

1                   A bill to be entitled  
2           An act relating to diabetes educator practice;  
3           creating part XVII of chapter 468, F.S., entitled  
4           "Diabetes Educators Practice Act"; creating s.  
5           468.931, F.S.; providing legislative findings and  
6           intent; creating s. 468.932, F.S.; providing  
7           definitions; creating s. 468.933, F.S.; prohibiting a  
8           person from engaging in diabetes education or diabetes  
9           self-management education or training unless he or she  
10          holds a certain license; creating s. 468.934, F.S.;  
11          providing applicability; creating s. 468.935, F.S.;  
12          authorizing the Board of Medicine to adopt rules;  
13          creating s. 468.936, F.S.; requiring the board to  
14          establish licensure and other fees; creating s.  
15          468.937, F.S.; providing requirements for licensure as  
16          a diabetes educator; creating s. 468.938, F.S.;  
17          authorizing the use of certain titles by a licensed  
18          diabetes educator; requiring the display of licenses;  
19          creating s. 468.939, F.S.; providing for licensure by  
20          endorsement; providing an exception; creating s.  
21          468.940, F.S.; providing requirements for license  
22          renewal; requiring the board to adopt rules; creating  
23          s. 468.941, F.S.; authorizing the reactivation of  
24          inactive licenses in certain circumstances; requiring  
25          the board to adopt rules; creating s. 468.942, F.S.;  
26          providing prohibitions and penalties; creating s.

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27 468.943, F.S.; specifying grounds for denial of  
28 licensure or disciplinary action; amending s. 468.506,  
29 F.S.; revising membership and duties of the Dietetics  
30 and Nutrition Practice Council; requiring the council  
31 to ensure that diabetes educators meet certain  
32 requirements; providing an effective date.  
33

34 Be It Enacted by the Legislature of the State of Florida:  
35

36 Section 1. Part XVII of chapter 468, Florida Statutes,  
37 consisting of ss. 468.931-468.943, Florida Statutes, is created  
38 and entitled "Diabetes Educators Practice Act."

39 Section 2. Section 468.931, Florida Statutes, is created  
40 to read:

41 468.931 Legislative findings and intent.—The Legislature  
42 finds that the practice of diabetes education and diabetes self-  
43 management education or training (DSME/DSMT) requires a highly  
44 skilled and educated workforce to protect the public health and  
45 safety. The Legislature further finds that it is difficult for  
46 the public to make informed choices about diabetes education and  
47 that the consequences of unhealthy choices could seriously  
48 endanger the public health and safety. The sole legislative  
49 purpose in enacting this part is to ensure that every person who  
50 practices diabetes education and DSME/DSMT in this state meets  
51 minimum requirements for safe practice. It is the intent of the  
52 Legislature that any person practicing diabetes education or

53 DSME/DSMT who falls below minimum competency or who otherwise  
54 presents a danger to the public be prohibited from practicing in  
55 this state. It is also the intent of the Legislature that the  
56 practice of diabetes education be authorized and regulated  
57 solely within the limits expressly provided by this part and  
58 rules adopted under this part.

59 Section 3. Section 468.932, Florida Statutes, is created  
60 to read:

61 468.932 Definitions.—As used in this part, the term:

62 (1) "Board" means the Board of Medicine.

63 (2) "Board Certified-Advanced Diabetes Management" or "BC-  
64 ADM" means a health professional who has passed the Board  
65 Certified-Advanced Diabetes Management (BC-ADM) examination  
66 administered by the American Association of Diabetes Educators.

67 (3) "Certified diabetes educator" or "CDE" means a health  
68 professional who possesses comprehensive knowledge of and  
69 experience in prediabetes, diabetes prevention, and DSME/DSMT  
70 and who has passed the National Certification Board for Diabetes  
71 Educators (NCBDE) certification examination for diabetes  
72 educators.

