory results, determine, with the consent of the
 511 responsible physician, the appropriate type of anesthesia within
 512 the framework of the protocol.

513 3. Order under the protocol preanesthetic medication.

514 4. Perform under the protocol procedures commonly used to
 515 render the patient insensible to pain during the performance of
 516 surgical, obstetrical, therapeutic, or diagnostic clinical
 517 procedures. These procedures include ordering and administering

518 regional, spinal, and general anesthesia; inhalation agents and
519 techniques; intravenous agents and techniques; and techniques of
520 hypnosis.

521 5. Order or perform monitoring procedures indicated as
522 pertinent to the anesthetic health care management of the
523 patient.

524 6. Support life functions during anesthesia health care,
525 including induction and intubation procedures, the use of
526 appropriate mechanical supportive devices, and the management of
527 fluid, electrolyte, and blood component balances.

528 7. Recognize and take appropriate corrective action for
529 abnormal patient responses to anesthesia, adjunctive medication,
530 or other forms of therapy.

531 8. Recognize and treat a cardiac arrhythmia while the
532 patient is under anesthetic care.

533 9. Participate in management of the patient while in the
534 postanesthesia recovery area, including ordering the
535 administration of fluids and drugs.

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

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

- 544 1. Perform superficial minor surgical procedures.
 545 2. Manage the patient during labor and delivery to include
 546 amniotomy, episiotomy, and repair.
 547 3. Order, initiate, and perform appropriate anesthetic
 548 procedures.
 549 4. Perform postpartum examination.
 550 5. Order appropriate medications.
 551 6. Provide family-planning services and well-woman care.
 552 7. Manage the medical care of the normal obstetrical
 553 patient and the initial care of a newborn patient.

554 (c) The certified nurse practitioner may perform any or
 555 all of the following acts within the framework of established
 556 protocol:

- 557 1. Manage selected medical problems.
 558 2. Order physical and occupational therapy.
 559 3. Initiate, monitor, or alter therapies for certain
 560 uncomplicated acute illnesses.
 561 4. Monitor and manage patients with stable chronic
 562 diseases.
 563 5. Establish behavioral problems and diagnosis and make
 564 treatment recommendations.

565 (5) The board shall certify, and the department shall
 566 issue a certificate to, any nurse meeting the qualifications in
 567 this section. The board shall establish an application fee not
 568 to exceed \$100 and a biennial renewal fee not to exceed \$50. The

569 board is authorized to adopt such other rules as are necessary
570 to implement the provisions of this section.

571 Section 3. Section 464.0125, Florida Statutes, is created
572 to read:

573 464.0125 Registration of independent advanced practice
574 registered nurses; fees.—

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

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

582 (b) Not been subject to any disciplinary action under s.
583 464.018 or s. 456.072, or any similar disciplinary action in any
584 other jurisdiction, during the 5 years immediately preceding the
585 submission of the application.

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

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

590 (3) An independent advanced practice registered nurse may
591 perform, without physician supervision or a protocol, the
592 functions authorized in s. 464.012(3), the acts within his or
593 her specialty as described in s. 464.012(4), and any of the
594 following:

595 (a) For a patient who requires the services of a health
596 care facility, as defined in s. 408.032(8):
597 1. Admit the patient to the facility.
598 2. Manage the care that the patient receives in the
599 facility.
600 3. Discharge the patient from the facility.
601 (b) Provide a signature, certification, stamp,
602 verification, affidavit, or other endorsement that is otherwise
603 required by law to be provided by a physician.
604 (4) An advanced practice registered nurse registered under
605 this section must submit to the department proof of registration
606 along with the information required under s. 456.0391, and the
607 department shall include the registration in the advanced
608 practice registered nurse's practitioner profile created
609 pursuant to s. 456.041.
610 (5) To be eligible for biennial renewal of registration,
611 an independent advanced practice registered nurse must complete
612 at least 10 hours of continuing education approved by the board
613 in pharmacology in addition to completing the continuing
614 education requirements established by board rule pursuant to s.
615 464.013. The biennial renewal for registration shall coincide
616 with the independent advanced practice registered nurse's
617 biennial renewal period for advanced practice registered nurse
618 certification. If the initial renewal period occurs before
619 January 1, 2016, an independent advanced practice registered
620 nurse is not required to complete the continuing education

621 requirement under this subsection until the following biennial
 622 renewal period.

623 (6) The board shall register any nurse meeting the
 624 qualifications in this section. The board shall establish an
 625 application fee not to exceed \$100 and a biennial renewal fee
 626 not to exceed \$50. The board is authorized to adopt rules as
 627 necessary to implement this section.

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

630 464.015 Titles and abbreviations; restrictions; penalty.—

631 (8) Only a person certified under s. 464.012 ~~persons who~~
 632 ~~hold valid certificates~~ to practice as an advanced practice
 633 registered nurse ~~practitioners~~ in this state may use the title
 634 "Advanced Practice Registered Nurse ~~Practitioner~~" and the
 635 abbreviation "A.P.R.N." Only a person registered under s.
 636 464.0125 to practice as an independent advanced practice
 637 registered nurse in this state may use the title "Independent
 638 Advanced Practice Registered Nurse" and the abbreviation
 639 "I.A.P.R.N." "A.R.N.P."

640 (9) A person may not practice or advertise as, or assume
 641 the title of, registered nurse, licensed practical nurse,
 642 clinical nurse specialist, certified registered nurse
 643 anesthetist, certified nurse midwife, certified nurse
 644 practitioner, ~~or~~ advanced practice registered nurse, or
 645 independent advanced practice registered nurse ~~practitioner~~ or
 646 use the abbreviation "R.N.," "L.P.N.," "C.N.S.," "C.R.N.A.,"

647 "C.N.M.," "C.N.P.," "A.P.R.N.," or "I.A.P.R.N." ~~"A.R.N.P."~~ or
648 take any other action that would lead the public to believe that
649 person was certified or registered as such or is performing
650 nursing services pursuant to the exception set forth in s.
651 464.022(8), unless that person is licensed, ~~or~~ certified, or
652 registered to practice as such.

653 Section 5. Section 464.0155, Florida Statutes, is created
654 to read:

655 464.0155 Reports of adverse incidents by independent
656 advanced practice registered nurses.-

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

660 (2) The report must be in writing, sent to the department
661 by certified mail, and postmarked within 15 days after the
662 adverse incident if the adverse incident occurs when the patient
663 is at the office of the independent advanced practice registered
664 nurse. If the adverse incident occurs when the patient is not at
665 the office of the independent advanced practice registered
666 nurse, the report must be postmarked within 15 days after the
667 independent advanced practice registered nurse discovers, or
668 reasonably should have discovered, the occurrence of the adverse
669 incident.

670 (3) For the purpose of this section, the term "adverse
671 incident" means any of the following events when it is
672 reasonable to believe that the event is attributable to the

673 prescription of a controlled substance by the independent
 674 advanced practice registered nurse:

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

677 (b) Permanent physical injury to the patient.

678 (c) Death of the patient.

679 (4) The department shall review each adverse incident and
 680 determine whether the independent advanced practice registered
 681 nurse caused the adverse incident. The board may take
 682 disciplinary action upon such a finding, in which case s.
 683 456.073 applies.

684 Section 6. Paragraph (a) of subsection (2) of section
 685 464.016, Florida Statutes, is amended to read:

686 464.016 Violations and penalties.—

687 (2) Each of the following acts constitutes a misdemeanor
 688 of the first degree, punishable as provided in s. 775.082 or s.
 689 775.083:

690 (a) Using the name or title "Nurse," "Registered Nurse,"
 691 "Licensed Practical Nurse," "Clinical Nurse Specialist,"
 692 "Certified Registered Nurse Anesthetist," "Certified Nurse
 693 Midwife," "Certified Nurse Practitioner," "Advanced Practice
 694 Registered Nurse Practitioner," "Independent Advanced Practice
 695 Registered Nurse," or any other name or title that ~~which~~ implies
 696 that a person was licensed, ~~or~~ certified, or registered as same,
 697 unless such person is duly licensed, ~~or~~ certified, or
 698 registered.

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

701 464.018 Disciplinary actions.—

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

704 (p) Prescribing, dispensing, administering, mixing, or
 705 otherwise preparing a legend drug, including any controlled
 706 substance, other than in the course of the professional practice
 707 of the independent advanced practice registered nurse or
 708 advanced practice registered nurse. For the purposes of this
 709 paragraph, it shall be legally presumed that prescribing,
 710 dispensing, administering, mixing, or otherwise preparing legend
 711 drugs, including all controlled substances, inappropriately or
 712 in excessive or inappropriate quantities is not in the best
 713 interest of the patient and is not in the course of the
 714 professional practice of the independent advanced practice
 715 registered nurse or advanced practice registered nurse, without
 716 regard to the nurse's intent.

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

719 (r) Presigning blank prescription forms.

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

722 (t) Prescribing, ordering, dispensing, administering,
 723 supplying, selling, or giving any Schedule II drug that is an

724 amphetamine or sympathomimetic amine or any compound thereof,
725 pursuant to chapter 893, to or for any person except for:

726 1. The treatment of narcolepsy; hyperkinesis; behavioral
727 syndrome characterized by the developmentally inappropriate
728 symptoms of moderate to severe distractability, short attention
729 span, hyperactivity, emotional liability, and impulsivity; or
730 drug-induced brain dysfunction;

731 2. The differential diagnostic psychiatric evaluation of
732 depression or the treatment of depression shown to be refractory
733 to other therapeutic modalities; or

734 3. The clinical investigation of the effects of such drugs
735 or compounds when an investigative protocol therefor is
736 submitted to, reviewed, and approved by the board before such
737 investigation begins.

738 (u) Prescribing, ordering, dispensing, administering,
739 supplying, selling, or giving growth hormones, testosterone or
740 its analogs, human chorionic gonadotropin (HCG), or other
741 hormones for the purpose of muscle building or to enhance
742 athletic performance. For the purposes of this paragraph, the
743 term "muscle building" does not include the treatment of injured
744 muscle. A prescription written for the drug products listed in
745 this paragraph may be dispensed by the pharmacist with the
746 presumption that the prescription is for legitimate medical use.

747 (v) Prescribing, ordering, dispensing, administering,
748 supplying, selling, or giving amygdalin (laetrile) to any
749 person.

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

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

756 (y) Prescribing or dispensing any medicinal drug appearing
757 on any schedule set forth in chapter 893 by the independent
758 advanced practice registered nurse or the advanced practice
759 registered nurse for himself or herself or administering any
760 such drug by the nurse to himself or herself unless such drug is
761 prescribed for the nurse by another practitioner authorized to
762 prescribe medicinal drugs.

763 (z) For an independent advanced practice registered nurse
764 registered under s. 464.0125:

765 1. Paying or receiving any commission, bonus, kickback, or
766 rebate, or engaging in any split-fee arrangement in any form
767 whatsoever with a health care practitioner, organization,
768 agency, or person, either directly or indirectly, for patients
769 referred to providers of health care goods and services,
770 including, but not limited to, hospitals, nursing homes,
771 clinical laboratories, ambulatory surgical centers, or
772 pharmacies. The provisions of this subparagraph may not be
773 construed to prevent an independent advanced practice registered
774 nurse from receiving a fee for professional consultation
775 services.

776 2. Exercising influence within a patient-independent
777 advanced practice registered nurse relationship for purposes of
778 engaging a patient in sexual activity. A patient shall be
779 presumed to be incapable of giving free, full, and informed
780 consent to sexual activity with his or her independent advanced
781 practice registered nurse.

782 3. Making deceptive, untrue, or fraudulent representations
783 in or related to the practice of advanced or specialized nursing
784 or employing a trick or scheme in the practice of advanced or
785 specialized nursing.

786 4. Soliciting patients, either personally or through an
787 agent, through the use of fraud, intimidation, undue influence,
788 or a form of overreaching or vexatious conduct. A solicitation
789 is any communication that directly or implicitly requests an
790 immediate oral response from the recipient.

791 5. Failing to keep legible, as defined by department rule
792 in consultation with the board, medical records that identify
793 the independent advanced practice registered nurse by name and
794 professional title who is responsible for rendering, ordering,
795 supervising, or billing for each diagnostic or treatment
796 procedure and that justify the course of treatment of the
797 patient, including, but not limited to, patient histories;
798 examination results; test results; records of drugs prescribed,
799 dispensed, or administered; and reports of consultations or
800 referrals.

801 6. Exercising influence on a patient or client in a manner
 802 as to exploit the patient or client for financial gain of the
 803 licensee or of a third party, which shall include, but not be
 804 limited to, the promoting or selling of services, goods,
 805 appliances, or drugs.

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

809 8. Performing any procedure or prescribing any therapy
 810 that, by the prevailing standards of advanced or specialized
 811 nursing practice in the community, would constitute
 812 experimentation on a human subject, without first obtaining
 813 full, informed, and written consent.

814 9. Delegating professional responsibilities to a person
 815 when the licensee delegating the responsibilities knows or has
 816 reason to know that the person is not qualified by training,
 817 experience, or licensure to perform the responsibilities.

818 10. Conspiring with another independent advanced practice
 819 registered nurse or with any other person to commit an act, or
 820 committing an act, which would tend to coerce, intimidate, or
 821 preclude another independent advanced practice registered nurse
 822 from lawfully advertising his or her services.

823 11. Advertising or holding oneself out as having
 824 certification in a specialty that the independent advanced
 825 practice registered nurse has not received.

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

829 13. Providing deceptive or fraudulent expert witness
 830 testimony related to the advanced or specialized practice of
 831 nursing.

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

835 39.303 Child protection teams; services; eligible cases.—
 836 The Children's Medical Services Program in the Department of
 837 Health shall develop, maintain, and coordinate the services of
 838 one or more multidisciplinary child protection teams in each of
 839 the service districts of the Department of Children and
 840 Families. Such teams may be composed of appropriate
 841 representatives of school districts and appropriate health,
 842 mental health, social service, legal service, and law
 843 enforcement agencies. The Department of Health and the
 844 Department of Children and Families shall maintain an
 845 interagency agreement that establishes protocols for oversight
 846 and operations of child protection teams and sexual abuse
 847 treatment programs. The State Surgeon General and the Deputy
 848 Secretary for Children's Medical Services, in consultation with
 849 the Secretary of Children and Families, shall maintain the
 850 responsibility for the screening, employment, and, if necessary,
 851 the termination of child protection team medical directors, at

852 headquarters and in the 15 districts. Child protection team
 853 medical directors shall be responsible for oversight of the
 854 teams in the districts.

855 (3) All abuse and neglect cases transmitted for
 856 investigation to a district by the hotline must be
 857 simultaneously transmitted to the Department of Health child
 858 protection team for review. For the purpose of determining
 859 whether face-to-face medical evaluation by a child protection
 860 team is necessary, all cases transmitted to the child protection
 861 team which meet the criteria in subsection (2) must be timely
 862 reviewed by:

863 (c) An advanced practice registered nurse certified, or an
 864 independent advanced practice registered nurse registered,
 865 ~~practitioner licensed~~ under chapter 464 who has a specialty in
 866 pediatrics or family medicine and is a member of a child
 867 protection team;

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

870 (a) The child was examined for the alleged abuse or
 871 neglect by a physician or an independent advanced practice
 872 registered nurse who is not a member of the child protection
 873 team, and a consultation between the child protection team
 874 board-certified pediatrician, advanced practice registered nurse
 875 ~~practitioner~~, physician assistant working under the supervision
 876 of a child protection team board-certified pediatrician, or
 877 registered nurse working under the direct supervision of a child

878 protection team board-certified pediatrician, and the examining
 879 practitioner ~~physician~~ concludes that a further medical
 880 evaluation is unnecessary;

881
 882 Notwithstanding paragraphs (a), (b), and (c), a child protection
 883 team pediatrician, as authorized in subsection (3), may
 884 determine that a face-to-face medical evaluation is necessary.

885 Section 9. Paragraph (b) of subsection (1) of section
 886 39.304, Florida Statutes, is amended to read:

887 39.304 Photographs, medical examinations, X rays, and
 888 medical treatment of abused, abandoned, or neglected child.—

889 (1)

890 (b) If the areas of trauma visible on a child indicate a
 891 need for a medical examination, or if the child verbally
 892 complains or otherwise exhibits distress as a result of injury
 893 through suspected child abuse, abandonment, or neglect, or is
 894 alleged to have been sexually abused, the person required to
 895 investigate may cause the child to be referred for diagnosis to
 896 a licensed physician, an independent advanced practice
 897 registered nurse, or an emergency department in a hospital
 898 without the consent of the child's parents or legal custodian.
 899 Such examination may be performed by a ~~any~~ licensed physician, a
 900 physician assistant, a registered independent advanced practice
 901 registered nurse, or a certified ~~an~~ advanced practice registered
 902 nurse ~~practitioner licensed pursuant to part I of chapter 464.~~
 903 Any examining practitioner ~~licensed physician, or advanced~~

904 ~~registered nurse practitioner licensed pursuant to part I of~~
 905 ~~chapter 464,~~ who has reasonable cause to suspect that an injury
 906 was the result of child abuse, abandonment, or neglect may
 907 authorize a radiological examination to be performed on the
 908 child without the consent of the child's parent or legal
 909 custodian.

910 Section 10. Paragraph (a) of subsection (1) of section
 911 90.503, Florida Statutes, is amended to read:

912 90.503 Psychotherapist-patient privilege.-

913 (1) For purposes of this section:

914 (a) A "psychotherapist" is:

915 1. A person authorized to practice medicine in any state
 916 or nation, or reasonably believed by the patient so to be, who
 917 is engaged in the diagnosis or treatment of a mental or
 918 emotional condition, including alcoholism and other drug
 919 addiction;

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

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

929 4. Treatment personnel of facilities licensed by the state
 930 pursuant to chapter 394, chapter 395, or chapter 397, of
 931 facilities designated by the Department of Children and Families
 932 pursuant to chapter 394 as treatment facilities, or of
 933 facilities defined as community mental health centers pursuant
 934 to s. 394.907(1), who are engaged primarily in the diagnosis or
 935 treatment of a mental or emotional condition, including
 936 alcoholism and other drug addiction; or

937 5. An independent advanced practice registered nurse or
 938 advanced practice registered nurse ~~practitioner certified under~~
 939 ~~s. 464.012~~, whose primary scope of practice is the diagnosis or
 940 treatment of mental or emotional conditions, including chemical
 941 abuse, and limited only to actions performed in accordance with
 942 part I of chapter 464.

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

946 110.12315 Prescription drug program.—The state employees'
 947 prescription drug program is established. This program shall be
 948 administered by the Department of Management Services, according
 949 to the terms and conditions of the plan as established by the
 950 relevant provisions of the annual General Appropriations Act and
 951 implementing legislation, subject to the following conditions:

952 (3) The department ~~of Management Services~~ shall establish
 953 the reimbursement schedule for prescription pharmaceuticals
 954 dispensed under the program. Reimbursement rates for a

955 prescription pharmaceutical must be based on the cost of the
956 generic equivalent drug if a generic equivalent exists, unless
957 the health care practitioner ~~physician~~ prescribing the
958 pharmaceutical clearly states on the prescription that the brand
959 name drug is medically necessary or that the drug product is
960 included on the formulary of drug products that may not be
961 interchanged as provided in chapter 465, in which case
962 reimbursement must be based on the cost of the brand name drug
963 as specified in the reimbursement schedule adopted by the
964 department ~~of Management Services~~.

965 Section 12. Paragraph (e) of subsection (8) of section
966 112.0455, Florida Statutes, is amended to read:

967 112.0455 Drug-Free Workplace Act.—

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

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

973 1. A physician, a physician ~~physician's~~ assistant, an
974 independent advanced practice registered nurse, an advanced
975 practice registered nurse, a registered ~~professional~~ nurse, a
976 licensed practical nurse, ~~a nurse practitioner,~~ or a certified
977 paramedic who is present at the scene of an accident for the
978 purpose of rendering emergency medical service or treatment.

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

980 Section 13. Paragraph (f) of subsection (3) of section
 981 121.0515, Florida Statutes, is amended to read:

982 121.0515 Special Risk Class.—

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

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

- 990 1. Dietitian (class codes 5203 and 5204);
- 991 2. Public health nutrition consultant (class code 5224);
- 992 3. Psychological specialist (class codes 5230 and 5231);
- 993 4. Psychologist (class code 5234);
- 994 5. Senior psychologist (class codes 5237 and 5238);
- 995 6. Regional mental health consultant (class code 5240);
- 996 7. Psychological Services Director—DCF (class code 5242);
- 997 8. Pharmacist (class codes 5245 and 5246);
- 998 9. Senior pharmacist (class codes 5248 and 5249);
- 999 10. Dentist (class code 5266);
- 1000 11. Senior dentist (class code 5269);
- 1001 12. Registered nurse (class codes 5290 and 5291);
- 1002 13. Senior registered nurse (class codes 5292 and 5293);
- 1003 14. Registered nurse specialist (class codes 5294 and
 1004 5295);
- 1005 15. Clinical associate (class codes 5298 and 5299);

- 1006 16. Advanced practice registered nurse ~~practitioner~~ (class
 1007 codes 5297 and 5300);
- 1008 17. Advanced practice registered nurse ~~practitioner~~
 1009 specialist (class codes 5304 and 5305);
- 1010 18. Registered nurse supervisor (class codes 5306 and
 1011 5307);
- 1012 19. Senior registered nurse supervisor (class codes 5308
 1013 and 5309);
- 1014 20. Registered nursing consultant (class codes 5312 and
 1015 5313);
- 1016 21. Quality management program supervisor (class code
 1017 5314);
- 1018 22. Executive nursing director (class codes 5320 and
 1019 5321);
- 1020 23. Speech and hearing therapist (class code 5406); or
 1021 24. Pharmacy manager (class code 5251);
- 1022 Section 14. Paragraph (a) of subsection (3) of section
 1023 252.515, Florida Statutes, is amended to read:
 1024 252.515 Postdisaster Relief Assistance Act; immunity from
 1025 civil liability.—
- 1026 (3) As used in this section, the term:
 1027 (a) "Emergency first responder" means:
- 1028 1. A physician licensed under chapter 458.
 1029 2. An osteopathic physician licensed under chapter 459.
 1030 3. A chiropractic physician licensed under chapter 460.
 1031 4. A podiatric physician licensed under chapter 461.

