

1 A bill to be entitled
2 An act relating to licensure of health care
3 professionals; amending s. 381.0034, F.S.; deleting
4 the requirement that applicants making initial
5 application for certain licensure complete certain
6 courses; amending s. 456.013, F.S.; revising course
7 requirements for renewing a certain license; amending
8 s. 456.024, F.S.; providing for the issuance of a
9 license to practice under certain conditions to a
10 military health care practitioner in a profession for
11 which licensure in a state or jurisdiction is not
12 required to practice in the military; providing for
13 the issuance of a temporary professional license under
14 certain conditions to the spouse of an active duty
15 member of the Armed Forces of the United States who is
16 a healthcare practitioner in a profession for which
17 licensure in a state or jurisdiction may not be
18 required; deleting the requirement that an applicant
19 who is issued a temporary professional license to
20 practice as a dentist must practice under the indirect
21 supervision of a licensed dentist; amending s.
22 456.025, F.S.; deleting the requirement for an annual
23 meeting of chairpersons of Division of Medical Quality
24 Assurance boards and professions; deleting the
25 requirement that certain recommendations be included
26 in a report to the Legislature; deleting a requirement

27 | that the Department of Health set license fees and
28 | recommend fee cap increases in certain circumstances;
29 | providing that a profession may operate at a deficit
30 | for a certain time period; deleting a provision
31 | authorizing the department to advance funds under
32 | certain circumstances; deleting a requirement that the
33 | department implement an electronic continuing
34 | education tracking system; authorizing the department
35 | to waive specified costs under certain circumstances;
36 | revising legislative intent; deleting a prohibition
37 | against the expenditure of funds by the department
38 | from the account of a profession to pay for the
39 | expenses of another profession; deleting a requirement
40 | that the department include certain information in an
41 | annual report to the Legislature; creating s.
42 | 456.0361, F.S.; requiring the department to establish
43 | an electronic continuing education tracking system;
44 | prohibiting the department from renewing a license
45 | unless the licensee has complied with all continuing
46 | education requirements; authorizing the department to
47 | adopt rules; amending s. 456.057, F.S.; revising a
48 | provision for a person or an entity appointed by the
49 | board to be approved by the department; authorizing
50 | the department to contract with a third party to
51 | provide record custodian services; amending s.
52 | 456.0635, F.S.; deleting a provision on applicability

53 relating to the issuance of licenses; amending s.
54 456.076, F.S.; defining terms; providing for approval
55 of treatment programs by department rule; providing
56 that the department is not responsible for paying for
57 the care provided by approved treatment programs or
58 for consultant services; deleting a requirement for a
59 communication from a consultant to the State Surgeon
60 General; conforming provisions to changes made by the
61 act; amending s. 457.107, F.S.; deleting a provision
62 authorizing the Board of Acupuncture to request
63 certain documentation from applicants; amending s.
64 458.347, F.S.; deleting a requirement that a physician
65 assistant file a signed affidavit with the department;
66 amending s. 463.007, F.S.; making technical changes;
67 amending s. 464.203, F.S.; revising inservice training
68 requirements for certified nursing assistants;
69 deleting a rulemaking requirement; repealing s.
70 464.2085, F.S., relating to the Council on Certified
71 Nursing Assistants; amending s. 465.0276, F.S.;
72 deleting a requirement that the department inspect
73 certain facilities; amending s. 466.0135, F.S.;
74 deleting a requirement that a dentist file a signed
75 affidavit with the department; deleting a provision
76 authorizing the Board of Dentistry to request certain
77 documentation from applicants; amending s. 466.014,
78 F.S.; deleting a requirement that a dental hygienist

79 | file a signed affidavit with the department; deleting
 80 | a provision authorizing the board to request certain
 81 | documentation from applicants; amending s. 466.032,
 82 | F.S.; deleting a requirement that a dental laboratory
 83 | file a signed affidavit with the department; deleting
 84 | a provision authorizing the department to request
 85 | certain documentation from applicants; repealing s.
 86 | 468.1201, F.S., relating to a requirement for
 87 | instruction on human immunodeficiency virus and
 88 | acquired immune deficiency syndrome; amending s.
 89 | 483.901, F.S.; deleting provisions relating to the
 90 | Advisory Council of Medical Physicists in the
 91 | department; authorizing the department to issue
 92 | temporary licenses in certain circumstances;
 93 | authorizing the department to adopt rules; amending s.
 94 | 484.047, F.S.; deleting a requirement for a written
 95 | statement from an applicant in certain circumstances;
 96 | amending s. 486.109, F.S.; deleting a provision
 97 | authorizing the department to conduct a random audit
 98 | for certain information; amending ss. 458.331,
 99 | 459.015, 499.028, and 921.0022, F.S.; conforming
 100 | cross-references; providing an effective date.

101

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

103

104 | Section 1. Subsection (3) of section 381.0034, Florida

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105 Statutes, is amended to read:

106 381.0034 Requirement for instruction on HIV and AIDS.—

107 (3) The department shall require, as a condition of
 108 granting a license under chapter 467 or part III of chapter 483
 109 ~~the chapters specified in subsection (1)~~, that an applicant
 110 making initial application for licensure complete an educational
 111 course acceptable to the department on human immunodeficiency
 112 virus and acquired immune deficiency syndrome. Upon submission
 113 of an affidavit showing good cause, an applicant who has not
 114 taken a course at the time of licensure must ~~shall~~, ~~upon an~~
 115 ~~affidavit showing good cause~~, be allowed 6 months to complete
 116 this requirement.

117 Section 2. Subsection (7) of section 456.013, Florida
 118 Statutes, is amended to read:

119 456.013 Department; general licensing provisions.—

120 (7) The boards, or the department when there is no board,
 121 shall require the completion of a 2-hour course relating to
 122 prevention of medical errors as part of the biennial licensure
 123 ~~and~~ renewal process. The 2-hour course counts toward ~~shall count~~
 124 ~~towards~~ the total number of continuing education hours required
 125 for the profession. The course must ~~shall~~ be approved by the
 126 board or department, as appropriate, and must ~~shall~~ include a
 127 study of root-cause analysis, error reduction and prevention,
 128 and patient safety. In addition, the course approved by the
 129 Board of Medicine and the Board of Osteopathic Medicine must
 130 ~~shall~~ include information relating to the five most misdiagnosed

131 conditions during the previous biennium, as determined by the
 132 board. If the course is being offered by a facility licensed
 133 pursuant to chapter 395 for its employees, the board may approve
 134 up to 1 hour of the 2-hour course to be specifically related to
 135 error reduction and prevention methods used in that facility.