73 (4) "Council" means the Dietetics and Nutrition Practice  
74 Council created by s. 468.506, which regulates the licensure of  
75 diabetes educators under the direct supervision of the board.

76 (5) "Department" means the Department of Health.

77 (6) "Diabetes self-management education or training" or  
78 "DSME/DSMT" means educational services provided for diabetes

79 self-management included in the national standards published by  
80 the American Association of Diabetes Educators.

81 (7) "Licensed diabetes educator" or "LDE" means a person  
82 who has met all of the requirements of this part to receive a  
83 license pursuant to s. 468.937.

84 (8) "Person" means a natural person.

85 (9) "Practice of diabetes education or DSME/DSMT" means  
86 the assessment and development of a plan of care for a person  
87 with or at risk for diabetes, the evaluation of the person's  
88 outcome, and the compiling of a complete record of the person's  
89 experience and followup care.

90 Section 4. Section 468.933, Florida Statutes, is created  
91 to read:

92 468.933 License required.—A person may not engage for  
93 remuneration in diabetes education or DSME/DSMT or hold himself  
94 or herself out as a practitioner of diabetes education or  
95 DSME/DSMT unless he or she is licensed in accordance with this  
96 part.

97 Section 5. Section 468.934, Florida Statutes, is created  
98 to read:

99 468.934 Application.—This part does not prohibit:

100 (1) A person licensed in this state under chapter 458,  
101 chapter 459, chapter 461, chapter 463, part I of chapter 464,  
102 chapter 465, chapter 466, part III or part X of this chapter, or  
103 chapter 486 when engaging in the profession or occupation for  
104 which he or she is licensed, or any person employed by and

105 performing tasks or activities under the supervision of the  
106 licensee, from rendering services within the scope of the  
107 profession or occupation of the licensee.

108 (2) A person who is employed by the Federal Government or  
109 any bureau, division, or agency of the Federal Government from  
110 discharging his or her official duties.

111 (3) A person who is a diabetes educator licensed under the  
112 laws of another state or territory of the United States or  
113 another country whose licensure requirements are equal to or  
114 more stringent than those defined in this part from engaging in  
115 diabetes education or DSME/DSMT.

116 Section 6. Section 468.935, Florida Statutes, is created  
117 to read:

118 468.935 Authority to adopt rules.—The board may adopt  
119 rules pursuant to ss. 120.536(1) and 120.54 to implement this  
120 part and chapter 456. The powers and duties of the board as set  
121 forth in this part are supplemental and additional to those  
122 conferred upon the board by chapter 458 and do not limit or  
123 supersede the powers and duties of the board under that chapter.

124 Section 7. Section 468.936, Florida Statutes, is created  
125 to read:

126 468.936 Fees.—The board shall establish by rule the  
127 following fees, which must be adequate to administer and  
128 implement this part:

129 (1) A nonrefundable application fee, which may not exceed  
130 \$100.

131 (2) An initial licensure fee, which may not exceed \$100.

132 (3) A biennial renewal fee, which may not exceed \$50.

133 (4) A fee for licensure by endorsement, which may not  
 134 exceed \$350.

135 (5) A fee for a temporary permit, which may not exceed  
 136 \$100.

137 (6) A fee for reactivation of an inactive license, which  
 138 may not exceed \$50.

139 (7) Fees for application and certification verification,  
 140 recordmaking, and recordkeeping, respectively.

141 Section 8. Section 468.937, Florida Statutes, is created  
 142 to read:

143 468.937 Licensure requirements.—To qualify for a license  
 144 to practice as a diabetes educator, a person shall submit a  
 145 written application on forms provided by the board verifying to  
 146 the satisfaction of the board that the applicant:

147 (1) Has passed the National Certification Board of  
 148 Diabetes Educators (NCBDE) certification examination and has  
 149 received certification as a Certified Diabetes Educator (CDE);

150 (2) Has passed the American Association of Diabetes  
 151 Educators Board Certified—Advanced Diabetes Management (BC-ADM)  
 152 certification examination and has received the BC-ADM  
 153 certification;