- 1032 5. A dentist licensed under chapter 466.
- 1033 6. An advanced practice registered nurse ~~practitioner~~
 1034 certified under s. 464.012.
- 1035 7. A physician assistant licensed under s. 458.347 or s.
 1036 459.022.
- 1037 8. A worker employed by a public or private hospital in
 1038 the state.
- 1039 9. A paramedic as defined in s. 401.23(17).
- 1040 10. An emergency medical technician as defined in s.
 1041 401.23(11).
- 1042 11. A firefighter as defined in s. 633.102.
- 1043 12. A law enforcement officer as defined in s. 943.10.
- 1044 13. A member of the Florida National Guard.
- 1045 14. Any other personnel designated as emergency personnel
 1046 by the Governor pursuant to a declared emergency.
- 1047 Section 15. Paragraph (c) of subsection (1) of section
 1048 310.071, Florida Statutes, is amended to read:
- 1049 310.071 Deputy pilot certification.—
- 1050 (1) In addition to meeting other requirements specified in
 1051 this chapter, each applicant for certification as a deputy pilot
 1052 must:
- 1053 (c) Be in good physical and mental health, as evidenced by
 1054 documentary proof of having satisfactorily passed a complete
 1055 physical examination administered by a licensed physician,
 1056 licensed physician assistant, or registered independent advanced
 1057 practice registered nurse within the preceding 6 months. The

1058 board shall adopt rules to establish requirements for passing
1059 the physical examination, which rules shall establish minimum
1060 standards for the physical or mental capabilities necessary to
1061 carry out the professional duties of a certificated deputy
1062 pilot. Such standards shall include zero tolerance for any
1063 controlled substance regulated under chapter 893 unless that
1064 individual is under the care of a physician, a physician
1065 assistant, an independent advanced practice registered nurse, or
1066 an advanced practice registered nurse and that controlled
1067 substance was prescribed by that physician, physician assistant,
1068 independent advanced practice registered nurse, or advanced
1069 practice registered nurse. To maintain eligibility as a
1070 certificated deputy pilot, each certificated deputy pilot must
1071 annually provide documentary proof of having satisfactorily
1072 passed a complete physical examination administered by a
1073 licensed physician, licensed physician assistant, or registered
1074 independent advanced practice registered nurse. The examining
1075 practitioner ~~physician~~ must know the minimum standards and
1076 certify that the certificateholder satisfactorily meets the
1077 standards. The standards for certificateholders shall include a
1078 drug test.

1079 Section 16. Subsection (3) of section 310.073, Florida
1080 Statutes, is amended to read:

1081 310.073 State pilot licensing.—In addition to meeting
1082 other requirements specified in this chapter, each applicant for
1083 license as a state pilot must:

1084 (3) Be in good physical and mental health, as evidenced by
 1085 documentary proof of having satisfactorily passed a complete
 1086 physical examination administered by a licensed physician,
 1087 licensed physician assistant, or registered independent advanced
 1088 practice registered nurse within the preceding 6 months. The
 1089 board shall adopt rules to establish requirements for passing
 1090 the physical examination, which rules shall establish minimum
 1091 standards for the physical or mental capabilities necessary to
 1092 carry out the professional duties of a licensed state pilot.
 1093 Such standards shall include zero tolerance for any controlled
 1094 substance regulated under chapter 893 unless that individual is
 1095 under the care of a physician, a physician assistant, an
 1096 independent advanced practice registered nurse, or an advanced
 1097 practice registered nurse and that controlled substance was
 1098 prescribed by that physician, physician assistant, independent
 1099 advanced practice registered nurse, or advanced practice
 1100 registered nurse. To maintain eligibility as a licensed state
 1101 pilot, each licensed state pilot must annually provide
 1102 documentary proof of having satisfactorily passed a complete
 1103 physical examination administered by a licensed physician,
 1104 licensed physician assistant, or registered independent advanced
 1105 practice registered nurse. The examining practitioner ~~physician~~
 1106 must know the minimum standards and certify that the licensee
 1107 satisfactorily meets the standards. The standards for licensees
 1108 shall include a drug test.

1109 Section 17. Paragraph (b) of subsection (3) of section
 1110 310.081, Florida Statutes, is amended to read:

1111 310.081 Department to examine and license state pilots and
 1112 certificate deputy pilots; vacancies.—

1113 (3) Pilots shall hold their licenses or certificates
 1114 pursuant to the requirements of this chapter so long as they:

1115 (b) Are in good physical and mental health as evidenced by
 1116 documentary proof of having satisfactorily passed a physical
 1117 examination administered by a licensed physician, an independent
 1118 advanced practice registered nurse, or a physician assistant
 1119 within each calendar year. The board shall adopt rules to
 1120 establish requirements for passing the physical examination,
 1121 which rules shall establish minimum standards for the physical
 1122 or mental capabilities necessary to carry out the professional
 1123 duties of a licensed state pilot or a certificated deputy pilot.
 1124 Such standards shall include zero tolerance for any controlled
 1125 substance regulated under chapter 893 unless that individual is
 1126 under the care of a physician, a physician assistant, an
 1127 independent advanced practice registered nurse, or an advanced
 1128 practice registered nurse and that controlled substance was
 1129 prescribed by that physician, physician assistant, independent
 1130 advanced practice registered nurse, or advanced practice
 1131 registered nurse. To maintain eligibility as a certificated
 1132 deputy pilot or licensed state pilot, each certificated deputy
 1133 pilot or licensed state pilot must annually provide documentary
 1134 proof of having satisfactorily passed a complete physical

1135 examination administered by a licensed physician, licensed
 1136 physician assistant, or registered independent advanced practice
 1137 registered nurse. The physician, physician assistant, or
 1138 independent advanced practice registered nurse must know the
 1139 minimum standards and certify that the certificateholder or
 1140 licensee satisfactorily meets the standards. The standards for
 1141 certificateholders and for licensees shall include a drug test.

1142
 1143 Upon resignation or in the case of disability permanently
 1144 affecting a pilot's ability to serve, the state license or
 1145 certificate issued under this chapter shall be revoked by the
 1146 department.

1147 Section 18. Paragraph (b) of subsection (1) of section
 1148 320.0848, Florida Statutes, is amended to read:

1149 320.0848 Persons who have disabilities; issuance of
 1150 disabled parking permits; temporary permits; permits for certain
 1151 providers of transportation services to persons who have
 1152 disabilities.—

1153 (1)

1154 (b)1. The person must be currently certified as being
 1155 legally blind or as having any of the following disabilities
 1156 that render him or her unable to walk 200 feet without stopping
 1157 to rest:

1158 a. Inability to walk without the use of or assistance from
 1159 a brace, cane, crutch, prosthetic device, or other assistive
 1160 device, or without the assistance of another person. If the

1161 assistive device significantly restores the person's ability to
 1162 walk to the extent that the person can walk without severe
 1163 limitation, the person is not eligible for the exemption parking
 1164 permit.

1165 b. The need to permanently use a wheelchair.

1166 c. Restriction by lung disease to the extent that the
 1167 person's forced (respiratory) expiratory volume for 1 second,
 1168 when measured by spirometry, is less than 1 liter, or the
 1169 person's arterial oxygen is less than 60 mm/hg on room air at
 1170 rest.

1171 d. Use of portable oxygen.

1172 e. Restriction by cardiac condition to the extent that the
 1173 person's functional limitations are classified in severity as
 1174 Class III or Class IV according to standards set by the American
 1175 Heart Association.

1176 f. Severe limitation in the person's ability to walk due
 1177 to an arthritic, neurological, or orthopedic condition.

1178 2. The certification of disability which is required under
 1179 subparagraph 1. must be provided by a physician licensed under
 1180 chapter 458, chapter 459, or chapter 460; ~~by~~ by a podiatric
 1181 physician licensed under chapter 461; ~~by~~ by an optometrist
 1182 licensed under chapter 463; ~~by~~ by an independent advanced practice
 1183 registered nurse registered, or an advanced practice registered
 1184 nurse certified, practitioner licensed under part I of chapter
 1185 464; under the protocol of a licensed physician as stated in
 1186 ~~this subparagraph, by~~ a physician assistant licensed under

1187 chapter 458 or chapter 459;7 or ~~by~~ a similarly licensed
 1188 physician from another state if the application is accompanied
 1189 by documentation of the physician's licensure in the other state
 1190 and a form signed by the out-of-state physician verifying his or
 1191 her knowledge of this state's eligibility guidelines.

1192 Section 19. Paragraph (b) of subsection (1) of section
 1193 381.00315, Florida Statutes, is amended to read:

1194 381.00315 Public health advisories; public health
 1195 emergencies; quarantines.—The State Health Officer is
 1196 responsible for declaring public health emergencies and
 1197 quarantines and issuing public health advisories.

1198 (1) As used in this section, the term:

1199 (b) "Public health emergency" means any occurrence, or
 1200 threat thereof, whether natural or man made, which results or
 1201 may result in substantial injury or harm to the public health
 1202 from infectious disease, chemical agents, nuclear agents,
 1203 biological toxins, or situations involving mass casualties or
 1204 natural disasters. Prior to declaring a public health emergency,
 1205 the State Health Officer shall, to the extent possible, consult
 1206 with the Governor and shall notify the Chief of Domestic
 1207 Security. The declaration of a public health emergency shall
 1208 continue until the State Health Officer finds that the threat or
 1209 danger has been dealt with to the extent that the emergency
 1210 conditions no longer exist and he or she terminates the
 1211 declaration. However, a declaration of a public health emergency
 1212 may not continue for longer than 60 days unless the Governor

1213 concurs in the renewal of the declaration. The State Health
1214 Officer, upon declaration of a public health emergency, may take
1215 actions that are necessary to protect the public health. Such
1216 actions include, but are not limited to:

1217 1. Directing manufacturers of prescription drugs or over-
1218 the-counter drugs who are permitted under chapter 499 and
1219 wholesalers of prescription drugs located in this state who are
1220 permitted under chapter 499 to give priority to the shipping of
1221 specified drugs to pharmacies and health care providers within
1222 geographic areas that have been identified by the State Health
1223 Officer. The State Health Officer must identify the drugs to be
1224 shipped. Manufacturers and wholesalers located in the state must
1225 respond to the State Health Officer's priority shipping
1226 directive before shipping the specified drugs.

1227 2. Notwithstanding chapters 465 and 499 and rules adopted
1228 thereunder, directing pharmacists employed by the department to
1229 compound bulk prescription drugs and provide these bulk
1230 prescription drugs to physicians and nurses of county health
1231 departments or any qualified person authorized by the State
1232 Health Officer for administration to persons as part of a
1233 prophylactic or treatment regimen.

1234 3. Notwithstanding s. 456.036, temporarily reactivating
1235 the inactive license of the following health care practitioners,
1236 when such practitioners are needed to respond to the public
1237 health emergency: physicians licensed under chapter 458 or
1238 chapter 459; physician assistants licensed under chapter 458 or

1239 chapter 459; independent advanced practice registered nurses
 1240 registered, ~~licensed~~ practical nurses or, registered nurses
 1241 licensed, and advanced practice registered nurses certified
 1242 ~~nurse practitioners licensed~~ under part I of chapter 464;
 1243 respiratory therapists licensed under part V of chapter 468; and
 1244 emergency medical technicians and paramedics certified under
 1245 part III of chapter 401. Only those health care practitioners
 1246 specified in this paragraph who possess an unencumbered inactive
 1247 license and who request that such license be reactivated are
 1248 eligible for reactivation. An inactive license that is
 1249 reactivated under this paragraph shall return to inactive status
 1250 when the public health emergency ends or prior to the end of the
 1251 public health emergency if the State Health Officer determines
 1252 that the health care practitioner is no longer needed to provide
 1253 services during the public health emergency. Such licenses may
 1254 only be reactivated for a period not to exceed 90 days without
 1255 meeting the requirements of s. 456.036 or chapter 401, as
 1256 applicable.

1257 4. Ordering an individual to be examined, tested,
 1258 vaccinated, treated, or quarantined for communicable diseases
 1259 that have significant morbidity or mortality and present a
 1260 severe danger to public health. Individuals who are unable or
 1261 unwilling to be examined, tested, vaccinated, or treated for
 1262 reasons of health, religion, or conscience may be subjected to
 1263 quarantine.

1264 a. Examination, testing, vaccination, or treatment may be
 1265 performed by any qualified person authorized by the State Health
 1266 Officer.

1267 b. If the individual poses a danger to the public health,
 1268 the State Health Officer may subject the individual to
 1269 quarantine. If there is no practical method to quarantine the
 1270 individual, the State Health Officer may use any means necessary
 1271 to vaccinate or treat the individual.

1272
 1273 Any order of the State Health Officer given to effectuate this
 1274 paragraph shall be immediately enforceable by a law enforcement
 1275 officer under s. 381.0012.

1276 Section 20. Subsection (3) of section 381.00593, Florida
 1277 Statutes, is amended to read:

1278 381.00593 Public school volunteer health care practitioner
 1279 program.—

1280 (3) For purposes of this section, the term "health care
 1281 practitioner" means a physician or physician assistant licensed
 1282 under chapter 458; an osteopathic physician or physician
 1283 assistant licensed under chapter 459; a chiropractic physician
 1284 licensed under chapter 460; a podiatric physician licensed under
 1285 chapter 461; an optometrist licensed under chapter 463; an
 1286 independent advanced practice registered nurse registered, an
 1287 advanced practice registered nurse certified practitioner, or a
 1288 registered nurse, ~~or licensed~~ practical nurse licensed under
 1289 part I of chapter 464; a pharmacist licensed under chapter 465;

1290 a dentist or dental hygienist licensed under chapter 466; a
 1291 midwife licensed under chapter 467; a speech-language
 1292 pathologist or audiologist licensed under part I of chapter 468;
 1293 a dietitian/nutritionist licensed under part X of chapter 468;
 1294 or a physical therapist licensed under chapter 486.

1295 Section 21. Paragraph (c) of subsection (2) of section
 1296 381.026, Florida Statutes, is amended to read:

1297 381.026 Florida Patient's Bill of Rights and
 1298 Responsibilities.—

1299 (2) DEFINITIONS.—As used in this section and s. 381.0261,
 1300 the term:

1301 (c) "Health care provider" means a physician or physician
 1302 assistant licensed under chapter 458, an osteopathic physician
 1303 or physician assistant licensed under chapter 459, ~~or~~ a
 1304 podiatric physician licensed under chapter 461, or an
 1305 independent advanced practice registered nurse registered under
 1306 part I of chapter 464.

1307 Section 22. Paragraph (a) of subsection (2) and
 1308 subsections (3) through (5) of section 382.008, Florida
 1309 Statutes, are amended to read:

1310 382.008 Death and fetal death registration.—

1311 (2) (a) The funeral director who first assumes custody of a
 1312 dead body or fetus shall file the certificate of death or fetal
 1313 death. In the absence of the funeral director, the physician,
 1314 physician assistant, independent advanced practice registered
 1315 nurse, advanced practice registered nurse, or other person in

1316 attendance at or after the death or the district medical
1317 examiner of the county in which the death occurred or the body
1318 was found shall file the certificate of death or fetal death.
1319 The person who files the certificate shall obtain personal data
1320 from the next of kin or the best qualified person or source
1321 available. The medical certification of cause of death shall be
1322 furnished to the funeral director, either in person or via
1323 certified mail or electronic transfer, by the physician,
1324 physician assistant, independent advanced practice registered
1325 nurse, advanced practice registered nurse, or medical examiner
1326 responsible for furnishing such information. For fetal deaths,
1327 the physician, certified nurse midwife, midwife, or hospital
1328 administrator shall provide any medical or health information to
1329 the funeral director within 72 hours after expulsion or
1330 extraction.

1331 (3) Within 72 hours after receipt of a death or fetal
1332 death certificate from the funeral director, the medical
1333 certification of cause of death shall be completed and made
1334 available to the funeral director by the decedent's primary or
1335 attending practitioner ~~physician~~ or, if s. 382.011 applies, the
1336 district medical examiner of the county in which the death
1337 occurred or the body was found. The primary or attending
1338 practitioner ~~physician~~ or the medical examiner shall certify
1339 over his or her signature the cause of death to the best of his
1340 or her knowledge and belief. As used in this section, the term
1341 "primary or attending practitioner ~~physician~~" means a physician,

1342 a physician assistant, an independent advanced practice
 1343 registered nurse, or an advanced practice registered nurse, who
 1344 treated the decedent through examination, medical advice, or
 1345 medication during the 12 months preceding the date of death.

1346 (a) The local registrar may grant the funeral director an
 1347 extension of time upon a good and sufficient showing of any of
 1348 the following conditions:

- 1349 1. An autopsy is pending.
- 1350 2. Toxicology, laboratory, or other diagnostic reports
 1351 have not been completed.
- 1352 3. The identity of the decedent is unknown and further
 1353 investigation or identification is required.

1354 (b) If the decedent's primary or attending practitioner,
 1355 ~~physician~~ or the district medical examiner of the county in
 1356 which the death occurred or the body was found, indicates that
 1357 he or she will sign and complete the medical certification of
 1358 cause of death but will not be available until after the 5-day
 1359 registration deadline, the local registrar may grant an
 1360 extension of 5 days. If a further extension is required, the
 1361 funeral director must provide written justification to the
 1362 registrar.

1363 (4) If the department or local registrar grants an
 1364 extension of time to provide the medical certification of cause
 1365 of death, the funeral director shall file a temporary
 1366 certificate of death or fetal death which shall contain all
 1367 available information, including the fact that the cause of

1368 death is pending. The decedent's primary or attending
 1369 practitioner ~~physician~~ or the district medical examiner of the
 1370 county in which the death occurred or the body was found shall
 1371 provide an estimated date for completion of the permanent
 1372 certificate.

1373 (5) A permanent certificate of death or fetal death,
 1374 containing the cause of death and any other information that was
 1375 previously unavailable, shall be registered as a replacement for
 1376 the temporary certificate. The permanent certificate may also
 1377 include corrected information if the items being corrected are
 1378 noted on the back of the certificate and dated and signed by the
 1379 funeral director, physician, physician assistant, independent
 1380 advanced practice registered nurse, advanced practice registered
 1381 nurse, or district medical examiner of the county in which the
 1382 death occurred or the body was found, as appropriate.

1383 Section 23. Paragraph (c) of subsection (1) of section
 1384 383.14, Florida Statutes, is amended to read:

1385 383.14 Screening for metabolic disorders, other hereditary
 1386 and congenital disorders, and environmental risk factors.—

1387 (1) SCREENING REQUIREMENTS.—To help ensure access to the
 1388 maternal and child health care system, the Department of Health
 1389 shall promote the screening of all newborns born in Florida for
 1390 metabolic, hereditary, and congenital disorders known to result
 1391 in significant impairment of health or intellect, as screening
 1392 programs accepted by current medical practice become available
 1393 and practical in the judgment of the department. The department

1394 shall also promote the identification and screening of all
 1395 newborns in this state and their families for environmental risk
 1396 factors such as low income, poor education, maternal and family
 1397 stress, emotional instability, substance abuse, and other high-
 1398 risk conditions associated with increased risk of infant
 1399 mortality and morbidity to provide early intervention,
 1400 remediation, and prevention services, including, but not limited
 1401 to, parent support and training programs, home visitation, and
 1402 case management. Identification, perinatal screening, and
 1403 intervention efforts shall begin prior to and immediately
 1404 following the birth of the child by the attending health care
 1405 provider. Such efforts shall be conducted in hospitals,
 1406 perinatal centers, county health departments, school health
 1407 programs that provide prenatal care, and birthing centers, and
 1408 reported to the Office of Vital Statistics.

1409 (c) Release of screening results.—Notwithstanding any law
 1410 to the contrary, the State Public Health Laboratory may release,
 1411 directly or through the Children's Medical Services program, the
 1412 results of a newborn's hearing and metabolic tests or screenings
 1413 to the newborn's health care practitioner. As used in this
 1414 paragraph, the term "health care practitioner" means a physician
 1415 or physician assistant licensed under chapter 458; an
 1416 osteopathic physician or physician assistant licensed under
 1417 chapter 459; an independent advanced practice registered nurse
 1418 registered, an advanced practice registered nurse certified
 1419 practitioner, or a registered nurse, or ~~licensed practical nurse~~

1420 licensed under part I of chapter 464; a midwife licensed under
 1421 chapter 467; a speech-language pathologist or audiologist
 1422 licensed under part I of chapter 468; or a dietician or
 1423 nutritionist licensed under part X of chapter 468.

1424 Section 24. Paragraph (c) of subsection (1) of section
 1425 383.141, Florida Statutes, is amended to read:

1426 383.141 Prenatally diagnosed conditions; patient to be
 1427 provided information; definitions; information clearinghouse;
 1428 advisory council.—

1429 (1) As used in this section, the term:

1430 (c) "Health care provider" means a practitioner licensed
 1431 or registered under chapter 458 or chapter 459, or an
 1432 independent advanced practice registered nurse registered, or an
 1433 advanced practice registered nurse ~~practitioner~~ certified, under
 1434 part I of chapter 464.

1435 Section 25. Paragraph (a) of subsection (3) of section
 1436 390.0111, Florida Statutes, is amended to read:

1437 390.0111 Termination of pregnancies.—

1438 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
 1439 be performed or induced except with the voluntary and informed
 1440 written consent of the pregnant woman or, in the case of a
 1441 mental incompetent, the voluntary and informed written consent
 1442 of her court-appointed guardian.

1443 (a) Except in the case of a medical emergency, consent to
 1444 a termination of pregnancy is voluntary and informed only if:

1445 1. The physician who is to perform the procedure, or the
1446 referring physician, has, at a minimum, orally, in person,
1447 informed the woman of:

1448 a. The nature and risks of undergoing or not undergoing
1449 the proposed procedure that a reasonable patient would consider
1450 material to making a knowing and willful decision of whether to
1451 terminate a pregnancy.

1452 b. The probable gestational age of the fetus, verified by
1453 an ultrasound, at the time the termination of pregnancy is to be
1454 performed.

1455 (I) The ultrasound must be performed by the physician who
1456 is to perform the abortion or by a person having documented
1457 evidence that he or she has completed a course in the operation
1458 of ultrasound equipment as prescribed by rule and who is working
1459 in conjunction with the physician.

1460 (II) The person performing the ultrasound must offer the
1461 woman the opportunity to view the live ultrasound images and
1462 hear an explanation of them. If the woman accepts the
1463 opportunity to view the images and hear the explanation, a
1464 physician or a registered nurse, a licensed practical nurse, an
1465 advanced practice registered nurse practitioner, an independent
1466 advanced practice registered nurse, or a physician assistant
1467 working in conjunction with the physician must contemporaneously
1468 review and explain the images to the woman before the woman
1469 gives informed consent to having an abortion procedure
1470 performed.

1471 (III) The woman has a right to decline to view and hear
1472 the explanation of the live ultrasound images after she is
1473 informed of her right and offered an opportunity to view the
1474 images and hear the explanation. If the woman declines, the
1475 woman shall complete a form acknowledging that she was offered
1476 an opportunity to view and hear the explanation of the images
1477 but that she declined that opportunity. The form must also
1478 indicate that the woman's decision was not based on any undue
1479 influence from any person to discourage her from viewing the
1480 images or hearing the explanation and that she declined of her
1481 own free will.

1482 (IV) Unless requested by the woman, the person performing
1483 the ultrasound may not offer the opportunity to view the images
1484 and hear the explanation and the explanation may not be given
1485 if, at the time the woman schedules or arrives for her
1486 appointment to obtain an abortion, a copy of a restraining
1487 order, police report, medical record, or other court order or
1488 documentation is presented which provides evidence that the
1489 woman is obtaining the abortion because the woman is a victim of
1490 rape, incest, domestic violence, or human trafficking or that
1491 the woman has been diagnosed as having a condition that, on the
1492 basis of a physician's good faith clinical judgment, would
1493 create a serious risk of substantial and irreversible impairment
1494 of a major bodily function if the woman delayed terminating her
1495 pregnancy.

1496 c. The medical risks to the woman and fetus of carrying
1497 the pregnancy to term.

1498 2. Printed materials prepared and provided by the
1499 department have been provided to the pregnant woman, if she
1500 chooses to view these materials, including:

1501 a. A description of the fetus, including a description of
1502 the various stages of development.