136 Section 3. Paragraph (a) of subsection (3) and paragraphs
 137 (a) and (j) of subsection (4) of section 456.024, Florida
 138 Statutes, are amended to read:

139 456.024 Members of Armed Forces in good standing with
 140 administrative boards or the department; spouses; licensure.—

141 (3) A person who serves or has served as a health care
 142 practitioner in the United States Armed Forces, United States
 143 Reserve Forces, or the National Guard or a person who serves or
 144 has served on active duty with the United States Armed Forces as
 145 a health care practitioner in the United States Public Health
 146 Service is eligible for licensure in this state. The department
 147 shall develop an application form, and each board, or the
 148 department if there is no board, shall waive the application
 149 fee, licensure fee, and unlicensed activity fee for such
 150 applicants. For purposes of this subsection, "health care
 151 practitioner" means a health care practitioner as defined in s.
 152 456.001 and a person licensed under part III of chapter 401 or
 153 part IV of chapter 468.

154 (a) The board, or department if there is no board, shall
 155 issue a license to practice in this state to a person who:

156 1. Submits a complete application.

157 2. Receives an honorable discharge within 6 months before,
158 or will receive an honorable discharge within 6 months after,
159 the date of submission of the application.

160 3. Holds an active, unencumbered license issued by another
161 state, the District of Columbia, or a possession or territory of
162 the United States and who has not had disciplinary action taken
163 against him or her in the 5 years preceding the date of
164 submission of the application, or who is a military health care
165 practitioner in a profession for which licensure in a state or
166 jurisdiction is not required to practice in the United States
167 Armed Services, who provides evidence of military training or
168 experience substantially equivalent to the requirements for
169 licensure in this state in that profession, and who obtained a
170 passing score on the appropriate examination of a national
171 standards organization if required for licensure in this state.

172 4. Attests that he or she is not, at the time of
173 submission, the subject of a disciplinary proceeding in a
174 jurisdiction in which he or she holds a license or by the United
175 States Department of Defense for reasons related to the practice
176 of the profession for which he or she is applying.

177 5. Actively practiced the profession for which he or she
178 is applying for the 3 years preceding the date of submission of
179 the application.

180 6. Submits a set of fingerprints for a background
181 screening pursuant to s. 456.0135, if required for the
182 profession for which he or she is applying.

183
184 The department shall verify information submitted by the
185 applicant under this subsection using the National Practitioner
186 Data Bank.

187 (4) (a) The board, or the department if there is no board,
188 may issue a temporary professional license to the spouse of an
189 active duty member of the Armed Forces of the United States who
190 submits to the department:

191 1. A completed application upon a form prepared and
192 furnished by the department in accordance with the board's
193 rules;

194 2. The required application fee;

195 3. Proof that the applicant is married to a member of the
196 Armed Forces of the United States who is on active duty;

197 4. Proof that the applicant holds a valid license for the
198 profession issued by another state, the District of Columbia, or
199 a possession or territory of the United States, and is not the
200 subject of any disciplinary proceeding in any jurisdiction in
201 which the applicant holds a license to practice a profession
202 regulated by this chapter, or is a health care practitioner in a
203 profession for which licensure in another state or jurisdiction
204 may not be required, who provides evidence of training or
205 experience substantially equivalent to the requirements for
206 licensure in this state in that profession and proof of a
207 passing score on the appropriate examination of a national
208 standards organization if required for licensure in this state;

209 | and

210 | 5. Proof that the applicant's spouse is assigned to a duty
211 | station in this state pursuant to the member's official active
212 | duty military orders.~~;~~~~and~~

213 | ~~6. Proof that the applicant would otherwise be entitled to~~
214 | ~~full licensure under the appropriate practice act, and is~~
215 | ~~eligible to take the respective licensure examination as~~
216 | ~~required in Florida.~~

217 | ~~(j) An applicant who is issued a temporary professional~~
218 | ~~license to practice as a dentist pursuant to this section must~~
219 | ~~practice under the indirect supervision, as defined in s.~~
220 | ~~466.003, of a dentist licensed pursuant to chapter 466.~~

221 | Section 4. Present subsections (3) through (11) of section
222 | 456.025, Florida Statutes, are redesignated as subsections (2)
223 | through (10), respectively, and present subsections (2), (3),
224 | (7), and (8) of that section are amended, to read:

225 | 456.025 Fees; receipts; disposition.-

226 | ~~(2) The chairpersons of the boards and councils listed in~~
227 | ~~s. 20.43(3)(g) shall meet annually at division headquarters to~~
228 | ~~review the long-range policy plan required by s. 456.005 and~~
229 | ~~current and proposed fee schedules. The chairpersons shall make~~
230 | ~~recommendations for any necessary statutory changes relating to~~
231 | ~~fees and fee caps. Such recommendations shall be compiled by the~~
232 | ~~Department of Health and be included in the annual report to the~~
233 | ~~Legislature required by s. 456.026 as well as be included in the~~
234 | ~~long-range policy plan required by s. 456.005.~~

235 (2)~~(3)~~ Each board within the jurisdiction of the
236 department, or the department when there is no board, shall
237 determine by rule the amount of license fees for the profession
238 it regulates, based upon long-range estimates prepared by the
239 department of the revenue required to implement laws relating to
240 the regulation of professions by the department and the board.
241 Each board, or the department if there is no board, shall ensure
242 that license fees are adequate to cover all anticipated costs
243 and to maintain a reasonable cash balance, as determined by rule
244 of the agency, with advice of the applicable board. ~~If~~
245 ~~sufficient action is not taken by a board within 1 year after~~
246 ~~notification by the department that license fees are projected~~
247 ~~to be inadequate, the department shall set license fees on~~
248 ~~behalf of the applicable board to cover anticipated costs and to~~
249 ~~maintain the required cash balance. The department shall include~~
250 ~~recommended fee cap increases in its annual report to the~~
251 ~~Legislature.~~ Further, it is the intent of the Legislature
252 ~~legislative intent~~ that a ~~no~~ regulated profession not operate
253 with a negative cash balance. If, however, a profession's fees
254 are at their statutory fee cap and the requirements of
255 subsections (1) and (4) are met, a profession may operate at a
256 deficit until the deficit is eliminated ~~The department may~~
257 ~~provide by rule for advancing sufficient funds to any profession~~
258 ~~operating with a negative cash balance. The advancement may be~~
259 ~~for a period not to exceed 2 consecutive years, and the~~
260 ~~regulated profession must pay interest. Interest shall be~~

261 ~~calculated at the current rate earned on investments of a trust~~
262 ~~fund used by the department to implement this chapter. Interest~~
263 ~~earned shall be allocated to the various funds in accordance~~
264 ~~with the allocation of investment earnings during the period of~~
265 ~~the advance.~~

266 (6)~~(7)~~ Each board, or the department if there is no board,
267 shall establish~~7~~ by rule~~7~~, a fee of up to not to exceed \$250 for
268 anyone seeking ~~approval~~ to provide continuing education courses
269 or programs and ~~shall establish by rule~~ a biennial renewal fee
270 of up to not to exceed \$250 for the renewal of an approval to
271 provide providership of such courses. The fees collected ~~from~~
272 ~~continuing education providers~~ shall be used for the purposes of
273 reviewing course provider applications, monitoring the integrity
274 of the courses provided, covering legal expenses incurred as a
275 result of not granting or renewing an approval ~~a providership~~,
276 and developing and maintaining an electronic continuing
277 education tracking system pursuant to s. 456.0361. ~~The~~
278 ~~department shall implement an electronic continuing education~~
279 ~~tracking system for each new biennial renewal cycle for which~~
280 ~~electronic renewals are implemented after the effective date of~~
281 ~~this act and shall integrate such system into the licensure and~~
282 ~~renewal system~~. All approved continuing education providers
283 shall provide information on course attendance to the department
284 necessary to implement the electronic tracking system. The
285 department shall, by rule, specify the form and procedures by
286 which the information is to be submitted.