154 (3) Is a clinical psychologist, registered nurse,  
 155 occupational therapist, optometrist, pharmacist, physical  
 156 therapist, physician, osteopathic physician, podiatric

157 physician, licensed dietitian/nutritionist, registered dietician  
158 or registered dietician/nutritionist, or physician assistant who  
159 holds a current, active, unrestricted license in this state, has  
160 completed a minimum of 250 hours of diabetes self-management  
161 education or training as defined in s. 468.932(6), with at least  
162 40 percent of those hours earned in the 12 months immediately  
163 before application, and has taken and passed the NCBDE  
164 certification examination;

165 (4) Holds the Certified Clinical Exercise Physiologist  
166 (ACSM CEP) certification or the Registered Clinical Exercise  
167 Physiologist (ACSM RCEP) certification from the American College  
168 of Sports Medicine (ACSM), has completed a minimum of 250 hours  
169 of diabetes self-management education or training as defined in  
170 s. 468.932(6), with at least 40 percent of those hours earned in  
171 the 12 months immediately before application, and has taken and  
172 passed the NCBDE certification examination; or

173 (5) Is a health professional holding a master's degree or  
174 higher in social work from a United States college or university  
175 accredited by a nationally recognized regional accrediting body,  
176 has completed a minimum of 250 hours of diabetes self-management  
177 education or training as defined in s. 468.932(6), with at least  
178 40 percent of those hours earned in the 12 months immediately  
179 before application, and has taken and passed the NCBDE  
180 certification examination.

181 Section 9. Section 468.938, Florida Statutes, is created  
182 to read:

183 468.938 License to be displayed.—

184 (1) A licensed diabetes educator may use the term  
 185 "licensed diabetes educator" or "LDE" in connection with his or  
 186 her name or place of business to denote licensure under this  
 187 part.

188 (2) Each person who is issued a license under this part  
 189 shall conspicuously display the license in his or her office,  
 190 place of business, or place of employment and shall exhibit such  
 191 license to any member or authorized representative of the board  
 192 as required by board rule.

193 Section 10. Section 468.939, Florida Statutes, is created  
 194 to read:

195 468.939 Licensure by endorsement.—

196 (1) The council shall issue a license by endorsement to an  
 197 applicant whom the board certifies as qualified upon receipt of  
 198 a completed application and the fee specified in s. 468.936(4).

199 (2) The board shall certify as qualified for licensure by  
 200 endorsement under this section an applicant who:

201 (a) Presents evidence satisfactory to the board that he or  
 202 she holds a BC-ADM or CDE certification; or

203 (b) Holds a valid license to practice diabetes education  
 204 or DSME/DSMT issued by another state, district, or territory of  
 205 the United States if the board determines that the criteria for  
 206 the issuance of such a license are substantially equivalent to  
 207 or more stringent than those of this state.

208 (3) The council may not issue a license by endorsement



209 under this section to an applicant who is under investigation in  
 210 any jurisdiction for any act that would constitute a violation  
 211 of this part or chapter 456 until the investigation is complete  
 212 and disciplinary proceedings have been terminated.

213 Section 11. Section 468.940, Florida Statutes, is created  
 214 to read:

215 468.940 Renewal of license.-

216 (1) The council shall renew a license under this part upon  
 217 receipt of the renewal application and the fee specified in s.  
 218 468.936(3) and upon the licensee's successful completion of 75  
 219 hours of continuing education over 5 years or 15 hours of  
 220 continuing education per year. For the biennial renewal, the  
 221 requirement is the successful completion of 30 hours of  
 222 continuing education during the 2-year license period.

223 (2) The board shall adopt rules establishing a procedure  
 224 for the biennial renewal of licenses under this part.