1503 b. A list of entities that offer alternatives to
1504 terminating the pregnancy.

1505 c. Detailed information on the availability of medical
1506 assistance benefits for prenatal care, childbirth, and neonatal
1507 care.

1508 3. The woman acknowledges in writing, before the
1509 termination of pregnancy, that the information required to be
1510 provided under this subsection has been provided.

1511
1512 Nothing in this paragraph is intended to prohibit a physician
1513 from providing any additional information which the physician
1514 deems material to the woman's informed decision to terminate her
1515 pregnancy.

1516 Section 26. Paragraphs (c), (e), and (f) of subsection (3)
1517 of section 390.012, Florida Statutes, are amended to read:

1518 390.012 Powers of agency; rules; disposal of fetal
1519 remains.—

1520 (3) For clinics that perform or claim to perform abortions
1521 after the first trimester of pregnancy, the agency shall adopt

1522 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 1523 provisions of this chapter, including the following:

1524 (c) Rules relating to abortion clinic personnel. At a
 1525 minimum, these rules shall require that:

1526 1. The abortion clinic designate a medical director who is
 1527 licensed to practice medicine in this state and who has
 1528 admitting privileges at a licensed hospital in this state or has
 1529 a transfer agreement with a licensed hospital within reasonable
 1530 proximity of the clinic.

1531 2. If a physician is not present after an abortion is
 1532 performed, a registered nurse, a licensed practical nurse, an
 1533 advanced practice registered nurse ~~practitioner~~, an independent
 1534 advanced practice registered nurse, or a physician assistant
 1535 shall be present and remain at the clinic to provide
 1536 postoperative monitoring and care until the patient is
 1537 discharged.

1538 3. Surgical assistants receive training in counseling,
 1539 patient advocacy, and the specific responsibilities associated
 1540 with the services the surgical assistants provide.

1541 4. Volunteers receive training in the specific
 1542 responsibilities associated with the services the volunteers
 1543 provide, including counseling and patient advocacy as provided
 1544 in the rules adopted by the director for different types of
 1545 volunteers based on their responsibilities.

1546 (e) Rules relating to the abortion procedure. At a
 1547 minimum, these rules shall require:

1548 1. That a physician, a registered nurse, a licensed
 1549 practical nurse, an advanced practice registered nurse
 1550 ~~practitioner~~, an independent advanced practice registered nurse,
 1551 or a physician assistant is available to all patients throughout
 1552 the abortion procedure.

1553 2. Standards for the safe conduct of abortion procedures
 1554 that conform to obstetric standards in keeping with established
 1555 standards of care regarding the estimation of fetal age as
 1556 defined in rule.

1557 3. Appropriate use of general and local anesthesia,
 1558 analgesia, and sedation if ordered by the physician.

1559 4. Appropriate precautions, such as the establishment of
 1560 intravenous access at least for patients undergoing post-first
 1561 trimester abortions.

1562 5. Appropriate monitoring of the vital signs and other
 1563 defined signs and markers of the patient's status throughout the
 1564 abortion procedure and during the recovery period until the
 1565 patient's condition is deemed to be stable in the recovery room.

1566 (f) Rules that prescribe minimum recovery room standards.
 1567 At a minimum, these rules shall require that:

1568 1. Postprocedure recovery rooms are supervised and staffed
 1569 to meet the patients' needs.

1570 2. Immediate postprocedure care consists of observation in
 1571 a supervised recovery room for as long as the patient's
 1572 condition warrants.

1573 3. The clinic arranges hospitalization if any complication
1574 beyond the medical capability of the staff occurs or is
1575 suspected.

1576 4. A registered nurse, a licensed practical nurse, an
1577 advanced practice registered nurse practitioner, an independent
1578 advanced practice registered nurse, or a physician assistant who
1579 is trained in the management of the recovery area and is capable
1580 of providing basic cardiopulmonary resuscitation and related
1581 emergency procedures remains on the premises of the abortion
1582 clinic until all patients are discharged.

1583 5. A physician shall sign the discharge order and be
1584 readily accessible and available until the last patient is
1585 discharged to facilitate the transfer of emergency cases if
1586 hospitalization of the patient or viable fetus is necessary.

1587 6. A physician discusses Rho(D) immune globulin with each
1588 patient for whom it is indicated and ensures that it is offered
1589 to the patient in the immediate postoperative period or that it
1590 will be available to her within 72 hours after completion of the
1591 abortion procedure. If the patient refuses the Rho(D) immune
1592 globulin, a refusal form approved by the agency shall be signed
1593 by the patient and a witness and included in the medical record.

1594 7. Written instructions with regard to postabortion
1595 coitus, signs of possible problems, and general aftercare are
1596 given to each patient. Each patient shall have specific written
1597 instructions regarding access to medical care for complications,
1598 including a telephone number to call for medical emergencies.

1599 8. There is a specified minimum length of time that a
 1600 patient remains in the recovery room by type of abortion
 1601 procedure and duration of gestation.

1602 9. The physician ensures that a registered nurse, a
 1603 licensed practical nurse, an advanced practice registered nurse
 1604 ~~practitioner~~, an independent advanced practice registered nurse,
 1605 or a physician assistant from the abortion clinic makes a good
 1606 faith effort to contact the patient by telephone, with the
 1607 patient's consent, within 24 hours after surgery to assess the
 1608 patient's recovery.

1609 10. Equipment and services are readily accessible to
 1610 provide appropriate emergency resuscitative and life support
 1611 procedures pending the transfer of the patient or viable fetus
 1612 to the hospital.

1613 Section 27. Subsection (23) of section 394.455, Florida
 1614 Statutes, is amended to read:

1615 394.455 Definitions.—As used in this part, unless the
 1616 context clearly requires otherwise, the term:

1617 (23) "Psychiatric nurse" means a registered nurse licensed
 1618 under part I of chapter 464 who has a master's degree or a
 1619 doctorate in psychiatric nursing and 2 years of post-master's
 1620 clinical experience under the supervision of a physician, or an
 1621 independent advanced practice registered nurse registered under,
 1622 or an advanced practice registered nurse certified under, part I
 1623 of chapter 464, who obtains national certification as a
 1624 psychiatric-mental health advanced practice nurse.

1625 Section 28. Paragraphs (a) and (f) of subsection (2) of
 1626 section 394.463, Florida Statutes, are amended to read:
 1627 394.463 Involuntary examination.—
 1628 (2) INVOLUNTARY EXAMINATION.—
 1629 (a) An involuntary examination may be initiated by any one
 1630 of the following means:
 1631 1. A court may enter an ex parte order stating that a
 1632 person appears to meet the criteria for involuntary examination,
 1633 giving the findings on which that conclusion is based. The ex
 1634 parte order for involuntary examination must be based on sworn
 1635 testimony, written or oral. If other less restrictive means are
 1636 not available, such as voluntary appearance for outpatient
 1637 evaluation, a law enforcement officer, or other designated agent
 1638 of the court, shall take the person into custody and deliver him
 1639 or her to the nearest receiving facility for involuntary
 1640 examination. The order of the court shall be made a part of the
 1641 patient's clinical record. No fee shall be charged for the
 1642 filing of an order under this subsection. Any receiving facility
 1643 accepting the patient based on this order must send a copy of
 1644 the order to the Agency for Health Care Administration on the
 1645 next working day. The order shall be valid only until executed
 1646 or, if not executed, for the period specified in the order
 1647 itself. If no time limit is specified in the order, the order
 1648 shall be valid for 7 days after the date that the order was
 1649 signed.

1650 2. A law enforcement officer shall take a person who
1651 appears to meet the criteria for involuntary examination into
1652 custody and deliver the person or have him or her delivered to
1653 the nearest receiving facility for examination. The officer
1654 shall execute a written report detailing the circumstances under
1655 which the person was taken into custody, and the report shall be
1656 made a part of the patient's clinical record. Any receiving
1657 facility accepting the patient based on this report must send a
1658 copy of the report to the Agency for Health Care Administration
1659 on the next working day.

1660 3. A physician, a physician assistant, a clinical
1661 psychologist, a psychiatric nurse, an independent advanced
1662 practice registered nurse, an advanced practice registered
1663 nurse, a mental health counselor, a marriage and family
1664 therapist, or a clinical social worker may execute a certificate
1665 stating that he or she has examined a person within the
1666 preceding 48 hours and finds that the person appears to meet the
1667 criteria for involuntary examination and stating the
1668 observations upon which that conclusion is based. If other less
1669 restrictive means are not available, such as voluntary
1670 appearance for outpatient evaluation, a law enforcement officer
1671 shall take the person named in the certificate into custody and
1672 deliver him or her to the nearest receiving facility for
1673 involuntary examination. The law enforcement officer shall
1674 execute a written report detailing the circumstances under which
1675 the person was taken into custody. The report and certificate

1676 shall be made a part of the patient's clinical record. Any
1677 receiving facility accepting the patient based on this
1678 certificate must send a copy of the certificate to the Agency
1679 for Health Care Administration on the next working day.

1680 (f) A patient shall be examined by a physician, physician
1681 assistant, ~~or~~ clinical psychologist, or psychiatric nurse at a
1682 receiving facility without unnecessary delay and may, upon the
1683 order of a physician, be given emergency treatment if it is
1684 determined that such treatment is necessary for the safety of
1685 the patient or others. The patient may not be released by the
1686 receiving facility or its contractor without the documented
1687 approval of a psychiatrist, ~~a~~ clinical psychologist, or
1688 psychiatric nurse, or, if the receiving facility is a hospital,
1689 the release may also be approved by an attending emergency
1690 department physician with experience in the diagnosis and
1691 treatment of mental and nervous disorders and after completion
1692 of an involuntary examination pursuant to this subsection.
1693 However, a patient may not be held in a receiving facility for
1694 involuntary examination longer than 72 hours.

1695 Section 29. Paragraphs (a) and (b) of subsection (2) and
1696 subsection (4) of section 395.0191, Florida Statutes, are
1697 amended to read:

1698 395.0191 Staff membership and clinical privileges.—

1699 (2) (a) Each licensed facility shall establish rules and
1700 procedures for consideration of an application for clinical
1701 privileges submitted by an independent advanced practice

1702 registered nurse registered, or an advanced practice registered
1703 nurse practitioner licensed and certified, under part I of
1704 chapter 464, in accordance with the provisions of this section.
1705 A ~~No~~ licensed facility may not shall deny such application
1706 solely because the applicant is registered or certified licensed
1707 under part I of chapter 464 or because the applicant is not a
1708 participant in the Florida Birth-Related Neurological Injury
1709 Compensation Plan.

1710 (b) An advanced practice registered nurse ~~practitioner~~ who
1711 is a certified ~~as a~~ registered nurse anesthetist ~~licensed~~ under
1712 part I of chapter 464 shall administer anesthesia under the
1713 onsite medical direction of a professional licensed under
1714 chapter 458, chapter 459, or chapter 466, and in accordance with
1715 an established protocol approved by the medical staff. The
1716 medical direction shall specifically address the needs of the
1717 individual patient. This paragraph does not apply to an
1718 independent advanced practice registered nurse who is a
1719 certified registered nurse anesthetist under part I of chapter
1720 464.

1721 (4) Nothing herein shall restrict in any way the authority
1722 of the medical staff of a licensed facility to review for
1723 approval or disapproval all applications for appointment and
1724 reappointment to all categories of staff and to make
1725 recommendations on each applicant to the governing board,
1726 including the delineation of privileges to be granted in each
1727 case. In making such recommendations and in the delineation of

1728 | privileges, each applicant shall be considered individually
 1729 | pursuant to criteria for a doctor licensed under chapter 458,
 1730 | chapter 459, chapter 461, or chapter 466;~~7 or~~ for an independent
 1731 | advanced practice registered nurse registered, or an advanced
 1732 | practice registered nurse ~~practitioner licensed and certified,~~
 1733 | under part I of chapter 464;~~7 or~~ for a psychologist licensed
 1734 | under chapter 490, as applicable. The applicant's eligibility
 1735 | for staff membership or clinical privileges shall be determined
 1736 | by the applicant's background, experience, health, training, and
 1737 | demonstrated competency; the applicant's adherence to applicable
 1738 | professional ethics; the applicant's reputation; and the
 1739 | applicant's ability to work with others and by such other
 1740 | elements as determined by the governing board, consistent with
 1741 | this part.

1742 | Section 30. Subsection (3) of section 395.602, Florida
 1743 | Statutes, is amended to read:

1744 | 395.602 Rural hospitals.—

1745 | (3) USE OF FUNDS.—It is the intent of the Legislature that
 1746 | funds as appropriated shall be utilized by the department for
 1747 | the purpose of increasing the number of primary care physicians,
 1748 | physician assistants, certified nurse midwives, certified nurse
 1749 | practitioners, and nurses in rural areas, either through the
 1750 | Medical Education Reimbursement and Loan Repayment Program as
 1751 | defined by s. 1009.65 or through a federal loan repayment
 1752 | program which requires state matching funds. The department may
 1753 | use funds appropriated for the Medical Education Reimbursement

1754 and Loan Repayment Program as matching funds for federal loan
1755 repayment programs for health care personnel, such as that
1756 authorized in Pub. L. No. 100-177, s. 203. If the department
1757 receives federal matching funds, the department shall only
1758 implement the federal program. Reimbursement through either
1759 program shall be limited to:

1760 (a) Primary care physicians, physician assistants,
1761 certified nurse midwives, certified nurse practitioners, and
1762 nurses employed by or affiliated with rural hospitals, as
1763 defined in this act; and

1764 (b) Primary care physicians, physician assistants,
1765 certified nurse midwives, certified nurse practitioners, and
1766 nurses employed by or affiliated with rural area health
1767 education centers, as defined in this section. These personnel
1768 shall practice:

1769 1. In a county with a population density of no greater
1770 than 100 persons per square mile; or

1771 2. Within the boundaries of a hospital tax district which
1772 encompasses a population of no greater than 100 persons per
1773 square mile.

1774

1775 If the department administers a federal loan repayment program,
1776 priority shall be given to obligating state and federal matching
1777 funds pursuant to paragraphs (a) and (b). The department may use
1778 federal matching funds in other health workforce shortage areas
1779 and medically underserved areas in the state for loan repayment

1780 programs for primary care physicians, physician assistants,
 1781 certified nurse midwives, certified nurse practitioners, and
 1782 nurses who are employed by publicly financed health care
 1783 programs that serve medically indigent persons.

1784 Section 31. Paragraphs (b) and (c) of subsection (8) of
 1785 section 395.605, Florida Statutes, are amended to read:

1786 395.605 Emergency care hospitals.—

1787 (8)

1788 (b) All patients shall be under the care of a physician or
 1789 an independent advanced practice registered nurse or under the
 1790 care of an advanced practice registered ~~a nurse practitioner~~ or
 1791 physician assistant supervised by a physician.

1792 (c) A physician, an independent advanced practice
 1793 registered nurse, an advanced practice registered nurse
 1794 ~~practitioner~~, or a physician assistant shall be on duty at all
 1795 times, or a physician shall be on call and available within 30
 1796 minutes at all times.

1797 Section 32. Subsection (26) of section 397.311, Florida
 1798 Statutes, is amended to read:

1799 397.311 Definitions.—As used in this chapter, except part
 1800 VIII, the term:

1801 (26) "Qualified professional" means a physician or a
 1802 physician assistant licensed under chapter 458 or chapter 459; a
 1803 professional licensed under chapter 490 or chapter 491; an
 1804 independent advanced practice registered nurse or advanced
 1805 practice registered nurse, who has ~~practitioner having a~~

1806 specialty in psychiatry and is registered or certified ~~licensed~~
 1807 under part I of chapter 464; or a person who is certified
 1808 through a department-recognized certification process for
 1809 substance abuse treatment services and who holds, at a minimum,
 1810 a bachelor's degree. A person who is certified in substance
 1811 abuse treatment services by a state-recognized certification
 1812 process in another state at the time of employment with a
 1813 licensed substance abuse provider in this state may perform the
 1814 functions of a qualified professional as defined in this chapter
 1815 but must meet certification requirements contained in this
 1816 subsection no later than 1 year after his or her date of
 1817 employment.

1818 Section 33. Section 397.405, Florida Statutes, is amended
 1819 to read:

1820 397.405 Exemptions from licensure.—The following are
 1821 exempt from the licensing provisions of this chapter:

1822 (1) A hospital or hospital-based component licensed under
 1823 chapter 395.

1824 (2) A nursing home facility as defined in s. 400.021.

1825 (3) A substance abuse education program established
 1826 pursuant to s. 1003.42.

1827 (4) A facility or institution operated by the Federal
 1828 Government.

1829 (5) A physician or physician assistant licensed under
 1830 chapter 458 or chapter 459.

1831 (6) A psychologist licensed under chapter 490.

1832 (7) A social worker, marriage and family therapist, or
 1833 mental health counselor licensed under chapter 491.

1834 (8) A legally cognizable church or nonprofit religious
 1835 organization or denomination providing substance abuse services,
 1836 including prevention services, which are solely religious,
 1837 spiritual, or ecclesiastical in nature. A church or nonprofit
 1838 religious organization or denomination providing any of the
 1839 licensed service components itemized under s. 397.311(18) is not
 1840 exempt from substance abuse licensure but retains its exemption
 1841 with respect to all services which are solely religious,
 1842 spiritual, or ecclesiastical in nature.

1843 (9) Facilities licensed under chapter 393 which, in
 1844 addition to providing services to persons with developmental
 1845 disabilities, also provide services to persons developmentally
 1846 at risk as a consequence of exposure to alcohol or other legal
 1847 or illegal drugs while in utero.

1848 (10) DUI education and screening services provided
 1849 pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291.
 1850 Persons or entities providing treatment services must be
 1851 licensed under this chapter unless exempted from licensing as
 1852 provided in this section.

1853 (11) A facility licensed under s. 394.875 as a crisis
 1854 stabilization unit.

1855
 1856 The exemptions from licensure in this section do not apply to
 1857 any service provider that receives an appropriation, grant, or

1858 contract from the state to operate as a service provider as
1859 defined in this chapter or to any substance abuse program
1860 regulated pursuant to s. 397.406. Furthermore, this chapter may
1861 not be construed to limit the practice of a physician or
1862 physician assistant licensed under chapter 458 or chapter 459, a
1863 psychologist licensed under chapter 490, a psychotherapist
1864 licensed under chapter 491, or an independent advanced practice
1865 registered nurse registered, or an advanced practice registered
1866 nurse certified, practitioner licensed under part I of chapter
1867 464, who provides substance abuse treatment, unless a
1868 practitioner represents ~~so long as the physician, physician~~
1869 ~~assistant, psychologist, psychotherapist, or advanced registered~~
1870 ~~nurse practitioner does not represent~~ to the public that the
1871 practitioner ~~he or she~~ is a licensed service provider and
1872 provides ~~does not provide~~ services to individuals pursuant to
1873 part V of this chapter. Failure to comply with any requirement
1874 necessary to maintain an exempt status under this section is a
1875 misdemeanor of the first degree, punishable as provided in s.
1876 775.082 or s. 775.083.

1877 Section 34. Subsections (5), (9), and (10) of section
1878 397.427, Florida Statutes, are amended to read:

1879 397.427 Medication-assisted treatment service providers;
1880 rehabilitation program; needs assessment and provision of
1881 services; persons authorized to issue takeout medication;
1882 unlawful operation; penalty.-

1883 (5) Notwithstanding s. 465.019(2), a physician assistant,
 1884 a registered nurse, an advanced practice registered nurse
 1885 ~~practitioner~~, or a licensed practical nurse working for a
 1886 licensed service provider may deliver takeout medication for
 1887 opiate treatment to persons enrolled in a maintenance treatment
 1888 program for medication-assisted treatment for opiate addiction
 1889 if:

1890 (a) The medication-assisted treatment program for opiate
 1891 addiction has an appropriate valid permit issued pursuant to
 1892 rules adopted by the Board of Pharmacy;

1893 (b) The medication for treatment of opiate addiction has
 1894 been delivered pursuant to a valid prescription written by the
 1895 program's physician licensed pursuant to chapter 458 or chapter
 1896 459;

1897 (c) The medication for treatment of opiate addiction which
 1898 is ordered appears on a formulary and is prepackaged and
 1899 prelabeled with dosage instructions and distributed from a
 1900 source authorized under chapter 499;

1901 (d) Each licensed provider adopts written protocols which
 1902 provide for supervision of the physician assistant, registered
 1903 nurse, advanced practice registered nurse ~~practitioner~~, or
 1904 licensed practical nurse by a physician licensed pursuant to
 1905 chapter 458 or chapter 459 and for the procedures by which
 1906 patients' medications may be delivered by the physician
 1907 assistant, registered nurse, advanced practice registered nurse
 1908 ~~practitioner~~, or licensed practical nurse. Such protocols shall

1909 | be signed by the supervising physician and either the
 1910 | administering registered nurse, the advanced practice registered
 1911 | nurse ~~practitioner~~, or the licensed practical nurse.

1912 | (e) Each licensed service provider maintains and has
 1913 | available for inspection by representatives of the Board of
 1914 | Pharmacy all medical records and patient care protocols,
 1915 | including records of medications delivered to patients, in
 1916 | accordance with the board.

1917 | (9) A physician assistant, a registered nurse, an advanced
 1918 | practice registered nurse ~~practitioner~~, or a licensed practical
 1919 | nurse working for a licensed service provider may deliver
 1920 | medication as prescribed by rule if:

1921 | (a) The service provider is authorized to provide
 1922 | medication-assisted treatment;

1923 | (b) The medication has been administered pursuant to a
 1924 | valid prescription written by the program's physician who is
 1925 | licensed under chapter 458 or chapter 459; and

1926 | (c) The medication ordered appears on a formulary or meets
 1927 | federal requirements for medication-assisted treatment.

1928 | (10) Each licensed service provider that provides
 1929 | medication-assisted treatment must adopt written protocols as
 1930 | specified by the department and in accordance with federally
 1931 | required rules, regulations, or procedures. The protocol shall
 1932 | provide for the supervision of the physician assistant,
 1933 | registered nurse, advanced practice registered nurse
 1934 | ~~practitioner~~, or licensed practical nurse working under the

1935 supervision of a physician who is licensed under chapter 458 or
 1936 chapter 459. The protocol must specify how the medication will
 1937 be used in conjunction with counseling or psychosocial treatment
 1938 and that the services provided will be included on the treatment
 1939 plan. The protocol must specify the procedures by which
 1940 medication-assisted treatment may be administered by the
 1941 supervised ~~physician assistant, registered nurse, advanced~~
 1942 ~~registered nurse practitioner, or licensed practical nurse.~~
 1943 These protocols shall be signed by the supervising physician and
 1944 the supervised ~~administering physician assistant, registered~~
 1945 ~~nurse, advanced registered nurse practitioner, or licensed~~
 1946 ~~practical nurse.~~

1947 Section 35. Paragraph (a) of subsection (2) of section
 1948 397.501, Florida Statutes, is amended to read:

1949 397.501 Rights of individuals.—Individuals receiving
 1950 substance abuse services from any service provider are
 1951 guaranteed protection of the rights specified in this section,
 1952 unless otherwise expressly provided, and service providers must
 1953 ensure the protection of such rights.