287 (7)~~(8)~~ All moneys collected by the department from fees or
288 fines or from costs awarded to the agency by a court shall be
289 paid into a trust fund used by the department to implement this
290 chapter. The Legislature shall appropriate funds from this trust
291 fund sufficient to administer ~~carry out~~ this chapter and the
292 provisions of law with respect to professions regulated by the
293 Division of Medical Quality Assurance within the department and
294 the boards. The department may contract with public and private
295 entities to receive and deposit revenue pursuant to this
296 section. The department shall maintain separate accounts in the
297 trust fund used by the department to implement this chapter for
298 every profession within the department. To the maximum extent
299 possible, the department shall directly charge all expenses to
300 the account of each regulated profession. For the purpose of
301 this subsection, direct charge expenses include, but are not
302 limited to, costs for investigations, examinations, and legal
303 services. For expenses that cannot be charged directly, the
304 department shall provide for the proportionate allocation among
305 the accounts of expenses incurred by the department in the
306 performance of its duties with respect to each regulated
307 profession. If a profession has established renewal fees that
308 meet the requirements of subsection (1), has fees that are at
309 the statutory fee cap, and has been operating in a deficit for 2
310 or more fiscal years, the department may waive allocated
311 administrative and operational indirect costs until such time as
312 the profession has a positive cash balance. The costs related to

313 administration and operations include, but are not limited to,
314 the costs of the director's office and the costs of system
315 support, communications, central records, and other such
316 administrative functions. Such waived costs shall be allocated
317 to the other professions that must meet the requirements of this
318 section, and cash in the unlicensed activity account under s.
319 456.065 of the profession whose costs have been waived shall be
320 transferred to the operating account in an amount not to exceed
321 the amount of the deficit. The regulation by the department of
322 professions, as defined in this chapter, must ~~shall~~ be financed
323 solely from revenue collected by the department ~~it~~ from fees and
324 other charges and deposited in the Medical Quality Assurance
325 Trust Fund, and all such revenue is hereby appropriated to the
326 department, which. ~~However, it is legislative intent that each~~
327 ~~profession shall operate within its anticipated fees. The~~
328 ~~department may not expend funds from the account of a profession~~
329 ~~to pay for the expenses incurred on behalf of another~~
330 ~~profession, except that the Board of Nursing must pay for any~~
331 ~~costs incurred in the regulation of certified nursing~~
332 ~~assistants. The department shall maintain adequate records to~~
333 support its allocation of agency expenses. The department shall
334 provide any board with reasonable access to these records upon
335 request. On or before October 1 of each year, the department
336 shall provide each board an annual report of revenue and direct
337 and allocated expenses related to the operation of that
338 profession. The board shall use these reports and the

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339 department's adopted long-range plan to determine the amount of
340 license fees. ~~A condensed version of this information, with the~~
341 ~~department's recommendations, shall be included in the annual~~
342 ~~report to the Legislature prepared under s. 456.026.~~

343 Section 5. Section 456.0361, Florida Statutes, is created
344 to read:

345 456.0361 Compliance with continuing education
346 requirements.—

347 (1) The department shall establish an electronic
348 continuing education tracking system to monitor licensee
349 compliance with applicable continuing education requirements and
350 to determine whether a licensee is in full compliance with the
351 requirements at the time of his or her application for license
352 renewal. The tracking system shall be integrated into the
353 department's licensure and renewal process.

354 (2) The department may not renew a license until the
355 licensee complies with all applicable continuing education
356 requirements. This subsection does not prohibit the department
357 or the boards from imposing additional penalties under the
358 applicable professional practice act or applicable rules for
359 failure to comply with continuing education requirements.

360 (3) The department may adopt rules to implement this
361 section.

362 Section 6. Subsection (20) of section 456.057, Florida
363 Statutes, is amended to read:

364 456.057 Ownership and control of patient records; report

365 or copies of records to be furnished; disclosure of
 366 information.—

367 (20) The board with department approval, or department
 368 when there is no board, may temporarily or permanently appoint a
 369 person or an entity as a custodian of medical records in the
 370 event of the death of a practitioner, the mental or physical
 371 incapacitation of a ~~the~~ practitioner, or the abandonment of
 372 medical records by a practitioner. Such ~~The~~ custodian ~~appointed~~
 373 shall comply with ~~all provisions of~~ this section. The department
 374 may contract with a third party to provide these services under
 375 the confidentiality and disclosure requirements of this section,
 376 ~~including the release of patient records.~~

377 Section 7. Subsection (2) of section 456.0635, Florida
 378 Statutes, is amended to read:

379 456.0635 Health care fraud; disqualification for license,
 380 certificate, or registration.—

381 (2) Each board within the jurisdiction of the department,
 382 or the department if there is no board, shall refuse to admit a
 383 candidate to any examination and refuse to issue a license,
 384 certificate, or registration to any applicant if the candidate
 385 or applicant or any principal, officer, agent, managing
 386 employee, or affiliated person of the applicant:

387 (a) Has been convicted of, or entered a plea of guilty or
 388 nolo contendere to, regardless of adjudication, a felony under
 389 chapter 409, chapter 817, or chapter 893, or a similar felony
 390 offense committed in another state or jurisdiction, unless the

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391 candidate or applicant has successfully completed a drug court
392 program for that felony and provides proof that the plea has
393 been withdrawn or the charges have been dismissed. Any such
394 conviction or plea shall exclude the applicant or candidate from
395 licensure, examination, certification, or registration unless
396 the sentence and any subsequent period of probation for such
397 conviction or plea ended:

398 1. For felonies of the first or second degree, more than
399 15 years before the date of application.

400 2. For felonies of the third degree, more than 10 years
401 before the date of application, except for felonies of the third
402 degree under s. 893.13(6)(a).