225 Section 12. Section 468.941, Florida Statutes, is created  
 226 to read:

227 468.941 Reactivation of license.-

228 (1) The board shall adopt rules relating to inactive  
 229 licenses and for the reactivation of such licenses. The board  
 230 shall also prescribe by rule continuing education requirements  
 231 for reactivation of a license, which may not exceed 20 hours for  
 232 each year the license was inactive.

233 (2) A license issued under this part which has become  
 234 inactive may be reactivated upon receipt by the council of a

235 reactivation application, the fee specified in s. 468.936(6),  
236 and proof of the successful completion of continuing education  
237 required by the NBCDE and board rule.

238 Section 13. Section 468.942, Florida Statutes, is created  
239 to read:

240 468.942 Prohibitions; penalties.—

241 (1) A person may not knowingly:

242 (a) Engage in diabetes education or the practice of  
243 DSME/DSMT for remuneration unless the person is licensed under  
244 this part.

245 (b) Use the name or title "LDE," "licensed diabetes  
246 educator," "diabetes specialist," "diabetes educator," or any  
247 other words, letters, abbreviations, or insignia indicating or  
248 implying that he or she is a diabetes educator, or holds himself  
249 or herself out as such, unless the person is licensed under this  
250 part.

251 (c) Present as his or her own the license of another.

252 (d) Give false or forged evidence to the board or a member  
253 of the board.

254 (e) Use or attempt to use a license that has been  
255 suspended, revoked, or placed on inactive or delinquent status.

256 (f) Employ unlicensed persons to engage in diabetes  
257 education or DSME/DSMT.

258 (g) Conceal information relative to a violation of this  
259 part.

260 (2) A person who violates this section commits a

261 misdemeanor of the first degree, punishable as provided in s.  
 262 775.082 or s. 775.083.

263 Section 14. Section 468.943, Florida Statutes, is created  
 264 to read:

265 468.943 Grounds for disciplinary action.—

266 (1) The following acts constitute grounds for denial of a  
 267 license or for disciplinary action as specified in s.  
 268 456.072(2):

269 (a) Violating this part, a board rule adopted pursuant to  
 270 this part, or a lawful order of the board or council previously  
 271 entered in a disciplinary hearing held pursuant to this part or  
 272 failing to comply with a lawfully issued subpoena of the  
 273 department, board, or council. This paragraph also applies to an  
 274 order or a subpoena previously issued by the department during  
 275 its period of regulatory control over this part.

276 (b) Being unable to engage in diabetes education or  
 277 DSME/DSMT with reasonable skill and safety to patients by reason  
 278 of illness; use of alcohol, drugs, narcotics, chemicals, or any  
 279 other substance; or any mental or physical condition.

280 1. A licensee whose license is suspended or revoked  
 281 pursuant to this paragraph shall, at reasonable intervals, be  
 282 given an opportunity to demonstrate that he or she can resume  
 283 the competent practice of diabetes education or DSME/DSMT with  
 284 reasonable skill and safety to patients.

285 2. The record of the proceeding or the orders entered by  
 286 the board in a proceeding under this paragraph may not be used

287 against a licensee in any other proceeding.

288 (c) Attempting to procure or procuring a license to  
 289 practice diabetes education or DSME/DSMT by fraud or material  
 290 misrepresentation of material fact.

291 (d) Having a license to practice diabetes education or  
 292 DSME/DSMT revoked, suspended, or otherwise acted against,  
 293 including the denial of licensure by the licensing authority of  
 294 another state, district, territory, or country.

295 (e) Being convicted or found guilty of, or entering a plea  
 296 of nolo contendere to, regardless of adjudication, a crime in  
 297 any jurisdiction which directly relates to the practice of or  
 298 the ability to practice diabetes education or DSME/DSMT.

299 (f) Making or filing a report or record, signed in the  
 300 licensee's capacity as a licensed diabetes educator, which he or  
 301 she knows to be false or willfully failing to file a signed  
 302 report or record required by state or federal law, willfully  
 303 impeding or obstructing such a filing, or inducing another  
 304 person to impede or obstruct such a filing.