1954 (2) RIGHT TO NONDISCRIMINATORY SERVICES.—

1955 (a) Service providers may not deny an individual access to
 1956 substance abuse services solely on the basis of race, gender,
 1957 ethnicity, age, sexual preference, human immunodeficiency virus
 1958 status, prior service departures against medical advice,
 1959 disability, or number of relapse episodes. Service providers may
 1960 not deny an individual who takes medication prescribed by a

1961 | physician, a physician assistant, an independent advanced
 1962 | practice registered nurse, or an advanced practice registered
 1963 | nurse access to substance abuse services solely on that basis.
 1964 | Service providers who receive state funds to provide substance
 1965 | abuse services may not, if space and sufficient state resources
 1966 | are available, deny access to services based solely on inability
 1967 | to pay.

1968 | Section 36. Subsection (8) of section 400.021, Florida
 1969 | Statutes, is amended to read:

1970 | 400.021 Definitions.—When used in this part, unless the
 1971 | context otherwise requires, the term:

1972 | (8) "Geriatric outpatient clinic" means a site for
 1973 | providing outpatient health care to persons 60 years of age or
 1974 | older, which is staffed by a registered nurse, a physician
 1975 | assistant, or a licensed practical nurse under the direct
 1976 | supervision of a registered nurse, an independent advanced
 1977 | practice registered nurse, an advanced practice registered nurse
 1978 | ~~practitioner~~, a physician assistant, or a physician.

1979 | Section 37. Subsection (3) of section 400.0255, Florida
 1980 | Statutes, is amended to read:

1981 | 400.0255 Resident transfer or discharge; requirements and
 1982 | procedures; hearings.—

1983 | (3) When a discharge or transfer is initiated by the
 1984 | nursing home, the nursing home administrator employed by the
 1985 | nursing home that is discharging or transferring the resident,
 1986 | or an individual employed by the nursing home who is designated

1987 by the nursing home administrator to act on behalf of the
 1988 administration, must sign the notice of discharge or transfer.
 1989 Any notice indicating a medical reason for transfer or discharge
 1990 must either be signed by the resident's attending physician or
 1991 the medical director of the facility, or include an attached
 1992 written order for the discharge or transfer. The notice or the
 1993 order must be signed by the resident's physician, medical
 1994 director, treating physician, independent advanced practice
 1995 registered nurse, advanced practice registered nurse
 1996 ~~practitioner~~, or physician assistant.

1997 Section 38. Subsection (3) of section 400.172, Florida
 1998 Statutes, is amended to read:

1999 400.172 Respite care provided in nursing home facilities.—

2000 (3) A prospective respite care resident must provide
 2001 medical information from a physician, a physician assistant, an
 2002 independent advanced practice registered nurse, or an advanced
 2003 practice registered nurse ~~practitioner~~ and any other information
 2004 provided by the primary caregiver required by the facility
 2005 before or when the person is admitted to receive respite care.
 2006 The medical information must include a physician's or an
 2007 independent advanced practice registered nurse's order for
 2008 respite care and proof of a physical examination by a licensed
 2009 physician, a physician assistant, an independent advanced
 2010 practice registered nurse, or an advanced practice registered
 2011 nurse ~~practitioner~~. The ~~physician's~~ order and physical

2012 examination may be used to provide intermittent respite care for
 2013 up to 12 months after the date the order is written.

2014 Section 39. Subsections (20) through (29) of section
 2015 400.462, Florida Statutes, are renumbered as subsections (21)
 2016 through (30), respectively, subsection (3) is amended, and a new
 2017 subsection (20) is added to that section, to read:

2018 400.462 Definitions.—As used in this part, the term:

2019 (3) "Advanced practice registered nurse ~~practitioner~~"
 2020 means a person licensed in this state to practice professional
 2021 nursing and certified in advanced or specialized nursing
 2022 practice, as defined in s. 464.003.

2023 (20) "Independent advanced practice registered nurse"
 2024 means a person licensed in this state to practice professional
 2025 nursing as defined in s. 464.003 and registered to practice
 2026 advanced or specialized nursing independently and without
 2027 physician supervision or a protocol.

2028 Section 40. Subsection (2) of section 400.487, Florida
 2029 Statutes, is amended to read:

2030 400.487 Home health service agreements; physician's,
 2031 physician assistant's, independent advanced practice registered
 2032 nurse's, and advanced practice registered nurse's ~~nurse~~
 2033 ~~practitioner's~~ treatment orders; patient assessment;
 2034 establishment and review of plan of care; provision of services;
 2035 orders not to resuscitate.—

2036 (2) When required by the provisions of chapter 464; part
 2037 I, part III, or part V of chapter 468; or chapter 486, the

2038 attending physician, physician assistant, independent advanced
 2039 practice registered nurse, or advanced practice registered nurse
 2040 ~~practitioner~~, acting within his or her respective scope of
 2041 practice, shall establish treatment orders for a patient who is
 2042 to receive skilled care. The treatment orders must be signed by
 2043 the physician, physician assistant, independent advanced
 2044 practice registered nurse, or advanced practice registered nurse
 2045 ~~practitioner~~ before a claim for payment for the skilled services
 2046 is submitted by the home health agency. If the claim is
 2047 submitted to a managed care organization, the treatment orders
 2048 must be signed within the time allowed under the provider
 2049 agreement. The treatment orders shall be reviewed, as frequently
 2050 as the patient's illness requires, by the physician, physician
 2051 assistant, independent advanced practice registered nurse, or
 2052 advanced practice registered nurse ~~practitioner~~ in consultation
 2053 with the home health agency.

2054 Section 41. Paragraph (a) of subsection (13) of section
 2055 400.506, Florida Statutes, is amended to read:

2056 400.506 Licensure of nurse registries; requirements;
 2057 penalties.—

2058 (13) All persons referred for contract in private
 2059 residences by a nurse registry must comply with the following
 2060 requirements for a plan of treatment:

2061 (a) When, in accordance with the privileges and
 2062 restrictions imposed upon a nurse under part I of chapter 464,
 2063 the delivery of care to a patient is under the direction or

2064 supervision of a physician or when a physician is responsible
 2065 for the medical care of the patient, a medical plan of treatment
 2066 must be established for each patient receiving care or treatment
 2067 provided by a licensed nurse in the home. The original medical
 2068 plan of treatment must be timely signed by the physician,
 2069 physician assistant, independent advanced practice registered
 2070 nurse, or advanced practice registered nurse ~~practitioner~~,
 2071 acting within his or her respective scope of practice, and
 2072 reviewed in consultation with the licensed nurse at least every
 2073 2 months. Any additional order or change in orders must be
 2074 obtained from, reduced to writing by, and timely signed by the
 2075 physician, physician assistant, independent advanced practice
 2076 registered nurse, or advanced practice registered nurse
 2077 ~~practitioner and reduced to writing and timely signed by the~~
 2078 ~~physician, physician assistant, or advanced registered nurse~~
 2079 ~~practitioner~~. The delivery of care under a medical plan of
 2080 treatment must be substantiated by the appropriate nursing notes
 2081 or documentation made by the nurse in compliance with nursing
 2082 practices established under part I of chapter 464.

2083 Section 42. Paragraph (g) of subsection (4) of section
 2084 400.9905, Florida Statutes, is amended to read:

2085 400.9905 Definitions.—

2086 (4) "Clinic" means an entity where health care services
 2087 are provided to individuals and which tenders charges for
 2088 reimbursement for such services, including a mobile clinic and a
 2089 portable equipment provider. As used in this part, the term does

CS/HB 547

2015

2090 not include and the licensure requirements of this part do not
2091 apply to:

2092 (g) A sole proprietorship, group practice, partnership, or
2093 corporation that provides health care services by licensed
2094 health care practitioners under chapter 457, chapter 458,
2095 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
2096 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
2097 chapter 490, chapter 491, or part I, part III, part X, part
2098 XIII, or part XIV of chapter 468, or s. 464.012 or s. 464.0125,
2099 and that is wholly owned by one or more licensed health care
2100 practitioners, or the licensed health care practitioners set
2101 forth in this paragraph and the spouse, parent, child, or
2102 sibling of a licensed health care practitioner if one of the
2103 owners who is a licensed health care practitioner is supervising
2104 the business activities and is legally responsible for the
2105 entity's compliance with all federal and state laws. However, a
2106 health care practitioner may not supervise services beyond the
2107 scope of the practitioner's license, except that, for the
2108 purposes of this part, a clinic owned by a licensee in s.
2109 456.053(3)(b) which provides only services authorized pursuant
2110 to s. 456.053(3)(b) may be supervised by a licensee specified in
2111 s. 456.053(3)(b).

2112
2113 Notwithstanding this subsection, an entity shall be deemed a
2114 clinic and must be licensed under this part in order to receive

2115 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
 2116 627.730-627.7405, unless exempted under s. 627.736(5)(h).

2117 Section 43. Subsections (1) and (2) of section 401.445,
 2118 Florida Statutes, are amended to read:

2119 401.445 Emergency examination and treatment of
 2120 incapacitated persons.—

2121 (1) ~~No Recovery is not shall be~~ allowed in any court in
 2122 this state against any emergency medical technician, paramedic,
 2123 or physician as defined in this chapter; any independent
 2124 advanced practice registered nurse registered under s.
 2125 464.0125; ~~any advanced practice registered nurse practitioner~~
 2126 certified under s. 464.012; ~~or any physician assistant licensed~~
 2127 under s. 458.347 or s. 459.022, or any person acting under the
 2128 direct medical supervision of a physician, in an action brought
 2129 for examining or treating a patient without his or her informed
 2130 consent if:

2131 (a) The patient at the time of examination or treatment is
 2132 intoxicated, under the influence of drugs, or otherwise
 2133 incapable of providing informed consent as provided in s.
 2134 766.103;

2135 (b) The patient at the time of examination or treatment is
 2136 experiencing an emergency medical condition; and

2137 (c) The patient would reasonably, under all the
 2138 surrounding circumstances, undergo such examination, treatment,
 2139 or procedure if the patient ~~he or she~~ were advised by the
 2140 emergency medical technician, paramedic, physician, independent

2141 advanced practice registered nurse, advanced practice registered
 2142 nurse ~~practitioner,~~ or physician assistant in accordance with s.
 2143 766.103(3).

2144
 2145 Examination and treatment provided under this subsection shall
 2146 be limited to reasonable examination of the patient to determine
 2147 the medical condition of the patient and treatment reasonably
 2148 necessary to alleviate the emergency medical condition or to
 2149 stabilize the patient.

2150 (2) In examining and treating a person who is apparently
 2151 intoxicated, under the influence of drugs, or otherwise
 2152 incapable of providing informed consent, the emergency medical
 2153 technician, paramedic, physician, independent advanced practice
 2154 registered nurse, advanced practice registered nurse
 2155 ~~practitioner,~~ or physician assistant, or any person acting under
 2156 the direct medical supervision of a physician, shall proceed
 2157 wherever possible with the consent of the person. If the person
 2158 reasonably appears to be incapacitated and refuses his or her
 2159 consent, the person may be examined, treated, or taken to a
 2160 hospital or other appropriate treatment resource if he or she is
 2161 in need of emergency attention, without his or her consent, but
 2162 unreasonable force shall not be used.

2163 Section 44. Subsections (1) and (11) of section 409.905,
 2164 Florida Statutes, are amended to read:

2165 409.905 Mandatory Medicaid services.—The agency may make
 2166 payments for the following services, which are required of the

2167 state by Title XIX of the Social Security Act, furnished by
 2168 Medicaid providers to recipients who are determined to be
 2169 eligible on the dates on which the services were provided. Any
 2170 service under this section shall be provided only when medically
 2171 necessary and in accordance with state and federal law.
 2172 Mandatory services rendered by providers in mobile units to
 2173 Medicaid recipients may be restricted by the agency. Nothing in
 2174 this section shall be construed to prevent or limit the agency
 2175 from adjusting fees, reimbursement rates, lengths of stay,
 2176 number of visits, number of services, or any other adjustments
 2177 necessary to comply with the availability of moneys and any
 2178 limitations or directions provided for in the General
 2179 Appropriations Act or chapter 216.

2180 (1) INDEPENDENT ADVANCED PRACTICE REGISTERED NURSE AND
 2181 ADVANCED PRACTICE REGISTERED NURSE ~~PRACTITIONER~~ SERVICES.—The
 2182 agency shall pay for services provided to a recipient by a
 2183 registered independent advanced practice registered nurse, a
 2184 certified ~~licensed~~ advanced practice registered nurse
 2185 ~~practitioner~~ who has a valid collaboration agreement with a
 2186 licensed physician on file with the Department of Health, or a
 2187 certified registered nurse anesthetist who provides anesthesia
 2188 services in accordance with established protocol required by
 2189 state law and approved by the medical staff of the facility in
 2190 which the anesthetic service is performed. Reimbursement for
 2191 such services must be provided in an amount that equals at least
 2192 ~~not less than~~ 80 percent of the reimbursement to a physician who

2193 provides the same services, unless otherwise provided for in the
 2194 General Appropriations Act.

2195 (11) RURAL HEALTH CLINIC SERVICES.—The agency shall pay
 2196 for outpatient primary health care services for a recipient
 2197 provided by a clinic certified by and participating in the
 2198 Medicare program which is located in a federally designated,
 2199 rural, medically underserved area and has on its staff one or
 2200 more certified ~~licensed primary care~~ nurse practitioners or
 2201 physician assistants, and a licensed staff supervising
 2202 physician, ~~or~~ a consulting supervising physician, or an
 2203 independent advanced practice registered nurse.

2204 Section 45. Paragraph (a) of subsection (3) and subsection
 2205 (7) of section 409.908, Florida Statutes, are amended to read:

2206 409.908 Reimbursement of Medicaid providers.—Subject to
 2207 specific appropriations, the agency shall reimburse Medicaid
 2208 providers, in accordance with state and federal law, according
 2209 to methodologies set forth in the rules of the agency and in
 2210 policy manuals and handbooks incorporated by reference therein.
 2211 These methodologies may include fee schedules, reimbursement
 2212 methods based on cost reporting, negotiated fees, competitive
 2213 bidding pursuant to s. 287.057, and other mechanisms the agency
 2214 considers efficient and effective for purchasing services or
 2215 goods on behalf of recipients. If a provider is reimbursed based
 2216 on cost reporting and submits a cost report late and that cost
 2217 report would have been used to set a lower reimbursement rate
 2218 for a rate semester, then the provider's rate for that semester

2219 shall be retroactively calculated using the new cost report, and
2220 full payment at the recalculated rate shall be effected
2221 retroactively. Medicare-granted extensions for filing cost
2222 reports, if applicable, shall also apply to Medicaid cost
2223 reports. Payment for Medicaid compensable services made on
2224 behalf of Medicaid eligible persons is subject to the
2225 availability of moneys and any limitations or directions
2226 provided for in the General Appropriations Act or chapter 216.
2227 Further, nothing in this section shall be construed to prevent
2228 or limit the agency from adjusting fees, reimbursement rates,
2229 lengths of stay, number of visits, or number of services, or
2230 making any other adjustments necessary to comply with the
2231 availability of moneys and any limitations or directions
2232 provided for in the General Appropriations Act, provided the
2233 adjustment is consistent with legislative intent.

2234 (3) Subject to any limitations or directions provided for
2235 in the General Appropriations Act, the following Medicaid
2236 services and goods may be reimbursed on a fee-for-service basis.
2237 For each allowable service or goods furnished in accordance with
2238 Medicaid rules, policy manuals, handbooks, and state and federal
2239 law, the payment shall be the amount billed by the provider, the
2240 provider's usual and customary charge, or the maximum allowable
2241 fee established by the agency, whichever amount is less, with
2242 the exception of those services or goods for which the agency
2243 makes payment using a methodology based on capitation rates,
2244 average costs, or negotiated fees.

2245 (a) Independent advanced practice registered nurse or
 2246 advanced practice registered nurse ~~practitioner~~ services.

2247 (7) A provider of family planning services shall be
 2248 reimbursed the lesser of the amount billed by the provider or an
 2249 all-inclusive amount per type of visit for physicians,
 2250 independent advanced practice registered nurses, and advanced
 2251 practice registered nurses ~~nurse-practitioners~~, as established
 2252 by the agency in a fee schedule.

2253 Section 46. Subsection (2) of section 409.9081, Florida
 2254 Statutes, is amended to read:

2255 409.9081 Copayments.—

2256 (2) The agency shall, subject to federal regulations and
 2257 any directions or limitations provided for in the General
 2258 Appropriations Act, require copayments for the following
 2259 additional services: hospital inpatient, laboratory and X-ray
 2260 services, transportation services, home health care services,
 2261 community mental health services, rural health services,
 2262 federally qualified health clinic services, and independent
 2263 advanced practice registered nurse or advanced practice
 2264 registered nurse ~~practitioner~~ services. The agency may only
 2265 establish copayments for prescribed drugs or for any other
 2266 federally authorized service if such copayment is specifically
 2267 provided for in the General Appropriations Act or other law.

2268 Section 47. Paragraph (a) of subsection (1) of section
 2269 409.973, Florida Statutes, is amended to read:

2270 409.973 Benefits.—

2271 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
 2272 minimum, the following services:

2273 (a) Independent advanced practice registered nurse and
 2274 advanced practice registered nurse ~~practitioner~~ services.

2275 Section 48. Subsections (2), (4), and (5) of section
 2276 429.26, Florida Statutes, are amended to read:

2277 429.26 Appropriateness of placements; examinations of
 2278 residents.—

2279 (2) A physician, a physician assistant, an independent
 2280 advanced practice registered nurse, or an advanced practice
 2281 registered nurse ~~practitioner~~ who is employed by an assisted
 2282 living facility to provide an initial examination for admission
 2283 purposes may not have financial interest in the facility.

2284 (4) If possible, each resident shall have been examined by
 2285 a licensed physician, a licensed physician assistant, a
 2286 registered independent advanced practice registered nurse, or a
 2287 certified advanced practice registered ~~licensed nurse~~
 2288 ~~practitioner~~ within 60 days before admission to the facility.
 2289 The signed and completed medical examination report shall be
 2290 submitted to the owner or administrator of the facility who
 2291 shall use the information contained therein to assist in the
 2292 determination of the appropriateness of the resident's admission
 2293 and continued stay in the facility. The medical examination
 2294 report shall become a permanent part of the record of the
 2295 resident at the facility and shall be made available to the
 2296 agency during inspection or upon request. An assessment that has

2297 | been completed through the Comprehensive Assessment and Review
 2298 | for Long-Term Care Services (CARES) Program fulfills the
 2299 | requirements for a medical examination under this subsection and
 2300 | s. 429.07(3)(b)6.

2301 | (5) Except as provided in s. 429.07, if a medical
 2302 | examination has not been completed within 60 days before the
 2303 | admission of the resident to the facility, a licensed physician,
 2304 | licensed physician assistant, registered independent advanced
 2305 | practice registered nurse, or certified advanced practice
 2306 | registered ~~licensed~~ nurse ~~practitioner~~ shall examine the
 2307 | resident and complete a medical examination form provided by the
 2308 | agency within 30 days following the admission to the facility to
 2309 | enable the facility owner or administrator to determine the
 2310 | appropriateness of the admission. The medical examination form
 2311 | shall become a permanent part of the record of the resident at
 2312 | the facility and shall be made available to the agency during
 2313 | inspection by the agency or upon request.

2314 | Section 49. Paragraph (a) of subsection (2) and paragraph
 2315 | (a) of subsection (7) of section 429.918, Florida Statutes, are
 2316 | amended to read:

2317 | 429.918 Licensure designation as a specialized Alzheimer's
 2318 | services adult day care center.—

2319 | (2) As used in this section, the term:

2320 | (a) "ARD participant" means a participant who has a
 2321 | documented diagnosis of Alzheimer's disease or a dementia-
 2322 | related disorder (ARD) from a licensed physician, licensed

2323 physician assistant, registered independent advanced practice
 2324 registered nurse, or certified a~~licensed~~ advanced practice
 2325 registered nurse ~~practitioner~~.

2326 (7) (a) An ADRD participant admitted to an adult day care
 2327 center having a license designated under this section, or the
 2328 caregiver when applicable, must:

2329 1. Require ongoing supervision to maintain the highest
 2330 level of medical or custodial functioning and have a
 2331 demonstrated need for a responsible party to oversee his or her
 2332 care.

2333 2. Not actively demonstrate aggressive behavior that
 2334 places himself, herself, or others at risk of harm.

2335 3. Provide the following medical documentation signed by a
 2336 licensed physician, licensed physician assistant, registered
 2337 independent advanced practice registered nurse, or certified a
 2338 ~~licensed~~ advanced practice registered nurse ~~practitioner~~:

2339 a. Any physical, health, or emotional conditions that
 2340 require medical care.

2341 b. A listing of the ADRD participant's current prescribed
 2342 and over-the-counter medications and dosages, diet restrictions,
 2343 mobility restrictions, and other physical limitations.

2344 4. Provide documentation signed by a health care provider
 2345 licensed in this state which indicates that the ADRD participant
 2346 is free of the communicable form of tuberculosis and free of
 2347 signs and symptoms of other communicable diseases.

2348 Section 50. Paragraph (e) of subsection (5) of section
 2349 440.102, Florida Statutes, is amended to read:

2350 440.102 Drug-free workplace program requirements.—The
 2351 following provisions apply to a drug-free workplace program
 2352 implemented pursuant to law or to rules adopted by the Agency
 2353 for Health Care Administration:

2354 (5) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen
 2355 collection and testing for drugs under this section shall be
 2356 performed in accordance with the following procedures:

2357 (e) A specimen for a drug test may be taken or collected
 2358 by any of the following persons:

2359 1. A physician, a physician assistant, an independent
 2360 advanced practice registered nurse, an advanced practice
 2361 registered nurse, a registered ~~professional~~ nurse, a licensed
 2362 practical nurse, or ~~a nurse practitioner or~~ a certified
 2363 paramedic who is present at the scene of an accident for the
 2364 purpose of rendering emergency medical service or treatment.

2365 2. A qualified person employed by a licensed or certified
 2366 laboratory as described in subsection (9).

2367 Section 51. Subsection (2) and paragraph (d) of subsection
 2368 (4) of section 456.0391, Florida Statutes, are amended to read:

2369 456.0391 Advanced practice registered nurses ~~nurse~~
 2370 ~~practitioners~~; information required for certification.—

2371 (2) The Department of Health shall send a notice to each
 2372 person certified under s. 464.012 at the certificateholder's
 2373 last known address of record regarding the requirements for

2374 information to be submitted by advanced practice registered
2375 nurses ~~nurse-practitioners~~ pursuant to this section in
2376 conjunction with the renewal of such certificate.

2377 (4)

2378 (d) Any applicant for initial certification or renewal of
2379 certification as an advanced practice registered nurse
2380 ~~practitioner~~ who submits to the Department of Health a set of
2381 fingerprints and information required for the criminal history
2382 check required under this section shall not be required to
2383 provide a subsequent set of fingerprints or other duplicate
2384 information required for a criminal history check to the Agency
2385 for Health Care Administration, the Department of Juvenile
2386 Justice, or the Department of Children and Families for
2387 employment or licensure with such agency or department, if the
2388 applicant has undergone a criminal history check as a condition
2389 of initial certification or renewal of certification as an
2390 advanced practice registered nurse ~~practitioner~~ with the
2391 Department of Health, notwithstanding any other provision of law
2392 to the contrary. In lieu of such duplicate submission, the
2393 Agency for Health Care Administration, the Department of
2394 Juvenile Justice, and the Department of Children and Families
2395 shall obtain criminal history information for employment or
2396 licensure of persons certified under s. 464.012 by such agency
2397 or department from the Department of Health's health care
2398 practitioner credentialing system.