403 3. For felonies of the third degree under s. 893.13(6)(a),
404 more than 5 years before the date of application;

405 (b) Has been convicted of, or entered a plea of guilty or
406 nolo contendere to, regardless of adjudication, a felony under
407 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the
408 sentence and any subsequent period of probation for such
409 conviction or plea ended more than 15 years before the date of
410 the application;

411 (c) Has been terminated for cause from the Florida
412 Medicaid program pursuant to s. 409.913, unless the candidate or
413 applicant has been in good standing with the Florida Medicaid
414 program for the most recent 5 years;

415 (d) Has been terminated for cause, pursuant to the appeals
416 procedures established by the state, from any other state

417 Medicaid program, unless the candidate or applicant has been in
 418 good standing with a state Medicaid program for the most recent
 419 5 years and the termination occurred at least 20 years before
 420 the date of the application; or

421 (e) Is currently listed on the United States Department of
 422 Health and Human Services Office of Inspector General's List of
 423 Excluded Individuals and Entities.

424

425 ~~This subsection does not apply to candidates or applicants for~~
 426 ~~initial licensure or certification who were enrolled in an~~
 427 ~~educational or training program on or before July 1, 2009, which~~
 428 ~~was recognized by a board or, if there is no board, recognized~~
 429 ~~by the department, and who applied for licensure after July 1,~~
 430 ~~2012.~~

431 Section 8. Present subsections (1) through (9) of section
 432 456.076, Florida Statutes, are redesignated as subsections (2)
 433 through (10), respectively, a new subsection (1) is added to
 434 that section, and present subsection (1), paragraph (c) of
 435 present subsection (2), present subsection (3), paragraphs (a),
 436 (c), (e), and (f) of present subsection (4), and present
 437 subsections (6), (8), and (9) of that section are amended, to
 438 read:

439 456.076 Treatment programs for impaired practitioners.—

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

441 (a) "Approved impaired practitioner program" means a
 442 program designated by the department to provide services for

443 impaired practitioners through a contract that requires the
444 program to initiate interventions and to recommend evaluations
445 of impaired practitioners, refer impaired practitioners to
446 approved treatment programs or approved treatment providers, and
447 monitor the progress of impaired practitioners during treatment.
448 Approved impaired practitioner programs may not provide medical
449 services.

450 (b) "Approved treatment program" means a state-licensed or
451 nationally accredited residential, intensive outpatient, partial
452 hospital, or other treatment program that employs a
453 multidisciplinary team of providers to treat an impaired
454 practitioner based on the impaired practitioner's individual
455 diagnosis and a treatment plan for the impaired practitioner
456 approved by the consultant who referred the impaired
457 practitioner to the treatment program.

458 (c) "Approved treatment provider" means a state-licensed
459 or nationally certified individual with experience in the
460 treatment of specific types of impairment who provides treatment
461 to an impaired practitioner based on the impaired practitioner's
462 individual diagnosis and a treatment plan for the impaired
463 practitioner approved by the consultant who referred the
464 impaired practitioner to the treatment provider, or a treatment
465 program employing such individual.

466 (d) "Consultant" means an approved impaired practitioner
467 program and the program's medical director. Consultants must
468 receive allegations of a practitioner's impairment, intervene or

469 arrange for an intervention with the practitioner, refer an
 470 impaired practitioner to an approved treatment program or an
 471 approved treatment provider, monitor and evaluate the progress
 472 of treatment of an impaired practitioner, and monitor the
 473 continued care provided by an approved treatment program or an
 474 approved treatment provider to an impaired practitioner.

475 (2)-(1) For professions whose practice acts do not provide
 476 for that do not have impaired practitioner programs provided for
 477 in their practice acts, the department shall, by rule, designate
 478 by rule approved impaired practitioner programs under this
 479 section. The department may adopt rules setting forth
 480 appropriate criteria for approval of treatment providers and
 481 treatment programs. The rules may specify the manner in which
 482 the consultant, retained as provided ~~set forth~~ in subsection (3)
 483 ~~subsection (2)~~, works with the department in intervention; and
 484 requirements for evaluating and treating a professional and
 485 ~~requirements~~ for continued care of impaired professionals by
 486 approved treatment providers; requirements for continued
 487 monitoring by the consultant of the care provided by approved
 488 treatment providers and approved treatment programs regarding
 489 the professionals under their care; and requirements related to
 490 the consultant's expulsion of professionals from the approved
 491 impaired practitioner program.

492 (3)-(2)

493 (c)1. The consultant shall assist the probable cause panel
 494 and the department in carrying out the responsibilities of this

495 section. This includes working with department investigators to
496 determine whether a practitioner is, in fact, impaired.

497 2. The consultant may contract with a school or program to
498 provide services to a student enrolled for the purpose of
499 preparing for licensure as a health care practitioner as defined
500 in this chapter or as a veterinarian under chapter 474 if the
501 student is allegedly impaired as a result of the misuse or abuse
502 of alcohol or drugs, or both, or due to a mental or physical
503 condition. The department is not responsible for paying for the
504 care provided by approved treatment providers or approved
505 treatment programs or for consultant services ~~a consultant~~.

506 (4)(3) Before certifying or declining to certify an
507 application for licensure to the department, each board and
508 profession within the Division of Medical Quality Assurance may
509 delegate to its chair or other designee its authority to
510 determine, ~~before certifying or declining to certify an~~
511 ~~application for licensure to the department,~~ that an applicant
512 for licensure under its jurisdiction may be impaired as a result
513 of the misuse or abuse of alcohol or drugs, or both, or due to a
514 mental or physical condition that could affect the applicant's
515 ability to practice with skill and safety. Upon such
516 determination, the chair or other designee may refer the
517 applicant to the consultant for an evaluation before the board
518 certifies or declines to certify his or her application to the
519 department. If the applicant agrees to be evaluated ~~by the~~
520 ~~consultant,~~ the department's deadline for approving or denying

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521 the application pursuant to s. 120.60(1) is tolled until the
522 evaluation is completed and the result of the evaluation and
523 recommendation ~~by the consultant~~ is communicated to the board by
524 the consultant. If the applicant declines to be evaluated ~~by the~~
525 ~~consultant~~, the board shall certify or decline to certify the
526 applicant's application to the department notwithstanding the
527 lack of an evaluation and recommendation by the consultant.

528 (5) ~~(4)~~ (a) When ~~Whenever~~ the department receives a written
529 or oral, legally sufficient complaint alleging that a licensee
530 under the jurisdiction of the Division of Medical Quality
531 Assurance within the department is impaired as a result of the
532 misuse or abuse of alcohol or drugs, or both, or due to a mental
533 or physical condition which could affect the licensee's ability
534 to practice with skill and safety, and no complaint against the
535 licensee other than impairment exists, the reporting of such
536 information does ~~shall~~ not constitute grounds for discipline
537 pursuant to s. 456.072 or ~~the corresponding grounds for~~
538 ~~discipline within~~ the applicable practice act if the probable
539 cause panel of the appropriate board, or the department when
540 there is no board, finds:

541 1. The licensee has acknowledged his or her ~~the~~ impairment
542 ~~problem~~.