305 (g) Advertising goods or services in a manner that is  
 306 fraudulent, false, deceptive, or misleading in form or content.

307 (h) Committing an act of fraud or deceit, or of  
 308 negligence, incompetency, or misconduct in the practice of  
 309 diabetes education or DSME/DSMT.

310 (i) Practicing with a license that has been suspended,  
 311 revoked, or placed on inactive or delinquent status.

312 (j) Treating or attempting to treat human ailments by

313 means other than diabetes education or DSME/DSMT.

314 (k) Failing to maintain acceptable standards of practice  
315 as set forth by the board and the council in rules adopted under  
316 this part.

317 (l) Engaging directly or indirectly in the dividing,  
318 transferring, assigning, rebating, or refunding of fees received  
319 for professional services, or profiting by means of a credit or  
320 other valuable consideration, such as an unearned commission, a  
321 discount, or a gratuity, with a person referring a patient or  
322 with a relative or business associate of the referring person.  
323 This part does not prohibit the members of a regularly and  
324 properly organized business entity that is composed of licensees  
325 under this part and recognized under the laws of this state from  
326 making any division of their total fees among themselves as they  
327 determine necessary.

328 (m) Advertising, by or on behalf of a licensee under this  
329 part, a method of assessment or treatment that is experimental  
330 or without generally accepted scientific validation.

331 (n) Violating this chapter, chapter 456, or a rule adopted  
332 thereunder.

333 (2) The council shall reissue the license of a disciplined  
334 diabetes educator upon certification by the board that the  
335 disciplined diabetes educator has complied with the terms and  
336 conditions set forth in the final order of the board  
337 disciplining the diabetes educator.

338 Section 15. Section 468.506, Florida Statutes, is amended

339 to read:

340 468.506 Dietetics and Nutrition Practice Council.—There is  
341 created the Dietetics and Nutrition Practice Council under the  
342 supervision of the board. The council shall consist of three  
343 ~~four~~ persons licensed under this part, one person licensed under  
344 part XVII, and one consumer who is 60 years of age or older.  
345 Council members shall be appointed by the board. Licensed  
346 members shall be appointed based on the proportion of licensees  
347 within each of the respective disciplines. Members shall be  
348 appointed for 4-year staggered terms. In order to be eligible  
349 for appointment, each licensed member must have been a licensee  
350 under this part or part XVII for at least 3 years before ~~prior~~  
351 ~~to~~ his or her appointment. A ~~No~~ council member may not ~~shall~~  
352 serve more than two successive terms. The board may delegate  
353 such powers and duties to the council as it may deem proper to  
354 carry out the operations and procedures necessary to effectuate  
355 ~~the provisions of~~ this part. However, the powers and duties  
356 delegated to the council by the board must encompass both  
357 dietetics and nutrition practice and nutrition counseling. The  
358 council shall also operate under the supervision of the board to  
359 ensure that diabetes educators in this state meet at least the  
360 minimum requirements for the safe practice of diabetes education  
361 or DSME/DSMT. In addition to being responsible for licensing,  
362 monitoring, disciplining, and educating dietitians,  
363 nutritionists, and nutrition counselors, the council is  
364 responsible for licensing, monitoring, and disciplining diabetes

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365 educators to ensure patient safety and competency to practice in  
366 this state. Any time there is a vacancy on the council, any  
367 professional association composed of persons licensed under this  
368 part or part XVII may recommend licensees to fill the vacancy to  
369 the board in a number at least twice the number of vacancies to  
370 be filled, and the board may appoint from the submitted list, ~~in~~  
371 ~~its discretion, any of those persons so recommended.~~ Any  
372 professional association composed of persons licensed under this  
373 part or part XVII may file an appeal regarding a council  
374 appointment with the State Surgeon General, whose decision shall  
375 be final. The board shall fix council members' compensation and  
376 pay their expenses in the same manner as provided in s. 456.011.  
377 Section 16. This act shall take effect January 1, 2018.