2399 Section 52. Subsection (2) of section 456.0392, Florida
 2400 Statutes, is amended to read:

2401 456.0392 Prescription labeling.—

2402 (2) A prescription for a drug ~~that is not listed as a~~
 2403 ~~controlled substance in chapter 893 which is~~ written by an
 2404 advanced practice registered nurse ~~practitioner~~ certified under
 2405 s. 464.012 is presumed, subject to rebuttal, to be valid and
 2406 within the parameters of the prescriptive authority delegated by
 2407 a practitioner licensed under chapter 458, chapter 459, or
 2408 chapter 466.

2409 Section 53. Paragraph (a) of subsection (1) and subsection
 2410 (6) of section 456.041, Florida Statutes, are amended to read:

2411 456.041 Practitioner profile; creation.—

2412 (1)(a) The Department of Health shall compile the
 2413 information submitted pursuant to s. 456.039 into a practitioner
 2414 profile of the applicant submitting the information, except that
 2415 the Department of Health shall develop a format to compile
 2416 uniformly any information submitted under s. 456.039(4)(b).
 2417 Beginning July 1, 2001, the Department of Health may compile the
 2418 information submitted pursuant to s. 456.0391 into a
 2419 practitioner profile of the applicant submitting the
 2420 information. The protocol submitted pursuant to s. 464.012(3)
 2421 must be included in the practitioner profile of the advanced
 2422 practice registered nurse ~~practitioner~~.

2423 (6) The Department of Health shall provide in each
 2424 practitioner profile for every physician or advanced practice

2425 registered nurse ~~practitioner~~ terminated for cause from
 2426 participating in the Medicaid program, pursuant to s. 409.913,
 2427 or sanctioned by the Medicaid program a statement that the
 2428 practitioner has been terminated from participating in the
 2429 Florida Medicaid program or sanctioned by the Medicaid program.

2430 Section 54. Subsection (1) and paragraphs (a), (d), and
 2431 (e) of subsection (2) of section 456.048, Florida Statutes, are
 2432 amended to read:

2433 456.048 Financial responsibility requirements for certain
 2434 health care practitioners.—

2435 (1) As a prerequisite for licensure or license renewal,
 2436 the Board of Acupuncture, the Board of Chiropractic Medicine,
 2437 the Board of Podiatric Medicine, and the Board of Dentistry
 2438 shall, by rule, require that all health care practitioners
 2439 licensed under the respective board, and the Board of Medicine
 2440 and the Board of Osteopathic Medicine shall, by rule, require
 2441 that all anesthesiologist assistants licensed pursuant to s.
 2442 458.3475 or s. 459.023, and the Board of Nursing shall, by rule,
 2443 require that independent advanced practice registered nurses
 2444 registered under s. 464.0125 and advanced practice registered
 2445 nurses ~~nurse practitioners~~ certified under s. 464.012, and the
 2446 department shall, by rule, require that midwives maintain
 2447 medical malpractice insurance or provide proof of financial
 2448 responsibility in an amount and in a manner determined by the
 2449 board or department to be sufficient to cover claims arising out

2450 of the rendering of or failure to render professional care and
 2451 services in this state.

2452 (2) The board or department may grant exemptions upon
 2453 application by practitioners meeting any of the following
 2454 criteria:

2455 (a) Any person licensed under chapter 457, s. 458.3475, s.
 2456 459.023, chapter 460, chapter 461, s. 464.012, s. 464.0125,
 2457 chapter 466, or chapter 467 who practices exclusively as an
 2458 officer, employee, or agent of the Federal Government or of the
 2459 state or its agencies or its subdivisions. For the purposes of
 2460 this subsection, an agent of the state, its agencies, or its
 2461 subdivisions is a person who is eligible for coverage under any
 2462 self-insurance or insurance program authorized by the provisions
 2463 of s. 768.28(16) or who is a volunteer under s. 110.501(1).

2464 (d) Any person licensed or certified under chapter 457, s.
 2465 458.3475, s. 459.023, chapter 460, chapter 461, s. 464.012, s.
 2466 464.0125, chapter 466, or chapter 467 who practices only in
 2467 conjunction with his or her teaching duties at an accredited
 2468 school or in its main teaching hospitals. Such person may engage
 2469 in the practice of medicine to the extent that such practice is
 2470 incidental to and a necessary part of duties in connection with
 2471 the teaching position in the school.

2472 (e) Any person holding an active license or certification
 2473 under chapter 457, s. 458.3475, s. 459.023, chapter 460, chapter
 2474 461, s. 464.012, s. 464.0125, chapter 466, or chapter 467 who is
 2475 not practicing in this state. If such person initiates or

2476 resumes practice in this state, he or she must notify the
 2477 department of such activity.

2478 Section 55. Paragraphs (a), (i), (o), and (r) of
 2479 subsection (3) and paragraph (g) of subsection (5) of section
 2480 456.053, Florida Statutes, are amended to read:

2481 456.053 Financial arrangements between referring health
 2482 care providers and providers of health care services.—

2483 (3) DEFINITIONS.—For the purpose of this section, the
 2484 word, phrase, or term:

2485 (a) "Board" means any of the following boards relating to
 2486 the respective professions: the Board of Medicine as created in
 2487 s. 458.307; the Board of Osteopathic Medicine as created in s.
 2488 459.004; the Board of Chiropractic Medicine as created in s.
 2489 460.404; the Board of Podiatric Medicine as created in s.
 2490 461.004; the Board of Optometry as created in s. 463.003; the
 2491 Board of Pharmacy as created in s. 465.004; ~~and~~ the Board of
 2492 Dentistry as created in s. 466.004; and the Board of Nursing as
 2493 created in s. 464.004.

2494 (i) "Health care provider" means a ~~any~~ physician licensed
 2495 under chapter 458, chapter 459, chapter 460, or chapter 461; an
 2496 independent advanced practice registered nurse registered under
 2497 s. 464.0125; ~~r~~ or a ~~any~~ health care provider licensed under
 2498 chapter 463 or chapter 466.

2499 (o) "Referral" means any referral of a patient by a health
 2500 care provider for health care services, including, without
 2501 limitation:

2502 1. The forwarding of a patient by a health care provider
 2503 to another health care provider or to an entity which provides
 2504 or supplies designated health services or any other health care
 2505 item or service; or

2506 2. The request or establishment of a plan of care by a
 2507 health care provider, which includes the provision of designated
 2508 health services or other health care item or service.

2509 3. The following orders, recommendations, or plans of care
 2510 shall not constitute a referral by a health care provider:

2511 a. By a radiologist for diagnostic-imaging services.

2512 b. By a physician specializing in the provision of
 2513 radiation therapy services for such services.

2514 c. By a medical oncologist for drugs and solutions to be
 2515 prepared and administered intravenously to such oncologist's
 2516 patient, as well as for the supplies and equipment used in
 2517 connection therewith to treat such patient for cancer and the
 2518 complications thereof.

2519 d. By a cardiologist for cardiac catheterization services.

2520 e. By a pathologist for diagnostic clinical laboratory
 2521 tests and pathological examination services, if furnished by or
 2522 under the supervision of such pathologist pursuant to a
 2523 consultation requested by another physician.

2524 f. By a health care provider who is the sole provider or
 2525 member of a group practice for designated health services or
 2526 other health care items or services that are prescribed or
 2527 provided solely for such referring health care provider's or

2528 group practice's own patients, and that are provided or
 2529 performed by or under the direct supervision of such referring
 2530 health care provider or group practice; provided, however, ~~that~~
 2531 ~~effective July 1, 1999,~~ a physician licensed pursuant to chapter
 2532 458, chapter 459, chapter 460, or chapter 461 or an independent
 2533 advanced practice registered nurse registered under s. 464.0125
 2534 may refer a patient to a sole provider or group practice for
 2535 diagnostic imaging services, excluding radiation therapy
 2536 services, for which the sole provider or group practice billed
 2537 both the technical and the professional fee for or on behalf of
 2538 the patient, if the referring physician or independent advanced
 2539 practice registered nurse has no investment interest in the
 2540 practice. The diagnostic imaging service referred to a group
 2541 practice or sole provider must be a diagnostic imaging service
 2542 normally provided within the scope of practice to the patients
 2543 of the group practice or sole provider. The group practice or
 2544 sole provider may accept no more than 15 percent of their
 2545 patients receiving diagnostic imaging services from outside
 2546 referrals, excluding radiation therapy services.

2547 g. By a health care provider for services provided by an
 2548 ambulatory surgical center licensed under chapter 395.

2549 h. By a urologist for lithotripsy services.

2550 i. By a dentist for dental services performed by an
 2551 employee of or health care provider who is an independent
 2552 contractor with the dentist or group practice of which the
 2553 dentist is a member.

2554 j. By a physician for infusion therapy services to a
 2555 patient of that physician or a member of that physician's group
 2556 practice.

2557 k. By a nephrologist for renal dialysis services and
 2558 supplies, except laboratory services.

2559 l. By a health care provider whose principal professional
 2560 practice consists of treating patients in their private
 2561 residences for services to be rendered in such private
 2562 residences, except for services rendered by a home health agency
 2563 licensed under chapter 400. For purposes of this sub-
 2564 subparagraph, the term "private residences" includes patients'
 2565 private homes, independent living centers, and assisted living
 2566 facilities, but does not include skilled nursing facilities.

2567 m. By a health care provider for sleep-related testing.

2568 (r) "Sole provider" means one health care provider
 2569 licensed under chapter 458, chapter 459, chapter 460, ~~or~~ chapter
 2570 461, or s. 464.0125, who maintains a separate medical office and
 2571 a medical practice separate from any other health care provider
 2572 and who bills for his or her services separately from the
 2573 services provided by any other health care provider. A sole
 2574 provider shall not share overhead expenses or professional
 2575 income with any other person or group practice.

2576 (5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as
 2577 provided in this section:

2578 (g) A violation of this section by a health care provider
 2579 shall constitute grounds for disciplinary action to be taken by

CS/HB 547

2015

2580 the applicable board pursuant to s. 458.331(2), s. 459.015(2),
 2581 s. 460.413(2), s. 461.013(2), s. 463.016(2), s. 464.018, or s.
 2582 466.028(2). Any hospital licensed under chapter 395 found in
 2583 violation of this section shall be subject to s. 395.0185(2).

2584 Section 56. Subsection (7) of section 456.072, Florida
 2585 Statutes, is amended to read:

2586 456.072 Grounds for discipline; penalties; enforcement.—

2587 (7) Notwithstanding subsection (2), upon a finding that a
 2588 physician, a physician assistant, an independent advanced
 2589 practice registered nurse, or an advanced practice registered
 2590 nurse has prescribed or dispensed a controlled substance, or
 2591 caused a controlled substance to be prescribed or dispensed, in
 2592 a manner that violates the standard of practice set forth in s.
 2593 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)
 2594 or (s), s. 464.018(1)(p), or s. 466.028(1)(p) or (x), the
 2595 practitioner ~~physician~~ shall be suspended for a period of at
 2596 least ~~not less than~~ 6 months and pay a fine of at least ~~not less~~
 2597 ~~than~~ \$10,000 per count. Repeated violations shall result in
 2598 increased penalties.

2599 Section 57. Paragraph (a) of subsection (2) and subsection
 2600 (3) of section 456.44, Florida Statutes, are amended to read:

2601 456.44 Controlled substance prescribing.—

2602 (2) REGISTRATION. ~~Effective January 1, 2012,~~ A physician
 2603 licensed under chapter 458, chapter 459, chapter 461, or chapter
 2604 466; a physician assistant licensed under chapter 458 or chapter
 2605 459; or an independent advanced practice registered nurse

2606 registered, or an advanced practice registered nurse certified,
2607 under part I of chapter 464, who prescribes any controlled
2608 substance, listed in Schedule II, Schedule III, or Schedule IV
2609 as defined in s. 893.03, for the treatment of chronic
2610 nonmalignant pain, must:

2611 (a) Designate himself or herself as a controlled substance
2612 prescribing practitioner on the practitioner's ~~physician's~~
2613 ~~practitioner~~ profile.

2614 (3) STANDARDS OF PRACTICE.—The standards of practice in
2615 this section do not supersede the level of care, skill, and
2616 treatment recognized in general law related to health care
2617 licensure.

2618 (a) A complete medical history and a physical examination
2619 must be conducted before beginning any treatment and must be
2620 documented in the medical record. The exact components of the
2621 physical examination shall be left to the judgment of the
2622 clinician who is expected to perform a physical examination
2623 proportionate to the diagnosis that justifies a treatment. The
2624 medical record must, at a minimum, document the nature and
2625 intensity of the pain, current and past treatments for pain,
2626 underlying or coexisting diseases or conditions, the effect of
2627 the pain on physical and psychological function, a review of
2628 previous medical records, previous diagnostic studies, and
2629 history of alcohol and substance abuse. The medical record shall
2630 also document the presence of one or more recognized medical
2631 indications for the use of a controlled substance. Each

2632 registrant must develop a written plan for assessing each
2633 patient's risk of aberrant drug-related behavior, which may
2634 include patient drug testing. Registrants must assess each
2635 patient's risk for aberrant drug-related behavior and monitor
2636 that risk on an ongoing basis in accordance with the plan.

2637 (b) Each registrant must develop a written individualized
2638 treatment plan for each patient. The treatment plan shall state
2639 objectives that will be used to determine treatment success,
2640 such as pain relief and improved physical and psychosocial
2641 function, and shall indicate if any further diagnostic
2642 evaluations or other treatments are planned. After treatment
2643 begins, the practitioner ~~physician~~ shall adjust drug therapy to
2644 the individual medical needs of each patient. Other treatment
2645 modalities, including a rehabilitation program, shall be
2646 considered depending on the etiology of the pain and the extent
2647 to which the pain is associated with physical and psychosocial
2648 impairment. The interdisciplinary nature of the treatment plan
2649 shall be documented.

2650 (c) The practitioner ~~physician~~ shall discuss the risks and
2651 benefits of the use of controlled substances, including the
2652 risks of abuse and addiction, as well as physical dependence and
2653 its consequences, with the patient, persons designated by the
2654 patient, or the patient's surrogate or guardian if the patient
2655 is incompetent. The practitioner ~~physician~~ shall use a written
2656 controlled substance agreement between the practitioner

2657 ~~physician~~ and the patient outlining the patient's
2658 responsibilities, including, but not limited to:

2659 1. Number and frequency of controlled substance
2660 prescriptions and refills.

2661 2. Patient compliance and reasons for which drug therapy
2662 may be discontinued, such as a violation of the agreement.

2663 3. An agreement that controlled substances for the
2664 treatment of chronic nonmalignant pain shall be prescribed by a
2665 single treating practitioner ~~physician~~ unless otherwise
2666 authorized by the treating practitioner ~~physician~~ and documented
2667 in the medical record.

2668 (d) The patient shall be seen by the practitioner
2669 ~~physician~~ at regular intervals, not to exceed 3 months, to
2670 assess the efficacy of treatment, ensure that controlled
2671 substance therapy remains indicated, evaluate the patient's
2672 progress toward treatment objectives, consider adverse drug
2673 effects, and review the etiology of the pain. Continuation or
2674 modification of therapy shall depend on the practitioner's
2675 ~~physician's~~ evaluation of the patient's progress. If treatment
2676 goals are not being achieved, despite medication adjustments,
2677 the practitioner ~~physician~~ shall reevaluate the appropriateness
2678 of continued treatment. The practitioner ~~physician~~ shall monitor
2679 patient compliance in medication usage, related treatment plans,
2680 controlled substance agreements, and indications of substance
2681 abuse or diversion at a minimum of 3-month intervals.

2682 (e) The practitioner ~~physician~~ shall refer the patient as
2683 necessary for additional evaluation and treatment in order to
2684 achieve treatment objectives. Special attention shall be given
2685 to those patients who are at risk for misusing their medications
2686 and those whose living arrangements pose a risk for medication
2687 misuse or diversion. The management of pain in patients with a
2688 history of substance abuse or with a comorbid psychiatric
2689 disorder requires extra care, monitoring, and documentation and
2690 requires consultation with or referral to an addiction medicine
2691 specialist or psychiatrist.

2692 (f) A practitioner ~~physician~~ registered under this section
2693 must maintain accurate, current, and complete records that are
2694 accessible and readily available for review and comply with the
2695 requirements of this section, the applicable practice act, and
2696 applicable board rules. The medical records must include, but
2697 are not limited to:

- 2698 1. The complete medical history and a physical
2699 examination, including history of drug abuse or dependence.
- 2700 2. Diagnostic, therapeutic, and laboratory results.
- 2701 3. Evaluations and consultations.
- 2702 4. Treatment objectives.
- 2703 5. Discussion of risks and benefits.
- 2704 6. Treatments.
- 2705 7. Medications, including date, type, dosage, and quantity
2706 prescribed.
- 2707 8. Instructions and agreements.

2708 9. Periodic reviews.

2709 10. Results of any drug testing.

2710 11. A photocopy of the patient's government-issued photo
2711 identification.

2712 12. If a written prescription for a controlled substance
2713 is given to the patient, a duplicate of the prescription.

2714 13. The practitioner's ~~physician's~~ full name presented in
2715 a legible manner.

2716 (g) Patients with signs or symptoms of substance abuse
2717 shall be immediately referred to a board-certified pain
2718 management physician, an addiction medicine specialist, or a
2719 mental health addiction facility as it pertains to drug abuse or
2720 addiction unless the practitioner is a physician who is board-
2721 certified or board-eligible in pain management. Throughout the
2722 period of time before receiving the consultant's report, a
2723 prescribing practitioner ~~physician~~ shall clearly and completely
2724 document medical justification for continued treatment with
2725 controlled substances and those steps taken to ensure medically
2726 appropriate use of controlled substances by the patient. Upon
2727 receipt of the consultant's written report, the prescribing
2728 practitioner ~~physician~~ shall incorporate the consultant's
2729 recommendations for continuing, modifying, or discontinuing
2730 controlled substance therapy. The resulting changes in treatment
2731 shall be specifically documented in the patient's medical
2732 record. Evidence or behavioral indications of diversion shall be
2733 followed by discontinuation of controlled substance therapy, and

2734 the patient shall be discharged, and all results of testing and
2735 actions taken by the practitioner ~~physician~~ shall be documented
2736 in the patient's medical record.

2737

2738 This subsection does not apply to a board-eligible or board-
2739 certified anesthesiologist, physiatrist, rheumatologist, or
2740 neurologist, or to a board-certified physician who has surgical
2741 privileges at a hospital or ambulatory surgery center and
2742 primarily provides surgical services. This subsection does not
2743 apply to a board-eligible or board-certified medical specialist
2744 who has also completed a fellowship in pain medicine approved by
2745 the Accreditation Council for Graduate Medical Education or the
2746 American Osteopathic Association, or who is board eligible or
2747 board certified in pain medicine by the American Board of Pain
2748 Medicine or a board approved by the American Board of Medical
2749 Specialties or the American Osteopathic Association and performs
2750 interventional pain procedures of the type routinely billed
2751 using surgical codes. This subsection does not apply to a
2752 practitioner ~~physician~~ who prescribes medically necessary
2753 controlled substances for a patient during an inpatient stay in
2754 a hospital licensed under chapter 395.

2755 Section 58. Paragraph (c) of subsection (2) of section
2756 458.3265, Florida Statutes, is amended to read:

2757 458.3265 Pain-management clinics.—

2758 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
2759 apply to any physician who provides professional services in a

2760 pain-management clinic that is required to be registered in
 2761 subsection (1).

2762 (c) A physician, a physician assistant, an independent
 2763 advanced practice registered nurse, or an advanced practice
 2764 registered nurse ~~practitioner~~ must perform a physical
 2765 examination of a patient on the same day that the physician
 2766 prescribes a controlled substance to a patient at a pain-
 2767 management clinic. If the physician prescribes more than a 72-
 2768 hour dose of controlled substances for the treatment of chronic
 2769 nonmalignant pain, the physician must document in the patient's
 2770 record the reason for prescribing that quantity.

2771 Section 59. Paragraph (dd) of subsection (1) of section
 2772 458.331, Florida Statutes, is amended to read:

2773 458.331 Grounds for disciplinary action; action by the
 2774 board and department.—

2775 (1) The following acts constitute grounds for denial of a
 2776 license or disciplinary action, as specified in s. 456.072(2):

2777 (dd) Failing to supervise adequately the activities of
 2778 those physician assistants, paramedics, emergency medical
 2779 technicians, advanced practice registered nurses ~~nurse~~
 2780 ~~practitioners~~, or anesthesiologist assistants acting under the
 2781 supervision of the physician.

2782 Section 60. Paragraph (f) of subsection (4) of section
 2783 458.347, Florida Statutes, is amended to read:

2784 458.347 Physician assistants.—

2785 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

2786 (f)1. The council shall establish a formulary of medicinal
2787 drugs that a fully licensed physician assistant having
2788 prescribing authority under this section or s. 459.022 may not
2789 prescribe. The formulary must include ~~controlled substances as~~
2790 ~~defined in chapter 893,~~ general anesthetics, and radiographic
2791 contrast materials.

2792 2. In establishing the formulary, the council shall
2793 consult with a pharmacist licensed under chapter 465, but not
2794 licensed under this chapter or chapter 459, who shall be
2795 selected by the State Surgeon General.

2796 3. Only the council shall add to, delete from, or modify
2797 the formulary. Any person who requests an addition, deletion, or
2798 modification of a medicinal drug listed on such formulary has
2799 the burden of proof to show cause why such addition, deletion,
2800 or modification should be made.

2801 4. The boards shall adopt the formulary required by this
2802 paragraph, and each addition, deletion, or modification to the
2803 formulary, by rule. Notwithstanding any provision of chapter 120
2804 to the contrary, the formulary rule shall be effective 60 days
2805 after the date it is filed with the Secretary of State. Upon
2806 adoption of the formulary, the department shall mail a copy of
2807 such formulary to each fully licensed physician assistant having
2808 prescribing authority under this section or s. 459.022, and to
2809 each pharmacy licensed by the state. The boards shall establish,
2810 by rule, a fee not to exceed \$200 to fund the provisions of this
2811 paragraph and paragraph (e).

2812 Section 61. Paragraph (a) of subsection (1) and
 2813 subsections (2) and (4) of section 458.348, Florida Statutes,
 2814 are amended to read:

2815 458.348 Formal supervisory relationships, standing orders,
 2816 and established protocols; notice; standards.—

2817 (1) NOTICE.—

2818 (a) When a physician enters into a formal supervisory
 2819 relationship or standing orders with an emergency medical
 2820 technician or paramedic licensed pursuant to s. 401.27, which
 2821 relationship or orders contemplate the performance of medical
 2822 acts, or when a physician enters into an established protocol
 2823 with an advanced practice registered nurse ~~practitioner~~, which
 2824 protocol contemplates the performance of medical acts identified
 2825 and approved by the joint committee pursuant to s. 464.003(2) or
 2826 acts set forth in s. 464.012(3) and (4), the physician shall
 2827 submit notice to the board. The notice shall contain a statement
 2828 in substantially the following form:

2829 I, ...(name and professional license number of
 2830 physician)..., of ...(address of physician)... have hereby
 2831 entered into a formal supervisory relationship, standing orders,
 2832 or an established protocol with ...(number of persons)...
 2833 emergency medical technician(s), ...(number of persons)...
 2834 paramedic(s), or ...(number of persons)... advanced practice
 2835 registered nurse(s) ~~nurse-practitioner(s)~~.