543 2. The licensee has voluntarily enrolled in an
544 appropriate, approved treatment program.

545 3. The licensee has voluntarily withdrawn from practice or
546 has limited the scope of his or her practice as required by the

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547 consultant, in each case, until such time as the panel, or the
548 department when there is no board, is satisfied the licensee has
549 successfully completed an approved treatment program.

550 4. The licensee has executed releases for medical records,
551 authorizing ~~the release~~ to the consultant of all records of
552 evaluations, diagnoses, and treatment of the licensee, including
553 records of treatment for emotional or mental conditions, ~~to the~~
554 ~~consultant~~. The consultant may not ~~shall~~ make ~~no~~ copies or
555 reports of records that are unrelated to ~~do not regard~~ the issue
556 of the licensee's impairment and his or her participation in an
557 approved a treatment program.

558 (c) Inquiries by a licensee or others ~~related to~~ approved
559 ~~impairment~~ treatment programs which are intended ~~designed~~ to
560 allow ~~provide information to~~ the licensee and others to obtain
561 information and which do not indicate that the licensee presents
562 a danger to the public do ~~shall~~ not constitute a complaint
563 within the meaning of s. 456.073 and are ~~shall be~~ exempt from
564 ~~the provisions of~~ this subsection.

565 (e) The probable cause panel, or the department when there
566 is no board, shall work directly with the consultant, and all
567 information concerning a practitioner obtained from the
568 consultant by the panel, or the department when there is no
569 board, shall remain confidential and exempt from the provisions
570 of s. 119.07(1), subject to the provisions of subsections (7)
571 and (8) ~~subsections (6) and (7)~~.

572 (f) A finding of probable cause may ~~shall~~ not be made if,

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573 based upon information it receives from the consultant and the
574 department, as long as the panel, or the department when there
575 is no board, is satisfied, ~~based upon information it receives~~
576 ~~from the consultant and the department,~~ that the licensee is
577 progressing satisfactorily in an approved ~~impaired practitioner~~
578 treatment program and it is determined that no other complaint
579 has been made against the licensee ~~exists~~.

580 (7) (6) (a) Upon request, an approved treatment provider
581 shall, ~~upon request,~~ disclose to the consultant all information
582 in his or her ~~its~~ possession regarding the issue of a licensee's
583 impairment and the licensee's participation in the approved
584 treatment program. All information obtained by the consultant
585 and department pursuant to this section is confidential and
586 exempt from the provisions of s. 119.07(1), subject to the
587 provisions of this subsection and subsection (8) ~~(7)~~. Failure to
588 provide such information to the consultant is grounds for
589 withdrawal of approval of the approved treatment ~~such program or~~
590 provider.

591 (b) If, after consultation with the approved treatment
592 provider, in the opinion of the consultant believes that, ~~after~~
593 ~~consultation with the treatment provider,~~ an impaired licensee
594 has not progressed satisfactorily in an approved ~~a~~ treatment
595 program, all information regarding the issue of a licensee's
596 impairment and participation in the approved ~~a~~ treatment program
597 which is in the consultant's possession shall be disclosed to
598 the department. Such disclosure constitutes ~~shall constitute~~ a

599 | complaint pursuant to the general provisions of s. 456.073.
 600 | ~~Whenever the consultant concludes that impairment affects a~~
 601 | ~~licensee's practice and constitutes an immediate, serious danger~~
 602 | ~~to the public health, safety, or welfare, that conclusion shall~~
 603 | ~~be communicated to the State Surgeon General.~~

604 | (9)~~(8)~~(a) A consultant retained pursuant to subsection (3)
 605 | ~~subsection (2)~~, a consultant's officers and employees, and those
 606 | acting at the direction of the consultant for the limited
 607 | purpose of an emergency intervention on behalf of a licensee or
 608 | student as described in subsection (3) ~~subsection (2)~~ when the
 609 | consultant is unable to perform such intervention shall be
 610 | considered agents of the department for purposes of s. 768.28
 611 | while acting within the scope of the consultant's duties under
 612 | the contract with the department if the contract complies with
 613 | the requirements of this section. The contract must require
 614 | that:

- 615 | 1. The consultant indemnify the state for any liabilities
 616 | incurred up to the limits set out in chapter 768.
- 617 | 2. The consultant establish a quality assurance program to
 618 | monitor services delivered under the contract.
- 619 | 3. The consultant's quality assurance program, treatment,
 620 | and monitoring records be evaluated quarterly.
- 621 | 4. The consultant's quality assurance program be subject
 622 | to review and approval by the department.
- 623 | 5. The consultant operate under policies and procedures
 624 | approved by the department.

625 6. The consultant provide to the department for approval a
 626 policy and procedure manual that comports with all statutes,
 627 rules, and contract provisions approved by the department.

628 7. The department be entitled to review the records
 629 relating to the consultant's performance under the contract for
 630 the purpose of management audits, financial audits, or program
 631 evaluation.

632 8. All performance measures and standards be subject to
 633 verification and approval by the department.

634 9. The department be entitled to terminate the contract
 635 with the consultant for noncompliance with the contract.

636 (b) In accordance with s. 284.385, the Department of
 637 Financial Services shall defend any claim, suit, action, or
 638 proceeding, including a claim, suit, action, or proceeding for
 639 injunctive, affirmative, or declaratory relief, against the
 640 consultant, the consultant's officers or employees, or those
 641 acting at the direction of the consultant for the limited
 642 purpose of an emergency intervention on behalf of a licensee or
 643 student as described in subsection (3) ~~subsection (2)~~ when the
 644 consultant is unable to perform such intervention, which claim,
 645 suit, action, or proceeding is brought as a result of an act or
 646 omission by any of the consultant's officers and employees and
 647 those acting under the direction of the consultant for the
 648 limited purpose of an emergency intervention on behalf of the
 649 licensee or student when the consultant is unable to perform
 650 such intervention, if the act or omission arises out of and is

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651 in the scope of the consultant's duties under its contract with
652 the department.

653 (c) If the consultant retained pursuant to subsection (3)
654 ~~subsection (2)~~ is retained by any other state agency, and if the
655 contract between such state agency and the consultant complies
656 with the requirements of this section, the consultant, the
657 consultant's officers and employees, and those acting under the
658 direction of the consultant for the limited purpose of an
659 emergency intervention on behalf of a licensee or student as
660 described in subsection (3) ~~subsection (2)~~ when the consultant
661 is unable to perform such intervention shall be considered
662 agents of the state for the purposes of this section while
663 acting within the scope of and pursuant to guidelines
664 established in the contract between such state agency and the
665 consultant.