2836 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The
 2837 joint committee created under s. 464.003(2) shall determine

2838 minimum standards for the content of established protocols
2839 pursuant to which an advanced practice registered nurse
2840 ~~practitioner~~ may perform medical acts identified and approved by
2841 the joint committee pursuant to s. 464.003(2) or acts set forth
2842 in s. 464.012(3) and (4) and shall determine minimum standards
2843 for supervision of such acts by the physician, unless the joint
2844 committee determines that any act set forth in s. 464.012(3) or
2845 (4) is not a medical act. Such standards shall be based on risk
2846 to the patient and acceptable standards of medical care and
2847 shall take into account the special problems of medically
2848 underserved areas. The standards developed by the joint
2849 committee shall be adopted as rules by the Board of Nursing and
2850 the Board of Medicine for purposes of carrying out their
2851 responsibilities pursuant to part I of chapter 464 and this
2852 chapter, respectively, but neither board shall have disciplinary
2853 powers over the licensees of the other board.

2854 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—
2855 A physician who supervises an advanced practice registered nurse
2856 ~~practitioner~~ or physician assistant at a medical office other
2857 than the physician's primary practice location, where the
2858 advanced practice registered nurse ~~practitioner~~ or physician
2859 assistant is not under the onsite supervision of a supervising
2860 physician, must comply with the standards set forth in this
2861 subsection. For the purpose of this subsection, a physician's
2862 "primary practice location" means the address reflected on the
2863 physician's profile published pursuant to s. 456.041.

2864 (a) A physician who is engaged in providing primary health
2865 care services may not supervise more than four offices in
2866 addition to the physician's primary practice location. For the
2867 purpose of this subsection, "primary health care" means health
2868 care services that are commonly provided to patients without
2869 referral from another practitioner, including obstetrical and
2870 gynecological services, and excludes practices providing
2871 primarily dermatologic and skin care services, which include
2872 aesthetic skin care services.

2873 (b) A physician who is engaged in providing specialty
2874 health care services may not supervise more than two offices in
2875 addition to the physician's primary practice location. For the
2876 purpose of this subsection, "specialty health care" means health
2877 care services that are commonly provided to patients with a
2878 referral from another practitioner and excludes practices
2879 providing primarily dermatologic and skin care services, which
2880 include aesthetic skin care services.

2881 (c) A physician who supervises an advanced practice
2882 registered nurse ~~practitioner~~ or physician assistant at a
2883 medical office other than the physician's primary practice
2884 location, where the advanced practice registered nurse
2885 ~~practitioner~~ or physician assistant is not under the onsite
2886 supervision of a supervising physician and the services offered
2887 at the office are primarily dermatologic or skin care services,
2888 which include aesthetic skin care services other than plastic
2889 surgery, must comply with the standards listed in subparagraphs

2890 1.-4. Notwithstanding s. 458.347(4)(e)6., a physician
 2891 supervising a physician assistant pursuant to this paragraph may
 2892 not be required to review and cosign charts or medical records
 2893 prepared by such physician assistant.

2894 1. The physician shall submit to the board the addresses
 2895 of all offices where the physician ~~he or she~~ is supervising an
 2896 advanced practice registered nurse ~~practitioner~~ or a physician
 2897 ~~physician's~~ assistant which are not the physician's primary
 2898 practice location.

2899 2. The physician must be board certified or board eligible
 2900 in dermatology or plastic surgery as recognized by the board
 2901 pursuant to s. 458.3312.

2902 3. All such offices that are not the physician's primary
 2903 place of practice must be within 25 miles of the physician's
 2904 primary place of practice or in a county that is contiguous to
 2905 the county of the physician's primary place of practice.
 2906 However, the distance between any of the offices may not exceed
 2907 75 miles.

2908 4. The physician may supervise only one office other than
 2909 the physician's primary place of practice ~~except that until July~~
 2910 ~~1, 2011, the physician may supervise up to two medical offices~~
 2911 ~~other than the physician's primary place of practice if the~~
 2912 ~~addresses of the offices are submitted to the board before July~~
 2913 ~~1, 2006. Effective July 1, 2011, the physician may supervise~~
 2914 ~~only one office other than the physician's primary place of~~

2915 ~~practice, regardless of when the addresses of the offices were~~
 2916 ~~submitted to the board.~~

2917 (d) A physician who supervises an office in addition to
 2918 the physician's primary practice location must conspicuously
 2919 post in each of the physician's offices a current schedule of
 2920 the regular hours when the physician is present in that office
 2921 and the hours when the office is open while the physician is not
 2922 present.

2923 (e) This subsection does not apply to health care services
 2924 provided in facilities licensed under chapter 395 or in
 2925 conjunction with a college of medicine, a college of nursing, an
 2926 accredited graduate medical program, or a nursing education
 2927 program; not-for-profit, family-planning clinics that are not
 2928 licensed pursuant to chapter 390; rural and federally qualified
 2929 health centers; health care services provided in a nursing home
 2930 licensed under part II of chapter 400, an assisted living
 2931 facility licensed under part I of chapter 429, a continuing care
 2932 facility licensed under chapter 651, or a retirement community
 2933 consisting of independent living units and a licensed nursing
 2934 home or assisted living facility; anesthesia services provided
 2935 in accordance with law; health care services provided in a
 2936 designated rural health clinic; health care services provided to
 2937 persons enrolled in a program designed to maintain elderly
 2938 persons and persons with disabilities in a home or community-
 2939 based setting; university primary care student health centers;
 2940 school health clinics; or health care services provided in

2941 federal, state, or local government facilities. Subsection (3)
 2942 and this subsection do not apply to offices at which the
 2943 exclusive service being performed is laser hair removal by an
 2944 advanced practice registered nurse ~~practitioner~~ or physician
 2945 assistant.

2946 Section 62. Paragraph (c) of subsection (2) of section
 2947 459.0137, Florida Statutes, is amended to read:

2948 459.0137 Pain-management clinics.—

2949 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 2950 apply to any osteopathic physician who provides professional
 2951 services in a pain-management clinic that is required to be
 2952 registered in subsection (1).

2953 (c) An osteopathic physician, a physician assistant, an
 2954 independent advanced practice registered nurse, or an advanced
 2955 practice registered nurse ~~practitioner~~ must perform a physical
 2956 examination of a patient on the same day that the physician
 2957 prescribes a controlled substance to a patient at a pain-
 2958 management clinic. If the osteopathic physician prescribes more
 2959 than a 72-hour dose of controlled substances for the treatment
 2960 of chronic nonmalignant pain, the osteopathic physician must
 2961 document in the patient's record the reason for prescribing that
 2962 quantity.

2963 Section 63. Paragraph (hh) of subsection (1) of section
 2964 459.015, Florida Statutes, is amended to read:

2965 459.015 Grounds for disciplinary action; action by the
 2966 board and department.—

2967 (1) The following acts constitute grounds for denial of a
 2968 license or disciplinary action, as specified in s. 456.072(2):

2969 (hh) Failing to supervise adequately the activities of
 2970 those physician assistants, paramedics, emergency medical
 2971 technicians, advanced practice registered nurses ~~nurse~~
 2972 ~~practitioners~~, anesthesiologist assistants, or other persons
 2973 acting under the supervision of the osteopathic physician.

2974 Section 64. Paragraph (a) of subsection (1) and subsection
 2975 (3) of section 459.025, Florida Statutes, are amended to read:

2976 459.025 Formal supervisory relationships, standing orders,
 2977 and established protocols; notice; standards.—

2978 (1) NOTICE.—

2979 (a) When an osteopathic physician enters into a formal
 2980 supervisory relationship or standing orders with an emergency
 2981 medical technician or paramedic licensed pursuant to s. 401.27,
 2982 which relationship or orders contemplate the performance of
 2983 medical acts, or when an osteopathic physician enters into an
 2984 established protocol with an advanced practice registered nurse
 2985 ~~practitioner~~, which protocol contemplates the performance of
 2986 medical acts identified and approved by the joint committee
 2987 pursuant to s. 464.003(2) or acts set forth in s. 464.012(3) and
 2988 (4), the osteopathic physician shall submit notice to the board.
 2989 The notice must contain a statement in substantially the
 2990 following form:

2991 I, ... (name and professional license number of osteopathic
 2992 physician) ..., of ... (address of osteopathic physician) ... have

2993 hereby entered into a formal supervisory relationship, standing
 2994 orders, or an established protocol with ...(number of
 2995 persons)... emergency medical technician(s), ...(number of
 2996 persons)... paramedic(s), or ...(number of persons)... advanced
 2997 practice registered nurse(s) ~~nurse practitioner(s)~~.

2998 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

2999 An osteopathic physician who supervises an advanced practice
 3000 registered nurse ~~practitioner~~ or physician assistant at a
 3001 medical office other than the osteopathic physician's primary
 3002 practice location, where the advanced practice registered nurse
 3003 ~~practitioner~~ or physician assistant is not under the onsite
 3004 supervision of a supervising osteopathic physician, must comply
 3005 with the standards set forth in this subsection. For the purpose
 3006 of this subsection, an osteopathic physician's "primary practice
 3007 location" means the address reflected on the physician's profile
 3008 published pursuant to s. 456.041.

3009 (a) An osteopathic physician who is engaged in providing
 3010 primary health care services may not supervise more than four
 3011 offices in addition to the osteopathic physician's primary
 3012 practice location. For the purpose of this subsection, "primary
 3013 health care" means health care services that are commonly
 3014 provided to patients without referral from another practitioner,
 3015 including obstetrical and gynecological services, and excludes
 3016 practices providing primarily dermatologic and skin care
 3017 services, which include aesthetic skin care services.

3018 (b) An osteopathic physician who is engaged in providing
 3019 specialty health care services may not supervise more than two
 3020 offices in addition to the osteopathic physician's primary
 3021 practice location. For the purpose of this subsection,
 3022 "specialty health care" means health care services that are
 3023 commonly provided to patients with a referral from another
 3024 practitioner and excludes practices providing primarily
 3025 dermatologic and skin care services, which include aesthetic
 3026 skin care services.

3027 (c) An osteopathic physician who supervises an advanced
 3028 practice registered nurse ~~practitioner~~ or physician assistant at
 3029 a medical office other than the osteopathic physician's primary
 3030 practice location, where the advanced practice registered nurse
 3031 ~~practitioner~~ or physician assistant is not under the onsite
 3032 supervision of a supervising osteopathic physician and the
 3033 services offered at the office are primarily dermatologic or
 3034 skin care services, which include aesthetic skin care services
 3035 other than plastic surgery, must comply with the standards
 3036 listed in subparagraphs 1.-4. Notwithstanding s.
 3037 459.022(4)(e)6., an osteopathic physician supervising a
 3038 physician assistant pursuant to this paragraph may not be
 3039 required to review and cosign charts or medical records prepared
 3040 by such physician assistant.

3041 1. The osteopathic physician shall submit to the Board of
 3042 Osteopathic Medicine the addresses of all offices where the
 3043 osteopathic physician ~~he or she~~ is supervising or has a protocol

3044 with an advanced practice registered nurse ~~practitioner~~ or a
 3045 physician ~~physician's~~ assistant which are not the osteopathic
 3046 physician's primary practice location.

3047 2. The osteopathic physician must be board certified or
 3048 board eligible in dermatology or plastic surgery as recognized
 3049 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

3050 3. All such offices that are not the osteopathic
 3051 physician's primary place of practice must be within 25 miles of
 3052 the osteopathic physician's primary place of practice or in a
 3053 county that is contiguous to the county of the osteopathic
 3054 physician's primary place of practice. However, the distance
 3055 between any of the offices may not exceed 75 miles.

3056 4. The osteopathic physician may supervise only one office
 3057 other than the osteopathic physician's primary place of practice
 3058 ~~except that until July 1, 2011, the osteopathic physician may~~
 3059 ~~supervise up to two medical offices other than the osteopathic~~
 3060 ~~physician's primary place of practice if the addresses of the~~
 3061 ~~offices are submitted to the Board of Osteopathic Medicine~~
 3062 ~~before July 1, 2006. Effective July 1, 2011, the osteopathic~~
 3063 ~~physician may supervise only one office other than the~~
 3064 ~~osteopathic physician's primary place of practice, regardless of~~
 3065 ~~when the addresses of the offices were submitted to the Board of~~
 3066 ~~Osteopathic Medicine.~~

3067 (d) An osteopathic physician who supervises an office in
 3068 addition to the osteopathic physician's primary practice
 3069 location must conspicuously post in each of the osteopathic

CS/HB 547

2015

3070 physician's offices a current schedule of the regular hours when
3071 the osteopathic physician is present in that office and the
3072 hours when the office is open while the osteopathic physician is
3073 not present.

3074 (e) This subsection does not apply to health care services
3075 provided in facilities licensed under chapter 395 or in
3076 conjunction with a college of medicine or college of nursing or
3077 an accredited graduate medical or nursing education program;
3078 offices where the only service being performed is hair removal
3079 by an advanced practice registered nurse ~~practitioner~~ or
3080 physician assistant; not-for-profit, family-planning clinics
3081 that are not licensed pursuant to chapter 390; rural and
3082 federally qualified health centers; health care services
3083 provided in a nursing home licensed under part II of chapter
3084 400, an assisted living facility licensed under part I of
3085 chapter 429, a continuing care facility licensed under chapter
3086 651, or a retirement community consisting of independent living
3087 units and either a licensed nursing home or assisted living
3088 facility; anesthesia services provided in accordance with law;
3089 health care services provided in a designated rural health
3090 clinic; health care services provided to persons enrolled in a
3091 program designed to maintain elderly persons and persons with
3092 disabilities in a home or community-based setting; university
3093 primary care student health centers; school health clinics; or
3094 health care services provided in federal, state, or local
3095 government facilities.

3096 Section 65. Subsection (2) of section 464.004, Florida
3097 Statutes, is amended to read:

3098 464.004 Board of Nursing; membership; appointment; terms.—

3099 (2) Seven members of the board must be registered nurses
3100 who are residents of this state and who have been engaged in the
3101 practice of professional nursing for at least 4 years, including
3102 at least one advanced practice registered nurse ~~practitioner~~,
3103 one nurse educator member of an approved program, and one nurse
3104 executive. These seven board members should be representative of
3105 the diverse areas of practice within the nursing profession. In
3106 addition, three members of the board must be licensed practical
3107 nurses who are residents of this state and who have been
3108 actively engaged in the practice of practical nursing for at
3109 least 4 years prior to their appointment. The remaining three
3110 members must be residents of the state who have never been
3111 licensed as nurses and who are in no way connected with the
3112 practice of nursing. No person may be appointed as a lay member
3113 who is in any way connected with, or has any financial interest
3114 in, any health care facility, agency, or insurer. At least one
3115 member of the board must be 60 years of age or older.

3116 Section 66. Paragraph (a) of subsection (4) of section
3117 464.0205, Florida Statutes, is amended to read:

3118 464.0205 Retired volunteer nurse certificate.—

3119 (4) A retired volunteer nurse receiving certification from
3120 the board shall:

3121 (a) Work under the direct supervision of the director of a
3122 county health department, a physician working under a limited
3123 license issued pursuant to s. 458.317 or s. 459.0075, a
3124 physician licensed under chapter 458 or chapter 459, an
3125 independent advanced practice registered nurse registered under
3126 s. 464.0125, an advanced practice registered nurse ~~practitioner~~
3127 certified under s. 464.012, or a registered nurse licensed under
3128 s. 464.008 or s. 464.009.

3129 Section 67. Subsection (2) of section 467.003, Florida
3130 Statutes, is amended to read:

3131 467.003 Definitions.—As used in this chapter, unless the
3132 context otherwise requires:

3133 (2) "Certified nurse midwife" means a person who is
3134 certified ~~licensed~~ as an advanced practice registered nurse
3135 ~~practitioner~~ under part I of chapter 464 and who is certified to
3136 practice midwifery by the American College of Nurse Midwives.

3137 Section 68. Paragraph (b) of subsection (1) of section
3138 480.0475, Florida Statutes, is amended to read:

3139 480.0475 Massage establishments; prohibited practices.—

3140 (1) A person may not operate a massage establishment
3141 between the hours of midnight and 5 a.m. This subsection does
3142 not apply to a massage establishment:

3143 (b) In which every massage performed between the hours of
3144 midnight and 5 a.m. is performed by a massage therapist acting
3145 under the prescription of a physician or physician assistant
3146 licensed under chapter 458, an osteopathic physician or

3147 physician assistant licensed under chapter 459, a chiropractic
 3148 physician licensed under chapter 460, a podiatric physician
 3149 licensed under chapter 461, an independent advanced practice
 3150 registered nurse registered, or an advanced practice registered
 3151 nurse certified, practitioner licensed under part I of chapter
 3152 464, or a dentist licensed under chapter 466; or

3153 Section 69. Subsection (7) of section 483.041, Florida
 3154 Statutes, is amended to read:

3155 483.041 Definitions.—As used in this part, the term:

3156 (7) "Licensed practitioner" means a physician licensed
 3157 under chapter 458, chapter 459, chapter 460, or chapter 461; a
 3158 physician assistant licensed under chapter 458 or chapter 459; a
 3159 certified optometrist licensed under chapter 463; a dentist
 3160 licensed under chapter 466; a person licensed under chapter 462;
 3161 an independent advanced practice registered nurse registered, or
 3162 an advanced practice registered nurse certified, practitioner
 3163 licensed under part I of chapter 464; or a duly licensed
 3164 practitioner from another state licensed under similar statutes
 3165 who orders examinations on materials or specimens for
 3166 nonresidents of the State of Florida, but who reside in the same
 3167 state as the requesting licensed practitioner.

3168 Section 70. Subsection (5) of section 483.181, Florida
 3169 Statutes, is amended to read:

3170 483.181 Acceptance, collection, identification, and
 3171 examination of specimens.—

3172 (5) A clinical laboratory licensed under this part must
 3173 accept a human specimen submitted for examination by a
 3174 practitioner licensed under chapter 458, chapter 459, chapter
 3175 460, chapter 461, chapter 462, chapter 463, s. 464.012, s.
 3176 464.0125, or chapter 466, if the specimen and test are the type
 3177 performed by the clinical laboratory. A clinical laboratory may
 3178 only refuse a specimen based upon a history of nonpayment for
 3179 services by the practitioner. A clinical laboratory shall not
 3180 charge different prices for tests based upon the chapter under
 3181 which a practitioner submitting a specimen for testing is
 3182 licensed.

3183 Section 71. Subsection (5) of section 483.801, Florida
 3184 Statutes, is amended to read:

3185 483.801 Exemptions.—This part applies to all clinical
 3186 laboratories and clinical laboratory personnel within this
 3187 state, except:

3188 (5) Advanced practice registered nurses certified ~~nurse~~
 3189 ~~practitioners licensed~~ under part I of chapter 464 who perform
 3190 provider-performed microscopy procedures (PPMP) in an exclusive-
 3191 use laboratory setting.

3192 Section 72. Paragraph (a) of subsection (11) of section
 3193 486.021, Florida Statutes, is amended to read:

3194 486.021 Definitions.—In this chapter, unless the context
 3195 otherwise requires, the term:

3196 (11) "Practice of physical therapy" means the performance
 3197 of physical therapy assessments and the treatment of any

3198 disability, injury, disease, or other health condition of human
 3199 beings, or the prevention of such disability, injury, disease,
 3200 or other condition of health, and rehabilitation as related
 3201 thereto by the use of the physical, chemical, and other
 3202 properties of air; electricity; exercise; massage; the
 3203 performance of acupuncture only upon compliance with the
 3204 criteria set forth by the Board of Medicine, when no penetration
 3205 of the skin occurs; the use of radiant energy, including
 3206 ultraviolet, visible, and infrared rays; ultrasound; water; the
 3207 use of apparatus and equipment in the application of the
 3208 foregoing or related thereto; the performance of tests of
 3209 neuromuscular functions as an aid to the diagnosis or treatment
 3210 of any human condition; or the performance of electromyography
 3211 as an aid to the diagnosis of any human condition only upon
 3212 compliance with the criteria set forth by the Board of Medicine.

3213 (a) A physical therapist may implement a plan of treatment
 3214 developed by the physical therapist for a patient or provided
 3215 for a patient by a practitioner of record or by an independent
 3216 advanced practice registered nurse registered under s. 464.0125
 3217 or an advanced practice registered nurse certified practitioner
 3218 ~~licensed~~ under s. 464.012. The physical therapist shall refer
 3219 the patient to or consult with a practitioner of record if the
 3220 patient's condition is found to be outside the scope of physical
 3221 therapy. If physical therapy treatment for a patient is required
 3222 beyond 21 days for a condition not previously assessed by a
 3223 practitioner of record, the physical therapist shall obtain a

3224 practitioner of record who will review and sign the plan. For
 3225 purposes of this paragraph, a health care practitioner licensed
 3226 under chapter 458, chapter 459, chapter 460, chapter 461, or
 3227 chapter 466 and engaged in active practice is eligible to serve
 3228 as a practitioner of record.

3229 Section 73. Paragraph (d) of subsection (1) of section
 3230 490.012, Florida Statutes, is amended to read:

3231 490.012 Violations; penalties; injunction.—

3232 (1)

3233 (d) No person shall hold herself or himself out by any
 3234 title or description incorporating the word, or a permutation of
 3235 the word, "psychotherapy" unless such person holds a valid,
 3236 active license under chapter 458, chapter 459, chapter 490, or
 3237 chapter 491, or such person is registered as an independent
 3238 advanced practice registered nurse under s. 464.0125 or
 3239 certified as an advanced practice registered nurse under
 3240 practitioner, pursuant to s. 464.012 and, who has been
 3241 determined by the Board of Nursing to be ~~as~~ a specialist in
 3242 psychiatric mental health.

3243 Section 74. Subsection (1) of section 491.0057, Florida
 3244 Statutes, is amended to read:

3245 491.0057 Dual licensure as a marriage and family
 3246 therapist.—The department shall license as a marriage and family
 3247 therapist any person who demonstrates to the board that he or
 3248 she:

3249 (1) Holds a valid, active license as a psychologist under
 3250 chapter 490 or as a clinical social worker or mental health
 3251 counselor under this chapter, or is registered under s. 464.0125
 3252 as an independent advanced practice registered nurse or
 3253 certified under s. 464.012 as an advanced practice registered
 3254 nurse and ~~practitioner who~~ has been determined by the Board of
 3255 Nursing to be ~~as~~ a specialist in psychiatric mental health.