666 ~~(10)(9)~~ An impaired practitioner consultant is the
667 official custodian of records relating to the referral of an
668 impaired licensee or applicant to that consultant and any other
669 interaction between the licensee or applicant and the
670 consultant. The consultant may disclose to the impaired licensee
671 or applicant or his or her designee any information that is
672 disclosed to or obtained by the consultant or that is
673 confidential under paragraph (7)(a) ~~paragraph (6)(a)~~, but only
674 to the extent that it is necessary to do so to carry out the
675 consultant's duties under this section. The department, and any
676 other entity that enters into a contract with the consultant to

677 receive the services of the consultant, has direct
678 administrative control over the consultant to the extent
679 necessary to receive disclosures from the consultant as allowed
680 by federal law. If a disciplinary proceeding is pending, an
681 impaired licensee may obtain such information from the
682 department under s. 456.073.

683 Section 9. Subsection (3) of section 457.107, Florida
684 Statutes, is amended to read:

685 457.107 Renewal of licenses; continuing education.—

686 (3) The board shall ~~by rule~~ prescribe by rule continuing
687 education requirements of up to, ~~not to exceed~~ 30 hours
688 biennially, as a condition for renewal of a license. All
689 education programs that contribute to the advancement,
690 extension, or enhancement of professional skills and knowledge
691 related to the practice of acupuncture, whether conducted by a
692 nonprofit or profitmaking entity, are eligible for approval. The
693 continuing professional education requirements must be in
694 acupuncture or oriental medicine subjects, including, but not
695 limited to, anatomy, biological sciences, adjunctive therapies,
696 sanitation and sterilization, emergency protocols, and diseases.
697 The board may ~~shall have the authority to~~ set a fee of up to,
698 ~~not to exceed~~ \$100, for each continuing education provider. The
699 licensee shall retain in his or her records the certificates of
700 completion of continuing professional education requirements ~~to~~
701 ~~prove compliance with this subsection. The board may request~~
702 ~~such documentation without cause from applicants who are~~

703 ~~selected at random.~~ All national and state acupuncture and
704 oriental medicine organizations and acupuncture and oriental
705 medicine schools are approved to provide continuing professional
706 education in accordance with this subsection.

707 Section 10. Paragraph (e) of subsection (4) of section
708 458.347, Florida Statutes, is amended to read:

709 458.347 Physician assistants.—

710 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

711 (e) A supervisory physician may delegate to a fully
712 licensed physician assistant the authority to prescribe or
713 dispense any medication used in the supervisory physician's
714 practice unless such medication is listed on the formulary
715 created pursuant to paragraph (f). A fully licensed physician
716 assistant may only prescribe or dispense such medication under
717 the following circumstances:

718 1. A physician assistant must clearly identify to the
719 patient that he or she is a physician assistant and.
720 ~~Furthermore, the physician assistant must~~ inform the patient
721 that the patient has the right to see the physician before a
722 ~~prior to any~~ prescription is being prescribed or dispensed by
723 the physician assistant.

724 2. The supervisory physician must notify the department of
725 his or her intent to delegate, on a department-approved form,
726 before delegating such authority and ~~notify the department of~~
727 any change in prescriptive privileges of the physician
728 assistant. Authority to dispense may be delegated only by a

729 supervising physician who is registered as a dispensing
730 practitioner in compliance with s. 465.0276.

731 3. The physician assistant must complete ~~file with the~~
732 ~~department a signed affidavit that he or she has completed~~ a
733 minimum of 10 continuing medical education hours in the
734 specialty practice in which the physician assistant has
735 prescriptive privileges with each licensure renewal ~~application~~.

736 4. The department may issue a prescriber number to the
737 physician assistant granting authority for the prescribing of
738 medicinal drugs authorized within this paragraph upon completion
739 of the ~~foregoing~~ requirements of this paragraph. The physician
740 assistant ~~is shall~~ not be required to independently register
741 pursuant to s. 465.0276.

742 5. The prescription must be written in a form that
743 complies with chapter 499 and, in addition to the supervisory
744 physician's name, address, and telephone number, must contain,
745 ~~in addition to the supervisory physician's name, address, and~~
746 ~~telephone number,~~ the physician assistant's prescriber number.
747 Unless it is a drug or drug sample dispensed by the physician
748 assistant, the prescription must be filled in a pharmacy
749 permitted under chapter 465 and must be dispensed in that
750 pharmacy by a pharmacist licensed under chapter 465. The
751 inclusion ~~appearance~~ of the prescriber number creates a
752 presumption that the physician assistant is authorized to
753 prescribe the medicinal drug and the prescription is valid.

754 6. The physician assistant must note the prescription or

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755 dispensing of medication in the appropriate medical record.

756 Section 11. Subsection (3) of section 463.007, Florida
757 Statutes, is amended to read:

758 463.007 Renewal of license; continuing education.—

759 (3) As a condition of license renewal, a licensee must
760 ~~Unless otherwise provided by law, the board shall require~~
761 ~~licensees to periodically demonstrate his or her their~~
762 ~~professional competence, as a condition of renewal of a license,~~
763 by completing up to 30 hours of continuing education during the
764 2-year period preceding license renewal. For certified
765 optometrists, the 30-hour continuing education requirement
766 includes ~~shall include~~ 6 or more hours of approved transcript-
767 quality coursework in ocular and systemic pharmacology and the
768 diagnosis, treatment, and management of ocular and systemic
769 conditions and diseases during the 2-year period preceding
770 application for license renewal.

771 Section 12. Subsection (7) of section 464.203, Florida
772 Statutes, is amended to read:

773 464.203 Certified nursing assistants; certification
774 requirement.—

775 (7) A certified nursing assistant shall complete 24 ~~12~~
776 hours of inservice training during each biennium ~~calendar year~~.
777 The certified nursing assistant shall maintain ~~be responsible~~
778 ~~for maintaining~~ documentation demonstrating compliance with
779 these provisions. ~~The Council on Certified Nursing Assistants,~~
780 ~~in accordance with s. 464.2085(2)(b), shall propose rules to~~

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781 ~~implement this subsection.~~

782 Section 13. Section 464.2085, Florida Statutes, is
783 repealed.

784 Section 14. Paragraph (b) of subsection (1) and subsection
785 (3) of section 465.0276, Florida Statutes, are amended to read:
786 465.0276 Dispensing practitioner.—

787 (1)

788 (b) A practitioner registered under this section may not
789 dispense a controlled substance listed in Schedule II or
790 Schedule III as provided in s. 893.03. This paragraph does not
791 apply to:

792 1. The dispensing of complimentary packages of medicinal
793 drugs which are labeled as a drug sample or complimentary drug
794 as defined in s. 499.028 to the practitioner's own patients in
795 the regular course of her or his practice without the payment of
796 a fee or remuneration of any kind, whether direct or indirect,
797 as provided in subsection (4) ~~subsection (5)~~.

798 2. The dispensing of controlled substances in the health
799 care system of the Department of Corrections.

800 3. The dispensing of a controlled substance listed in
801 Schedule II or Schedule III in connection with the performance
802 of a surgical procedure. The amount dispensed pursuant to the
803 subparagraph may not exceed a 14-day supply. This exception does
804 not allow for the dispensing of a controlled substance listed in
805 Schedule II or Schedule III more than 14 days after the
806 performance of the surgical procedure. For purposes of this

807 | subparagraph, the term "surgical procedure" means any procedure
 808 | in any setting which involves, or reasonably should involve:

809 | a. Perioperative medication and sedation that allows the
 810 | patient to tolerate unpleasant procedures while maintaining
 811 | adequate cardiorespiratory function and the ability to respond
 812 | purposefully to verbal or tactile stimulation and makes intra-
 813 | and postoperative monitoring necessary; or

814 | b. The use of general anesthesia or major conduction
 815 | anesthesia and preoperative sedation.

816 | 4. The dispensing of a controlled substance listed in
 817 | Schedule II or Schedule III pursuant to an approved clinical
 818 | trial. For purposes of this subparagraph, the term "approved
 819 | clinical trial" means a clinical research study or clinical
 820 | investigation that, in whole or in part, is state or federally
 821 | funded or is conducted under an investigational new drug
 822 | application that is reviewed by the United States Food and Drug
 823 | Administration.

824 | 5. The dispensing of methadone in a facility licensed
 825 | under s. 397.427 where medication-assisted treatment for opiate
 826 | addiction is provided.

827 | 6. The dispensing of a controlled substance listed in
 828 | Schedule II or Schedule III to a patient of a facility licensed
 829 | under part IV of chapter 400.

830 | ~~(3) The department shall inspect any facility where a~~
 831 | ~~practitioner dispenses medicinal drugs pursuant to subsection~~
 832 | ~~(2) in the same manner and with the same frequency as it~~

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833 ~~inspects pharmacies for the purpose of determining whether the~~
834 ~~practitioner is in compliance with all statutes and rules~~
835 ~~applicable to her or his dispensing practice.~~

836 Section 15. Subsection (3) of section 466.0135, Florida
837 Statutes, is amended to read:

838 466.0135 Continuing education; dentists.—

839 (3) A ~~In applying for license renewal, the dentist shall~~
840 complete ~~submit a sworn affidavit, on a form acceptable to the~~
841 ~~department, attesting that she or he has completed the~~ required
842 continuing education as provided ~~required~~ in this section in
843 ~~accordance with the guidelines and provisions of this section~~
844 ~~and listing the date, location, sponsor, subject matter, and~~
845 ~~hours of completed continuing education courses.~~ An ~~The~~
846 ~~applicant shall retain in her or his records~~ any ~~such~~ receipts,
847 vouchers, or certificates ~~as may be necessary to document~~
848 completion of such ~~the~~ continuing education courses listed in
849 ~~accordance with this subsection. With cause, the board may~~
850 ~~request such documentation by the applicant, and the board may~~
851 ~~request such documentation from applicants selected at random~~
852 ~~without cause.~~

853 Section 16. Section 466.014, Florida Statutes, is amended
854 to read:

855 466.014 Continuing education; dental hygienists.—In
856 addition to the other requirements for relicensure for dental
857 hygienists set out in this chapter ~~act~~, the board shall require
858 each licensed dental hygienist to complete at least ~~not less~~

859 ~~than~~ 24 hours but not ~~or~~ more than 36 hours of continuing
 860 professional education in dental subjects, biennially, in
 861 programs prescribed or approved by the board or in equivalent
 862 programs of continuing education. Programs of continuing
 863 education approved by the board are ~~shall be~~ programs of
 864 learning which, in the opinion of the board, contribute directly
 865 to the dental education of the dental hygienist. The board shall
 866 adopt rules and guidelines to administer and enforce ~~the~~
 867 ~~provisions of this section. In applying for license renewal, the~~
 868 ~~dental hygienist shall submit a sworn affidavit, on a form~~
 869 ~~acceptable to the department, attesting that she or he has~~
 870 ~~completed the continuing education required in this section in~~
 871 ~~accordance with the guidelines and provisions of this section~~
 872 ~~and listing the date, location, sponsor, subject matter, and~~
 873 ~~hours of completed continuing education courses. An~~ The
 874 applicant shall retain in her or his records any ~~such~~ receipts,
 875 vouchers, or certificates ~~as may be~~ necessary to document
 876 completion of such ~~the~~ continuing education courses ~~listed in~~
 877 ~~accordance with this section. With cause, the board may request~~
 878 ~~such documentation by the applicant, and the board may request~~
 879 ~~such documentation from applicants selected at random without~~
 880 ~~cause.~~ Compliance with the continuing education requirements is
 881 ~~shall be~~ mandatory for issuance of the renewal certificate. The
 882 board may ~~shall have the authority to~~ excuse licensees, as a
 883 group or as individuals, from all or part of the continuing
 884 educational requirements if, ~~or any part thereof, in the event~~

885 an unusual circumstance, emergency, or hardship has prevented
 886 compliance with this section.

887 Section 17. Subsection (5) of section 466.032, Florida
 888 Statutes, is amended to read:

889 466.032 Registration.—

890 (5) A ~~The~~ dental laboratory owner or at least one employee
 891 of any dental laboratory renewing registration on or after July
 892 1, 2010, shall complete 18 hours of continuing education
 893 biennially. Programs of continuing education must ~~shall~~ be
 894 programs of learning that contribute directly to the education
 895 of the dental technician and may include, but are not limited
 896 to, attendance at lectures, study clubs, college courses, or
 897 scientific sessions of conventions and research.

898 (a) The aim of continuing education for dental technicians
 899 is to improve dental health care delivery to the public as such
 900 is impacted through the design, manufacture, and use of
 901 artificial human oral prosthetics and related restorative
 902 appliances.

903 (b) Continuing education courses shall address one or more
 904 of the following areas of professional development, including,
 905 but not limited to:

906 1. Laboratory and technological subjects, including, but
 907 not limited to, laboratory techniques and procedures, materials,
 908 and equipment; and

909 2. Subjects pertinent to oral health, infection control,
 910 and safety.

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911 (c) Programs that meet ~~meeting~~ the general requirements of
912 continuing education may be developed and offered to dental
913 technicians by the Florida Dental Laboratory Association and the
914 Florida Dental Association. Other organizations, schools, or
915 agencies may also be approved to develop and offer continuing
916 education in accordance with specific criteria established by
917 the department.