3256 Section 75. Paragraph (d) of subsection (1) and subsection
 3257 (2) of section 491.012, Florida Statutes, are amended to read:

3258 491.012 Violations; penalty; injunction.—

3259 (1) It is unlawful and a violation of this chapter for any
 3260 person to:

3261 (d) Use the terms "psychotherapist," "sex therapist," or
 3262 "juvenile sexual offender therapist" unless such person is
 3263 licensed pursuant to this chapter or chapter 490, or is
 3264 registered under s. 464.0125 as an independent advanced practice
 3265 registered nurse or certified under s. 464.012 as an advanced
 3266 practice registered nurse and ~~practitioner who~~ has been
 3267 determined by the Board of Nursing to be ~~as~~ a specialist in
 3268 psychiatric mental health and the use of such terms is within
 3269 the scope of her or his practice based on education, training,
 3270 and licensure.

3271 (2) It is unlawful and a violation of this chapter for any
 3272 person to describe her or his services using the following terms
 3273 or any derivative thereof, unless such person holds a valid,
 3274 active license under this chapter or chapter 490, or is

3275 registered under s. 464.0125 as an independent advanced practice
 3276 registered nurse or is certified under s. 464.012 as an advanced
 3277 practice registered nurse and ~~practitioner who~~ has been
 3278 determined by the Board of Nursing to be ~~as~~ a specialist in
 3279 psychiatric mental health and the use of such terms is within
 3280 the scope of her or his practice based on education, training,
 3281 and licensure:

- 3282 (a) "Psychotherapy."
- 3283 (b) "Sex therapy."
- 3284 (c) "Sex counseling."
- 3285 (d) "Clinical social work."
- 3286 (e) "Psychiatric social work."
- 3287 (f) "Marriage and family therapy."
- 3288 (g) "Marriage and family counseling."
- 3289 (h) "Marriage counseling."
- 3290 (i) "Family counseling."
- 3291 (j) "Mental health counseling."

3292 Section 76. Subsection (2) of section 493.6108, Florida
 3293 Statutes, is amended to read:

3294 493.6108 Investigation of applicants by Department of
 3295 Agriculture and Consumer Services.—

3296 (2) In addition to subsection (1), the department shall
 3297 make an investigation of the general physical fitness of the
 3298 Class "G" applicant to bear a weapon or firearm. Determination
 3299 of physical fitness shall be certified by a physician or
 3300 physician assistant currently licensed pursuant to chapter 458,

3301 chapter 459, or any similar law of another state or authorized
 3302 to act as a licensed physician by a federal agency or
 3303 department, or by an independent advanced practice registered
 3304 nurse registered, or an advanced practice registered nurse
 3305 certified, under part I of practitioner currently licensed
 3306 ~~pursuant to~~ chapter 464. Such certification shall be submitted
 3307 on a form provided by the department.

3308 Section 77. Subsection (1) of section 626.9707, Florida
 3309 Statutes, is amended to read:

3310 626.9707 Disability insurance; discrimination on basis of
 3311 sickle-cell trait prohibited.—

3312 (1) An ~~No~~ insurer authorized to transact insurance in this
 3313 state may not shall refuse to issue and deliver in this state
 3314 any policy of disability insurance, whether such policy is
 3315 defined as individual, group, blanket, franchise, industrial, or
 3316 otherwise, which is currently being issued for delivery in this
 3317 state and which affords benefits and coverage for any medical
 3318 treatment or service authorized and permitted to be furnished by
 3319 a hospital, a clinic, a health clinic, a neighborhood health
 3320 clinic, a health maintenance organization, a physician, a
 3321 physician ~~physician's~~ assistant, an independent advanced
 3322 practice registered nurse, an advanced practice registered nurse
 3323 ~~practitioner~~, or a medical service facility or personnel solely
 3324 because the person to be insured has the sickle-cell trait.

3325 Section 78. Paragraph (b) of subsection (1) of section
 3326 627.357, Florida Statutes, is amended to read:

3327 | 627.357 Medical malpractice self-insurance.—

3328 | (1) DEFINITIONS.—As used in this section, the term:

3329 | (b) "Health care provider" means any:

3330 | 1. Hospital licensed under chapter 395.

3331 | 2. Physician licensed, or physician assistant licensed,

3332 | under chapter 458.

3333 | 3. Osteopathic physician or physician assistant licensed

3334 | under chapter 459.

3335 | 4. Podiatric physician licensed under chapter 461.

3336 | 5. Health maintenance organization certificated under part

3337 | I of chapter 641.

3338 | 6. Ambulatory surgical center licensed under chapter 395.

3339 | 7. Chiropractic physician licensed under chapter 460.

3340 | 8. Psychologist licensed under chapter 490.

3341 | 9. Optometrist licensed under chapter 463.

3342 | 10. Dentist licensed under chapter 466.

3343 | 11. Pharmacist licensed under chapter 465.

3344 | 12. Registered nurse, licensed practical nurse,

3345 | independent advanced practice registered nurse, or advanced

3346 | practice registered nurse practitioner licensed, registered, or

3347 | certified ~~registered~~ under part I of chapter 464.

3348 | 13. Other medical facility.

3349 | 14. Professional association, partnership, corporation,

3350 | joint venture, or other association established by the

3351 | individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,

3352 | 10., 11., and 12. for professional activity.

3353 Section 79. Subsection (6) of section 627.6471, Florida
 3354 Statutes, is amended to read:

3355 627.6471 Contracts for reduced rates of payment;
 3356 limitations; coinsurance and deductibles.—

3357 (6) If psychotherapeutic services are covered by a policy
 3358 issued by the insurer, the insurer shall provide eligibility
 3359 criteria for each group of health care providers licensed under
 3360 chapter 458, chapter 459, chapter 490, or chapter 491, which
 3361 include psychotherapy within the scope of their practice as
 3362 provided by law, or for any person who is registered as an
 3363 independent advanced practice registered nurse under s. 464.0125
 3364 or certified as an advanced practice registered nurse
 3365 ~~practitioner in psychiatric mental health~~ under s. 464.012 and
 3366 who specializes in psychiatric mental health. When
 3367 psychotherapeutic services are covered, eligibility criteria
 3368 shall be established by the insurer to be included in the
 3369 insurer's criteria for selection of network providers. The
 3370 insurer may not discriminate against a health care provider by
 3371 excluding such practitioner from its provider network solely on
 3372 the basis of the practitioner's license.

3373 Section 80. Subsections (15) and (17) of section 627.6472,
 3374 Florida Statutes, are amended to read:

3375 627.6472 Exclusive provider organizations.—

3376 (15) If psychotherapeutic services are covered by a policy
 3377 issued by the insurer, the insurer shall provide eligibility
 3378 criteria for all groups of health care providers licensed under

3379 chapter 458, chapter 459, chapter 490, or chapter 491, which
 3380 include psychotherapy within the scope of their practice as
 3381 provided by law, or for any person who is registered as an
 3382 independent advanced practice registered nurse under s. 464.0125
 3383 or certified as an advanced practice registered nurse
 3384 ~~practitioner in psychiatric mental health~~ under s. 464.012 and
 3385 who specializes in psychiatric mental health. When
 3386 psychotherapeutic services are covered, eligibility criteria
 3387 shall be established by the insurer to be included in the
 3388 insurer's criteria for selection of network providers. The
 3389 insurer may not discriminate against a health care provider by
 3390 excluding such practitioner from its provider network solely on
 3391 the basis of the practitioner's license.

3392 (17) An exclusive provider organization may ~~shall~~ not
 3393 discriminate with respect to participation as to any independent
 3394 advanced practice registered nurse registered pursuant to s.
 3395 464.0125 or advanced practice registered nurse ~~practitioner~~
 3396 ~~licensed and~~ certified pursuant to s. 464.012, who is acting
 3397 within the scope of such registration or ~~license and~~
 3398 certification, solely on the basis of such registration ~~license~~
 3399 or certification. This subsection shall not be construed to
 3400 prohibit a plan from including providers only to the extent
 3401 necessary to meet the needs of the plan's enrollees or from
 3402 establishing any measure designed to maintain quality and
 3403 control costs consistent with the responsibilities of the plan.

3404 Section 81. Paragraph (a) of subsection (1) of section
 3405 627.736, Florida Statutes, is amended to read:

3406 627.736 Required personal injury protection benefits;
 3407 exclusions; priority; claims.—

3408 (1) REQUIRED BENEFITS.—An insurance policy complying with
 3409 the security requirements of s. 627.733 must provide personal
 3410 injury protection to the named insured, relatives residing in
 3411 the same household, persons operating the insured motor vehicle,
 3412 passengers in the motor vehicle, and other persons struck by the
 3413 motor vehicle and suffering bodily injury while not an occupant
 3414 of a self-propelled vehicle, subject to subsection (2) and
 3415 paragraph (4) (e), to a limit of \$10,000 in medical and
 3416 disability benefits and \$5,000 in death benefits resulting from
 3417 bodily injury, sickness, disease, or death arising out of the
 3418 ownership, maintenance, or use of a motor vehicle as follows:

3419 (a) Medical benefits.—Eighty percent of all reasonable
 3420 expenses for medically necessary medical, surgical, X-ray,
 3421 dental, and rehabilitative services, including prosthetic
 3422 devices and medically necessary ambulance, hospital, and nursing
 3423 services if the individual receives initial services and care
 3424 pursuant to subparagraph 1. within 14 days after the motor
 3425 vehicle accident. The medical benefits provide reimbursement
 3426 only for:

3427 1. Initial services and care that are lawfully provided,
 3428 supervised, ordered, or prescribed by a physician licensed under
 3429 chapter 458 or chapter 459, a dentist licensed under chapter

3430 466, ~~or~~ a chiropractic physician licensed under chapter 460, or
 3431 an independent advanced practice registered nurse registered
 3432 under s. 464.0125, or that are provided in a hospital or in a
 3433 facility that owns, or is wholly owned by, a hospital. Initial
 3434 services and care may also be provided by a person or entity
 3435 licensed under part III of chapter 401 which provides emergency
 3436 transportation and treatment.

3437 2. Upon referral by a provider described in subparagraph
 3438 1., followup services and care consistent with the underlying
 3439 medical diagnosis rendered pursuant to subparagraph 1. which may
 3440 be provided, supervised, ordered, or prescribed only by a
 3441 physician licensed under chapter 458 or chapter 459, a
 3442 chiropractic physician licensed under chapter 460, a dentist
 3443 licensed under chapter 466, an independent advanced practice
 3444 registered nurse registered under s. 464.0125, or, to the extent
 3445 permitted by applicable law and under the supervision of such
 3446 physician, osteopathic physician, chiropractic physician, ~~or~~
 3447 dentist, or independent advanced practice registered nurse, by a
 3448 physician assistant licensed under chapter 458 or chapter 459 or
 3449 an advanced practice registered nurse certified practitioner
 3450 ~~licensed under s. 464.012~~ chapter 464. Followup services and
 3451 care may also be provided by the following persons or entities:

3452 a. A hospital or ambulatory surgical center licensed under
 3453 chapter 395.

3454 b. An entity wholly owned by one or more physicians
 3455 licensed under chapter 458 or chapter 459, chiropractic

3456 physicians licensed under chapter 460, independent advanced
3457 practice registered nurses registered under s. 464.0125, or
3458 dentists licensed under chapter 466 or by such practitioners and
3459 the spouse, parent, child, or sibling of such practitioners.

3460 c. An entity that owns or is wholly owned, directly or
3461 indirectly, by a hospital or hospitals.

3462 d. A physical therapist licensed under chapter 486, based
3463 upon a referral by a provider described in this subparagraph.

3464 e. A health care clinic licensed under part X of chapter
3465 400 which is accredited by an accrediting organization whose
3466 standards incorporate comparable regulations required by this
3467 state, or

3468 (I) Has a medical director licensed under chapter 458,
3469 chapter 459, or chapter 460;

3470 (II) Has been continuously licensed for more than 3 years
3471 or is a publicly traded corporation that issues securities
3472 traded on an exchange registered with the United States
3473 Securities and Exchange Commission as a national securities
3474 exchange; and

3475 (III) Provides at least four of the following medical
3476 specialties:

3477 (A) General medicine.

3478 (B) Radiography.

3479 (C) Orthopedic medicine.

3480 (D) Physical medicine.

3481 (E) Physical therapy.

3482 (F) Physical rehabilitation.

3483 (G) Prescribing or dispensing outpatient prescription
 3484 medication.

3485 (H) Laboratory services.

3486 3. Reimbursement for services and care provided in
 3487 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
 3488 licensed under chapter 458 or chapter 459, a dentist licensed
 3489 under chapter 466, an independent advanced practice registered
 3490 nurse registered under s. 464.0125, a physician assistant
 3491 licensed under chapter 458 or chapter 459, or an advanced
 3492 practice registered nurse certified practitioner ~~licensed~~ under
 3493 s. 464.012 ~~chapter 464~~ has determined that the injured person
 3494 had an emergency medical condition.

3495 4. Reimbursement for services and care provided in
 3496 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
 3497 provider listed in subparagraph 1. or subparagraph 2. determines
 3498 that the injured person did not have an emergency medical
 3499 condition.

3500 5. Medical benefits do not include massage as defined in
 3501 s. 480.033 or acupuncture as defined in s. 457.102, regardless
 3502 of the person, entity, or licensee providing massage or
 3503 acupuncture, and a licensed massage therapist or licensed
 3504 acupuncturist may not be reimbursed for medical benefits under
 3505 this section.

3506 6. The Financial Services Commission shall adopt by rule
 3507 the form that must be used by an insurer and a health care

3508 provider specified in sub-subparagraph 2.b., sub-subparagraph
3509 2.c., or sub-subparagraph 2.e. to document that the health care
3510 provider meets the criteria of this paragraph. Such rule must
3511 include a requirement for a sworn statement or affidavit.

3512
3513 Only insurers writing motor vehicle liability insurance in this
3514 state may provide the required benefits of this section, and
3515 such insurer may not require the purchase of any other motor
3516 vehicle coverage other than the purchase of property damage
3517 liability coverage as required by s. 627.7275 as a condition for
3518 providing such benefits. Insurers may not require that property
3519 damage liability insurance in an amount greater than \$10,000 be
3520 purchased in conjunction with personal injury protection. Such
3521 insurers shall make benefits and required property damage
3522 liability insurance coverage available through normal marketing
3523 channels. An insurer writing motor vehicle liability insurance
3524 in this state who fails to comply with such availability
3525 requirement as a general business practice violates part IX of
3526 chapter 626, and such violation constitutes an unfair method of
3527 competition or an unfair or deceptive act or practice involving
3528 the business of insurance. An insurer committing such violation
3529 is subject to the penalties provided under that part, as well as
3530 those provided elsewhere in the insurance code.

3531 Section 82. Paragraph (e) of subsection (1) of section
3532 633.412, Florida Statutes, is amended to read:

3533 633.412 Firefighters; qualifications for certification.—

CS/HB 547

2015

3534 (1) A person applying for certification as a firefighter
 3535 must:

3536 (e) Be in good physical condition as determined by a
 3537 medical examination given by a physician, surgeon, or physician
 3538 assistant licensed to practice in the state under ~~pursuant to~~
 3539 chapter 458; an osteopathic physician, surgeon, or physician
 3540 assistant licensed to practice in the state under ~~pursuant to~~
 3541 chapter 459; an independent advanced practice registered nurse
 3542 registered, or an advanced practice registered nurse certified,
 3543 ~~practitioner licensed~~ to practice in the state under part I of
 3544 ~~pursuant to~~ chapter 464. Such examination may include, but need
 3545 not be limited to, the National Fire Protection Association
 3546 Standard 1582. A medical examination evidencing good physical
 3547 condition shall be submitted to the division, on a form as
 3548 provided by rule, before an individual is eligible for admission
 3549 into a course under s. 633.408.

3550 Section 83. Section 641.3923, Florida Statutes, is amended
 3551 to read:

3552 641.3923 Discrimination against providers prohibited.—A
 3553 health maintenance organization may ~~shall~~ not discriminate with
 3554 respect to participation as to any independent advanced practice
 3555 registered nurse registered under s. 464.0125, advanced practice
 3556 registered nurse ~~practitioner licensed and certified under~~
 3557 ~~pursuant to~~ s. 464.012, or physician assistant licensed under
 3558 chapter 458 or chapter 459, who is acting within the scope of
 3559 such registration, ~~license and certification,~~ or license, solely

3560 on the basis of such registration, ~~license or certification,~~ or
 3561 license. This section shall not be construed to prohibit a plan
 3562 from including providers only to the extent necessary to meet
 3563 the needs of the plan's enrollees or from establishing any
 3564 measure designed to maintain quality and control costs
 3565 consistent with the responsibilities of the plan.

3566 Section 84. Subsection (8) of section 641.495, Florida
 3567 Statutes, is amended to read:

3568 641.495 Requirements for issuance and maintenance of
 3569 certificate.—

3570 (8) Each organization's contracts, certificates, and
 3571 subscriber handbooks shall contain a provision, if applicable,
 3572 disclosing that, for certain types of described medical
 3573 procedures, services may be provided by physician assistants,
 3574 independent advanced practice registered nurses, advanced
 3575 practice registered nurses ~~nurse practitioners,~~ or other
 3576 individuals who are not licensed physicians.

3577 Section 85. Paragraph (a) of subsection (3) of section
 3578 744.331, Florida Statutes, is amended to read:

3579 744.331 Procedures to determine incapacity.—

3580 (3) EXAMINING COMMITTEE.—

3581 (a) Within 5 days after a petition for determination of
 3582 incapacity has been filed, the court shall appoint an examining
 3583 committee consisting of three members. One member must be a
 3584 psychiatrist or other physician. The remaining members must be
 3585 either a psychologist, a gerontologist, a ~~another~~ psychiatrist,

3586 a ~~or other~~ physician, a registered nurse, an advanced practice
3587 registered nurse practitioner, a physician assistant, a licensed
3588 social worker, a person with an advanced degree in gerontology
3589 from an accredited institution of higher education, or another
3590 ~~other~~ person who by knowledge, skill, experience, training, or
3591 education may, in the court's discretion, advise the court in
3592 the form of an expert opinion. One of three members of the
3593 committee must have knowledge of the type of incapacity alleged
3594 in the petition. Unless good cause is shown, the attending or
3595 family physician may not be appointed to the committee. If the
3596 attending or family physician is available for consultation, the
3597 committee must consult with the physician. Members of the
3598 examining committee may not be related to or associated with one
3599 another, with the petitioner, with counsel for the petitioner or
3600 the proposed guardian, or with the person alleged to be totally
3601 or partially incapacitated. A member may not be employed by any
3602 private or governmental agency that has custody of, or
3603 furnishes, services or subsidies, directly or indirectly, to the
3604 person or the family of the person alleged to be incapacitated
3605 or for whom a guardianship is sought. A petitioner may not serve
3606 as a member of the examining committee. Members of the examining
3607 committee must be able to communicate, either directly or
3608 through an interpreter, in the language that the alleged
3609 incapacitated person speaks or to communicate in a medium
3610 understandable to the alleged incapacitated person if she or he
3611 is able to communicate. The clerk of the court shall send notice

3612 of the appointment to each person appointed no later than 3 days
 3613 after the court's appointment.

3614 Section 86. Subsection (1) of section 744.703, Florida
 3615 Statutes, is amended to read:

3616 744.703 Office of public guardian; appointment,
 3617 notification.—

3618 (1) The executive director of the Statewide Public
 3619 Guardianship Office, after consultation with the chief judge and
 3620 other circuit judges within the judicial circuit and with
 3621 appropriate advocacy groups and individuals and organizations
 3622 who are knowledgeable about the needs of incapacitated persons,
 3623 may establish, within a county in the judicial circuit or within
 3624 the judicial circuit, one or more offices of public guardian and
 3625 if so established, shall create a list of persons best qualified
 3626 to serve as the public guardian, who have been investigated
 3627 pursuant to s. 744.3135. The public guardian must have knowledge
 3628 of the legal process and knowledge of social services available
 3629 to meet the needs of incapacitated persons. The public guardian
 3630 shall maintain a staff or contract with professionally qualified
 3631 individuals to carry out the guardianship functions, including
 3632 an attorney who has experience in probate areas and another
 3633 person who has a master's degree in social work, or a
 3634 gerontologist, a psychologist, a registered nurse, an
 3635 independent advanced practice registered nurse, or an advanced
 3636 practice registered nurse practitioner. A public guardian that
 3637 is a nonprofit corporate guardian under s. 744.309(5) must

3638 receive tax-exempt status from the United States Internal
 3639 Revenue Service.

3640 Section 87. Subsection (6) of section 766.102, Florida
 3641 Statutes, is amended to read:

3642 766.102 Medical negligence; standards of recovery; expert
 3643 witness.—

3644 (6) A physician licensed under chapter 458 or chapter 459
 3645 who qualifies as an expert witness under subsection (5) and who,
 3646 by reason of active clinical practice or instruction of
 3647 students, has knowledge of the applicable standard of care for
 3648 nurses, independent advanced practice registered nurses,
 3649 advanced practice registered nurses ~~nurse practitioners,~~
 3650 ~~certified registered nurse anesthetists, certified registered~~
 3651 ~~nurse midwives,~~ physician assistants, or other medical support
 3652 staff may give expert testimony in a medical negligence action
 3653 with respect to the standard of care of such medical support
 3654 staff.

3655 Section 88. Subsection (3) of section 766.103, Florida
 3656 Statutes, is amended to read:

3657 766.103 Florida Medical Consent Law.—

3658 (3) ~~No~~ Recovery is not ~~shall be~~ allowed in any court in
 3659 this state against any physician licensed under chapter 458,
 3660 osteopathic physician licensed under chapter 459, chiropractic
 3661 physician licensed under chapter 460, podiatric physician
 3662 licensed under chapter 461, dentist licensed under chapter 466,
 3663 independent advanced practice registered nurse registered under

3664 s. 464.0125, advanced practice registered nurse ~~practitioner~~
3665 certified under s. 464.012, or physician assistant licensed
3666 under s. 458.347 or s. 459.022 in an action brought for
3667 treating, examining, or operating on a patient without his or
3668 her informed consent when:

3669 (a)1. The action of the physician, osteopathic physician,
3670 chiropractic physician, podiatric physician, dentist,
3671 independent advanced practice registered nurse, advanced
3672 practice registered nurse ~~practitioner~~, or physician assistant
3673 in obtaining the consent of the patient or another person
3674 authorized to give consent for the patient was in accordance
3675 with an accepted standard of medical practice among members of
3676 the medical profession with similar training and experience in
3677 the same or similar medical community as that of the person
3678 treating, examining, or operating on the patient for whom the
3679 consent is obtained; and

3680 2. A reasonable individual, from the information provided
3681 by the physician, osteopathic physician, chiropractic physician,
3682 podiatric physician, dentist, independent advanced practice
3683 registered nurse, advanced practice registered nurse
3684 ~~practitioner~~, or physician assistant, under the circumstances,
3685 would have a general understanding of the procedure, the
3686 medically acceptable alternative procedures or treatments, and
3687 the substantial risks and hazards inherent in the proposed
3688 treatment or procedures, which are recognized among other
3689 physicians, osteopathic physicians, chiropractic physicians,

3690 | podiatric physicians, or dentists in the same or similar
 3691 | community who perform similar treatments or procedures; or
 3692 | (b) The patient would reasonably, under all the
 3693 | surrounding circumstances, have undergone such treatment or
 3694 | procedure had he or she been advised by the physician,
 3695 | osteopathic physician, chiropractic physician, podiatric
 3696 | physician, dentist, independent advanced practice registered
 3697 | nurse, advanced practice registered nurse ~~practitioner~~, or
 3698 | physician assistant in accordance with the provisions of
 3699 | paragraph (a).

3700 | Section 89. Paragraph (d) of subsection (3) of section
 3701 | 766.1115, Florida Statutes, is amended to read:

3702 | 766.1115 Health care providers; creation of agency
 3703 | relationship with governmental contractors.—

3704 | (3) DEFINITIONS.—As used in this section, the term:

3705 | (d) "Health care provider" or "provider" means:

- 3706 | 1. A birth center licensed under chapter 383.
- 3707 | 2. An ambulatory surgical center licensed under chapter
 3708 | 395.
- 3709 | 3. A hospital licensed under chapter 395.
- 3710 | 4. A physician or physician assistant licensed under
 3711 | chapter 458.
- 3712 | 5. An osteopathic physician or osteopathic physician
 3713 | assistant licensed under chapter 459.
- 3714 | 6. A chiropractic physician licensed under chapter 460.
- 3715 | 7. A podiatric physician licensed under chapter 461.

3716 8. A registered nurse, ~~nurse midwife~~, a licensed practical
 3717 nurse, an independent advanced practice registered nurse, or an
 3718 advanced practice registered nurse ~~practitioner~~ licensed,
 3719 registered, or certified ~~registered~~ under part I of chapter 464
 3720 or any facility that ~~which~~ employs nurses licensed, registered,
 3721 or certified ~~registered~~ under part I of chapter 464 to supply
 3722 all or part of the care delivered under this section.

3723 9. A midwife licensed under chapter 467.

3724 10. A health maintenance organization certificated under
 3725 part I of chapter 641.

3726 11. A health care professional association and its
 3727 employees or a corporate medical group and its employees.

3728 12. Any other medical facility the primary purpose of
 3729 which is to deliver human medical diagnostic services or which
 3730 delivers nonsurgical human medical treatment, and which includes
 3731 an office maintained by a provider.

3732 13. A dentist or dental hygienist licensed under chapter
 3733 466.

3734 14. A free clinic that delivers only medical diagnostic
 3735 services or nonsurgical medical treatment free of charge to all
 3736 low-income recipients.

3737 15. Any other health care professional, practitioner,
 3738 provider, or facility under contract with a governmental
 3739 contractor, including a student enrolled in an accredited
 3740 program that prepares the student for licensure as any one of
 3741 the professionals listed in subparagraphs 4.-9.

3742
 3743 The term includes any nonprofit corporation qualified as exempt
 3744 from federal income taxation under s. 501(a) of the Internal
 3745 Revenue Code, and described in s. 501(c) of the Internal Revenue
 3746 Code, which delivers health care services provided by licensed
 3747 professionals listed in this paragraph, any federally funded
 3748 community health center, and any volunteer corporation or
 3749 volunteer health care provider that delivers health care
 3750 services.

3751 Section 90. Subsection (1) of section 766.1116, Florida
 3752 Statutes, is amended to read:

3753 766.1116 Health care practitioner; waiver of license
 3754 renewal fees and continuing education requirements.—

3755 (1) As used in this section, the term "health care
 3756 practitioner" means a physician or physician assistant licensed
 3757 under chapter 458; an osteopathic physician or physician
 3758 assistant licensed under chapter 459; a chiropractic physician
 3759 licensed under chapter 460; a podiatric physician licensed under
 3760 chapter 461; an independent advanced practice registered nurse,
 3761 an advanced practice registered nurse ~~practitioner~~, a registered
 3762 nurse, or a licensed practical nurse licensed, registered, or
 3763 certified under part I of chapter 464; a dentist or dental
 3764 hygienist licensed under chapter 466; or a midwife licensed
 3765 under chapter 467, who participates as a health care provider
 3766 under s. 766.1115.

3767 Section 91. Paragraph (c) of subsection (1) of section
 3768 766.118, Florida Statutes, is amended to read:

3769 766.118 Determination of noneconomic damages.—

3770 (1) DEFINITIONS.—As used in this section, the term:

3771 (c) "Practitioner" means any person licensed under chapter
 3772 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter
 3773 463, chapter 466, chapter 467, or chapter 486; registered under
 3774 s. 464.0125; or certified under s. 464.012. "Practitioner" also
 3775 means any association, corporation, firm, partnership, or other
 3776 business entity under which such practitioner practices or any
 3777 employee of such practitioner or entity acting in the scope of
 3778 his or her employment. For the purpose of determining the
 3779 limitations on noneconomic damages set forth in this section,
 3780 the term "practitioner" includes any person or entity for whom a
 3781 practitioner is vicariously liable and any person or entity
 3782 whose liability is based solely on such person or entity being
 3783 vicariously liable for the actions of a practitioner.

3784 Section 92. Subsection (3) of section 768.135, Florida
 3785 Statutes, is amended to read:

3786 768.135 Volunteer team practitioners ~~physicians~~;
 3787 immunity.—

3788 (3) A practitioner licensed under chapter 458, chapter
 3789 459, chapter 460, ~~or~~ s. 464.012, or s. 464.0125 who gratuitously
 3790 and in good faith conducts an evaluation pursuant to s.
 3791 1006.20(2)(c) is not liable for any civil damages arising from

3792 that evaluation unless the evaluation was conducted in a
 3793 wrongful manner.

3794 Section 93. Subsection (4) of section 782.071, Florida
 3795 Statutes, is amended to read:

3796 782.071 Vehicular homicide.—"Vehicular homicide" is the
 3797 killing of a human being, or the killing of an unborn child by
 3798 any injury to the mother, caused by the operation of a motor
 3799 vehicle by another in a reckless manner likely to cause the
 3800 death of, or great bodily harm to, another.

3801 (4) In addition to any other punishment, the court may
 3802 order the person to serve 120 community service hours in a
 3803 trauma center or hospital that regularly receives victims of
 3804 vehicle accidents, under the supervision of an independent
 3805 advanced practice registered nurse, an advanced practice
 3806 registered nurse, a registered nurse, an emergency room
 3807 physician, or an emergency medical technician pursuant to a
 3808 voluntary community service program operated by the trauma
 3809 center or hospital.

3810 Section 94. Subsection (5) of section 794.08, Florida
 3811 Statutes, is amended to read:

3812 794.08 Female genital mutilation.—

3813 (5) This section does not apply to procedures performed by
 3814 or under the direction of a physician licensed under chapter
 3815 458;~~7~~ an osteopathic physician licensed under chapter 459;~~7~~ a
 3816 registered nurse ~~licensed under part I of chapter 464,~~ a
 3817 practical nurse ~~licensed under part I of chapter 464,~~ an

3818 independent advanced practice registered nurse, or an advanced
 3819 practice registered nurse licensed, registered, or certified
 3820 ~~practitioner licensed~~ under part I of chapter 464;; a midwife
 3821 licensed under chapter 467;; or a physician assistant licensed
 3822 under chapter 458 or chapter 459, when necessary to preserve the
 3823 physical health of a female person. This section also does not
 3824 apply to any autopsy or limited dissection conducted pursuant to
 3825 chapter 406.

3826 Section 95. Subsection (21) of section 893.02, Florida
 3827 Statutes, is amended to read:

3828 893.02 Definitions.—The following words and phrases as
 3829 used in this chapter shall have the following meanings, unless
 3830 the context otherwise requires:

3831 (21) "Practitioner" means a physician or physician
 3832 assistant licensed under ~~pursuant to~~ chapter 458, a dentist
 3833 licensed under ~~pursuant to~~ chapter 466, a veterinarian licensed
 3834 under ~~pursuant to~~ chapter 474, an osteopathic physician or
 3835 physician assistant licensed under ~~pursuant to~~ chapter 459, a
 3836 naturopath licensed under ~~pursuant to~~ chapter 462, a certified
 3837 optometrist licensed under ~~pursuant to~~ chapter 463, an
 3838 independent advanced practice registered nurse registered under
 3839 s. 464.0125, an advanced practice registered nurse certified
 3840 under s. 464.012, or a podiatric physician licensed under
 3841 ~~pursuant to~~ chapter 461, provided such practitioner holds a
 3842 valid federal controlled substance registry number.

3843 Section 96. Subsection (6) of section 943.13, Florida
 3844 Statutes, is amended to read:

3845 943.13 Officers' minimum qualifications for employment or
 3846 appointment.—On or after October 1, 1984, any person employed or
 3847 appointed as a full-time, part-time, or auxiliary law
 3848 enforcement officer or correctional officer; on or after October
 3849 1, 1986, any person employed as a full-time, part-time, or
 3850 auxiliary correctional probation officer; and on or after
 3851 October 1, 1986, any person employed as a full-time, part-time,
 3852 or auxiliary correctional officer by a private entity under
 3853 contract to the Department of Corrections, to a county
 3854 commission, or to the Department of Management Services shall:

3855 (6) Have passed a physical examination by a licensed
 3856 physician, a physician assistant, an independent advanced
 3857 practice registered nurse, or a certified advanced practice
 3858 registered nurse ~~practitioner~~, based on specifications
 3859 established by the commission. In order to be eligible for the
 3860 presumption set forth in s. 112.18 while employed with an
 3861 employing agency, a law enforcement officer, correctional
 3862 officer, or correctional probation officer must have
 3863 successfully passed the physical examination required by this
 3864 subsection upon entering into service as a law enforcement
 3865 officer, correctional officer, or correctional probation officer
 3866 with the employing agency, which examination must have failed to
 3867 reveal any evidence of tuberculosis, heart disease, or
 3868 hypertension. A law enforcement officer, correctional officer,

3869 or correctional probation officer may not use a physical
 3870 examination from a former employing agency for purposes of
 3871 claiming the presumption set forth in s. 112.18 against the
 3872 current employing agency.

3873 Section 97. Subsection (2) of section 945.603, Florida
 3874 Statutes, is amended to read:

3875 945.603 Powers and duties of authority.—The purpose of the
 3876 authority is to assist in the delivery of health care services
 3877 for inmates in the Department of Corrections by advising the
 3878 Secretary of Corrections on the professional conduct of primary,
 3879 convalescent, dental, and mental health care and the management
 3880 of costs consistent with quality care, by advising the Governor
 3881 and the Legislature on the status of the Department of
 3882 Corrections' health care delivery system, and by assuring that
 3883 adequate standards of physical and mental health care for
 3884 inmates are maintained at all Department of Corrections
 3885 institutions. For this purpose, the authority has the authority
 3886 to:

3887 (2) Review and make recommendations regarding health care
 3888 for the delivery of health care services including, but not
 3889 limited to, acute hospital-based services and facilities,
 3890 primary and tertiary care services, ancillary and clinical
 3891 services, dental services, mental health services, intake and
 3892 screening services, medical transportation services, and the use
 3893 of advanced practice registered nurses ~~nurse practitioner~~ and
 3894 physician assistants ~~assistant personnel~~ to act as physician

3895 extenders as these relate to inmates in the Department of
 3896 Corrections.

3897 Section 98. Subsection (2) of section 960.28, Florida
 3898 Statutes, is amended to read:

3899 960.28 Payment for victims' initial forensic physical
 3900 examinations.—

3901 (2) The Crime Victims' Services Office of the department
 3902 shall pay for medical expenses connected with an initial
 3903 forensic physical examination of a victim of sexual battery as
 3904 defined in chapter 794 or a lewd or lascivious offense as
 3905 defined in chapter 800. Such payment shall be made regardless of
 3906 whether the victim is covered by health or disability insurance
 3907 and whether the victim participates in the criminal justice
 3908 system or cooperates with law enforcement. The payment shall be
 3909 made only out of moneys allocated to the Crime Victims' Services
 3910 Office for the purposes of this section, and the payment may not
 3911 exceed \$500 with respect to any violation. The department shall
 3912 develop and maintain separate protocols for the initial forensic
 3913 physical examination of adults and children. Payment under this
 3914 section is limited to medical expenses connected with the
 3915 initial forensic physical examination, and payment may be made
 3916 to a medical provider using an examiner qualified under part I
 3917 of chapter 464, excluding s. 464.003(17) ~~464.003(16)~~; chapter
 3918 458; or chapter 459. Payment made to the medical provider by the
 3919 department shall be considered by the provider as payment in
 3920 full for the initial forensic physical examination associated

3921 with the collection of evidence. The victim may not be required
 3922 to pay, directly or indirectly, the cost of an initial forensic
 3923 physical examination performed in accordance with this section.

3924 Section 99. Paragraph (i) of subsection (3) of section
 3925 1002.20, Florida Statutes, is amended to read:

3926 1002.20 K-12 student and parent rights.—Parents of public
 3927 school students must receive accurate and timely information
 3928 regarding their child's academic progress and must be informed
 3929 of ways they can help their child to succeed in school. K-12
 3930 students and their parents are afforded numerous statutory
 3931 rights including, but not limited to, the following:

3932 (3) HEALTH ISSUES.—

3933 (i) Epinephrine use and supply.—

3934 1. A student who has experienced or is at risk for life-
 3935 threatening allergic reactions may carry an epinephrine auto-
 3936 injector and self-administer epinephrine by auto-injector while
 3937 in school, participating in school-sponsored activities, or in
 3938 transit to or from school or school-sponsored activities if the
 3939 school has been provided with parental and physician
 3940 authorization. The State Board of Education, in cooperation with
 3941 the Department of Health, shall adopt rules for such use of
 3942 epinephrine auto-injectors that shall include provisions to
 3943 protect the safety of all students from the misuse or abuse of
 3944 auto-injectors. A school district, county health department,
 3945 public-private partner, and their employees and volunteers shall
 3946 be indemnified by the parent of a student authorized to carry an

3947 epinephrine auto-injector for any and all liability with respect
3948 to the student's use of an epinephrine auto-injector pursuant to
3949 this paragraph.

3950 2. A public school may purchase from a wholesale
3951 distributor as defined in s. 499.003 and maintain in a locked,
3952 secure location on its premises a supply of epinephrine auto-
3953 injectors for use if a student is having an anaphylactic
3954 reaction. The participating school district shall adopt a
3955 protocol developed by a licensed physician for the
3956 administration by school personnel who are trained to recognize
3957 an anaphylactic reaction and to administer an epinephrine auto-
3958 injection. The supply of epinephrine auto-injectors may be
3959 provided to and used by a student authorized to self-administer
3960 epinephrine by auto-injector under subparagraph 1. or trained
3961 school personnel.

3962 3. The school district and its employees and agents,
3963 including the physician who provides the standing protocol for
3964 school epinephrine auto-injectors, are not liable for any injury
3965 arising from the use of an epinephrine auto-injector
3966 administered by trained school personnel who follow the adopted
3967 protocol and whose professional opinion is that the student is
3968 having an anaphylactic reaction:

3969 a. Unless the trained school personnel's action is willful
3970 and wanton;

3971 b. Notwithstanding that the parents or guardians of the
3972 student to whom the epinephrine is administered have not been

3973 provided notice or have not signed a statement acknowledging
 3974 that the school district is not liable; and

3975 c. Regardless of whether authorization has been given by
 3976 the student's parents or guardians or by the student's
 3977 physician, a physician ~~physician's~~ assistant, an independent
 3978 advanced practice registered nurse, or an advanced practice
 3979 registered nurse ~~practitioner~~.

3980 Section 100. Paragraph (b) of subsection (17) of section
 3981 1002.42, Florida Statutes, is amended to read:

3982 1002.42 Private schools.—

3983 (17) EPINEPHRINE SUPPLY.—

3984 (b) The private school and its employees and agents,
 3985 including the physician who provides the standing protocol for
 3986 school epinephrine auto-injectors, are not liable for any injury
 3987 arising from the use of an epinephrine auto-injector
 3988 administered by trained school personnel who follow the adopted
 3989 protocol and whose professional opinion is that the student is
 3990 having an anaphylactic reaction:

3991 1. Unless the trained school personnel's action is willful
 3992 and wanton;

3993 2. Notwithstanding that the parents or guardians of the
 3994 student to whom the epinephrine is administered have not been
 3995 provided notice or have not signed a statement acknowledging
 3996 that the school district is not liable; and

3997 3. Regardless of whether authorization has been given by
 3998 the student's parents or guardians or by the student's

3999 | physician, a physician ~~physician's~~ assistant, an independent
 4000 | advanced practice registered nurse, or an advanced practice
 4001 | registered nurse ~~practitioner~~.

4002 | Section 101. Subsections (4) and (5) of section 1006.062,
 4003 | Florida Statutes, are amended to read:

4004 | 1006.062 Administration of medication and provision of
 4005 | medical services by district school board personnel.—

4006 | (4) Nonmedical assistive personnel shall be allowed to
 4007 | perform health-related services upon successful completion of
 4008 | child-specific training by a registered nurse, an independent
 4009 | advanced practice registered nurse, or an advanced practice
 4010 | registered nurse ~~practitioner~~ licensed, registered, or certified
 4011 | under part I of chapter 464; a physician licensed pursuant to
 4012 | chapter 458 or chapter 459;; or a physician assistant licensed
 4013 | pursuant to chapter 458 or chapter 459. All procedures shall be
 4014 | monitored periodically by a nurse, an independent advanced
 4015 | practice registered nurse, an advanced practice registered nurse
 4016 | ~~practitioner,~~ a physician assistant, or a physician, including,
 4017 | but not limited to:

- 4018 | (a) Intermittent clean catheterization.
- 4019 | (b) Gastrostomy tube feeding.
- 4020 | (c) Monitoring blood glucose.
- 4021 | (d) Administering emergency injectable medication.
- 4022 | (5) For all other invasive medical services not listed in
 4023 | this subsection, a registered nurse, an independent advanced
 4024 | practice registered nurse, or an advanced practice registered

4025 nurse ~~practitioner~~ licensed, registered, or certified under part
 4026 I of chapter 464;~~;~~ a physician licensed pursuant to chapter 458
 4027 or chapter 459;~~;~~ or a physician assistant licensed pursuant to
 4028 chapter 458 or chapter 459 shall determine if nonmedical
 4029 district school board personnel shall be allowed to perform such
 4030 service.

4031 Section 102. Paragraph (c) of subsection (2) of section
 4032 1006.20, Florida Statutes, is amended to read:

4033 1006.20 Athletics in public K-12 schools.—

4034 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

4035 (c) The FHSAA shall adopt bylaws that require all students
 4036 participating in interscholastic athletic competition or who are
 4037 candidates for an interscholastic athletic team to
 4038 satisfactorily pass a medical evaluation each year prior to
 4039 participating in interscholastic athletic competition or
 4040 engaging in any practice, tryout, workout, or other physical
 4041 activity associated with the student's candidacy for an
 4042 interscholastic athletic team. Such medical evaluation may be
 4043 administered only by a practitioner licensed under chapter 458,
 4044 chapter 459, chapter 460, ~~or~~ s. 464.012, or s. 464.0125, and in
 4045 good standing with the practitioner's regulatory board. The
 4046 bylaws shall establish requirements for eliciting a student's
 4047 medical history and performing the medical evaluation required
 4048 under this paragraph, which shall include a physical assessment
 4049 of the student's physical capabilities to participate in
 4050 interscholastic athletic competition as contained in a uniform

4051 preparticipation physical evaluation and history form. The
4052 evaluation form shall incorporate the recommendations of the
4053 American Heart Association for participation cardiovascular
4054 screening and shall provide a place for the signature of the
4055 practitioner performing the evaluation with an attestation that
4056 each examination procedure listed on the form was performed by
4057 the practitioner or by someone under the direct supervision of
4058 the practitioner. The form shall also contain a place for the
4059 practitioner to indicate if a referral to another practitioner
4060 was made in lieu of completion of a certain examination
4061 procedure. The form shall provide a place for the practitioner
4062 to whom the student was referred to complete the remaining
4063 sections and attest to that portion of the examination. The
4064 preparticipation physical evaluation form shall advise students
4065 to complete a cardiovascular assessment and shall include
4066 information concerning alternative cardiovascular evaluation and
4067 diagnostic tests. Results of such medical evaluation must be
4068 provided to the school. No student shall be eligible to
4069 participate in any interscholastic athletic competition or
4070 engage in any practice, tryout, workout, or other physical
4071 activity associated with the student's candidacy for an
4072 interscholastic athletic team until the results of the medical
4073 evaluation have been received and approved by the school.

4074 Section 103. Subsection (1) and paragraph (a) of
4075 subsection (2) of section 1009.65, Florida Statutes, are amended
4076 to read:

4077 1009.65 Medical Education Reimbursement and Loan Repayment
 4078 Program.—

4079 (1) To encourage qualified medical professionals to
 4080 practice in underserved locations where there are shortages of
 4081 such personnel, there is established the Medical Education
 4082 Reimbursement and Loan Repayment Program. The function of the
 4083 program is to make payments that offset loans and educational
 4084 expenses incurred by students for studies leading to a medical
 4085 or nursing degree, medical or nursing licensure, or advanced
 4086 practice registered nurse ~~practitioner~~ certification or
 4087 physician assistant licensure. The following licensed or
 4088 certified health care professionals are eligible to participate
 4089 in this program: medical doctors with primary care specialties,
 4090 doctors of osteopathic medicine with primary care specialties,
 4091 physician ~~physician's~~ assistants, licensed practical nurses and
 4092 registered nurses, and advanced practice registered nurses ~~nurse~~
 4093 ~~practitioners~~ with primary care specialties such as certified
 4094 nurse midwives. Primary care medical specialties for physicians
 4095 include obstetrics, gynecology, general and family practice,
 4096 internal medicine, pediatrics, and other specialties which may
 4097 be identified by the Department of Health.

4098 (2) From the funds available, the Department of Health
 4099 shall make payments to selected medical professionals as
 4100 follows:

4101 (a) Up to \$4,000 per year for licensed practical nurses
 4102 and registered nurses, up to \$10,000 per year for advanced

4103 practice registered nurses ~~nurse practitioners~~ and physician
 4104 ~~physician's~~ assistants, and up to \$20,000 per year for
 4105 physicians. Penalties for noncompliance shall be the same as
 4106 those in the National Health Services Corps Loan Repayment
 4107 Program. Educational expenses include costs for tuition,
 4108 matriculation, registration, books, laboratory and other fees,
 4109 other educational costs, and reasonable living expenses as
 4110 determined by the Department of Health.

4111 Section 104. Subsection (2) of section 1009.66, Florida
 4112 Statutes, is amended to read:

4113 1009.66 Nursing Student Loan Forgiveness Program.—

4114 (2) To be eligible, a candidate must have graduated from
 4115 an accredited or approved nursing program and have received a
 4116 Florida license as a licensed practical nurse or a registered
 4117 nurse or a Florida certificate as an advanced practice
 4118 registered nurse ~~practitioner~~.

4119 Section 105. Subsection (3) of section 1009.67, Florida
 4120 Statutes, is amended to read:

4121 1009.67 Nursing scholarship program.—

4122 (3) A scholarship may be awarded for no more than 2 years,
 4123 in an amount not to exceed \$8,000 per year. However, registered
 4124 nurses pursuing a graduate degree for a faculty position or to
 4125 practice as an advanced practice registered nurse ~~practitioner~~
 4126 may receive up to \$12,000 per year. These amounts shall be
 4127 adjusted by the amount of increase or decrease in the Consumer
 4128 Price Index for All Urban Consumers published by the United

CS/HB 547

2015

4129 | States Department of Commerce.

4130 | Section 106. This act shall take effect July 1, 2015.