918 ~~(d) Any dental laboratory renewing a registration on or~~
919 ~~after July 1, 2010, shall submit a sworn affidavit, on a form~~
920 ~~approved by the department, attesting that either the dental~~
921 ~~laboratory owner or one dental technician employed by the~~
922 ~~registered dental laboratory has completed the continuing~~
923 ~~education required in this subsection in accordance with the~~
924 ~~guidelines and provisions of this subsection and listing the~~
925 ~~date, location, sponsor, subject matter, and hours of completed~~
926 ~~continuing education courses. The dental laboratory shall retain~~
927 ~~in its records such receipts, vouchers, or certificates as may~~
928 ~~be necessary to document completion of the continuing education~~
929 ~~courses listed in accordance with this subsection. With cause,~~
930 ~~the department may request that the documentation be provided by~~
931 ~~the applicant. The department may also request the documentation~~
932 ~~from applicants selected at random without cause.~~

933 (d)-(e)1. This subsection does not apply to a dental
934 laboratory that is physically located within a dental practice
935 operated by a dentist licensed under this chapter.

936 2. A dental laboratory in another state or country which

937 provides service to a dentist licensed under this chapter is not
 938 required to register with the state and may continue to provide
 939 services to such dentist with a proper prescription. However, a
 940 dental laboratory in another state or country, ~~however,~~ may
 941 voluntarily comply with this subsection.

942 Section 18. Section 468.1201, Florida Statutes, is
 943 repealed.

944 Section 19. Paragraph (a) of subsection (3), subsections
 945 (4) and (5), paragraphs (a) and (e) of subsection (6), and
 946 subsection (7) of section 483.901, Florida Statutes, are
 947 amended, and paragraph (k) is added to subsection (6) of that
 948 section, to read:

949 483.901 Medical physicists; definitions; licensure.—

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

951 ~~(a) "Council" means the Advisory Council of Medical~~
 952 ~~Physicists in the Department of Health.~~

953 ~~(4) COUNCIL.—The Advisory Council of Medical Physicists is~~
 954 ~~created in the Department of Health to advise the department in~~
 955 ~~regulating the practice of medical physics in this state.~~

956 ~~(a) The council shall be composed of nine members~~
 957 ~~appointed by the State Surgeon General as follows:~~

958 ~~1. A licensed medical physicist who specializes in~~
 959 ~~diagnostic radiological physics.~~

960 ~~2. A licensed medical physicist who specializes in~~
 961 ~~therapeutic radiological physics.~~

962 ~~3. A licensed medical physicist who specializes in medical~~

963 ~~nuclear radiological physics.~~

964 ~~4. A physician who is board certified by the American~~

965 ~~Board of Radiology or its equivalent.~~

966 ~~5. A physician who is board certified by the American~~

967 ~~Osteopathic Board of Radiology or its equivalent.~~

968 ~~6. A chiropractic physician who practices radiology.~~

969 ~~7. Three consumer members who are not, and have never~~

970 ~~been, licensed as a medical physicist or licensed in any closely~~

971 ~~related profession.~~

972 ~~(b) The State Surgeon General shall appoint the medical~~

973 ~~physicist members of the council from a list of candidates who~~

974 ~~are licensed to practice medical physics.~~

975 ~~(c) The State Surgeon General shall appoint the physician~~

976 ~~members of the council from a list of candidates who are~~

977 ~~licensed to practice medicine in this state and are board~~

978 ~~certified in diagnostic radiology, therapeutic radiology, or~~

979 ~~radiation oncology.~~

980 ~~(d) The State Surgeon General shall appoint the public~~

981 ~~members of the council.~~

982 ~~(e) As the term of each member expires, the State Surgeon~~

983 ~~General shall appoint the successor for a term of 4 years. A~~

984 ~~member shall serve until the member's successor is appointed,~~

985 ~~unless physically unable to do so.~~

986 ~~(f) An individual is ineligible to serve more than two~~

987 ~~full consecutive 4-year terms.~~

988 ~~(g) If a vacancy on the council occurs, the State Surgeon~~

989 ~~General shall appoint a member to serve for a 4-year term.~~

990 ~~(h) A council member must be a United States citizen and~~
 991 ~~must have been a resident of this state for 2 consecutive years~~
 992 ~~immediately before being appointed.~~

993 ~~1. A member of the council who is a medical physicist must~~
 994 ~~have practiced for at least 6 years before being appointed or be~~
 995 ~~board certified for the specialty in which the member practices.~~

996 ~~2. A member of the council who is a physician must be~~
 997 ~~licensed to practice medicine in this state and must have~~
 998 ~~practiced diagnostic radiology or radiation oncology in this~~
 999 ~~state for at least 2 years before being appointed.~~

1000 ~~3. The public members of the council must not have a~~
 1001 ~~financial interest in any endeavor related to the practice of~~
 1002 ~~medical physics.~~

1003 ~~(i) A council member may be removed from the council if~~
 1004 ~~the member:~~

1005 ~~1. Did not have the required qualifications at the time of~~
 1006 ~~appointment;~~

1007 ~~2. Does not maintain the required qualifications while~~
 1008 ~~serving on the council; or~~

1009 ~~3. Fails to attend the regularly scheduled council~~
 1010 ~~meetings in a calendar year as required by s. 456.011.~~

1011 ~~(j) Members of the council may not receive compensation~~
 1012 ~~for their services; however, they are entitled to reimbursement,~~
 1013 ~~from funds deposited in the Medical Quality Assurance Trust~~
 1014 ~~Fund, for necessary travel expenses as specified in s. 112.061~~

1015 ~~for each day they engage in the business of the council.~~

1016 ~~(k) At the first regularly scheduled meeting of each~~

1017 ~~calendar year, the council shall elect a presiding officer and~~

1018 ~~an assistant presiding officer from among its members. The~~

1019 ~~council shall meet at least once each year and at other times in~~

1020 ~~accordance with department requirements.~~

1021 ~~(l) The department shall provide administrative support to~~

1022 ~~the council for all licensing activities.~~

1023 ~~(m) The council may conduct its meetings electronically.~~

1024 ~~(5) POWERS OF COUNCIL. The council shall:~~

1025 ~~(a) Recommend rules to administer this section.~~

1026 ~~(b) Recommend practice standards for the practice of~~

1027 ~~medical physics which are consistent with the Guidelines for~~

1028 ~~Ethical Practice for Medical Physicists prepared by the American~~

1029 ~~Association of Physicists in Medicine and disciplinary~~

1030 ~~guidelines adopted under s. 456.079.~~

1031 ~~(c) Develop and recommend continuing education~~

1032 ~~requirements for licensed medical physicists.~~

1033 (4) ~~(6)~~ LICENSE REQUIRED.—An individual may not engage in

1034 the practice of medical physics, including the specialties of

1035 diagnostic radiological physics, therapeutic radiological

1036 physics, medical nuclear radiological physics, or medical health

1037 physics, without a license issued by the department for the

1038 appropriate specialty.

1039 (a) The department shall adopt rules to administer this

1040 section which specify license application and renewal fees,

1041 continuing education requirements, and standards for practicing
 1042 medical physics. ~~The council shall recommend to the department~~
 1043 ~~continuing education requirements that shall be a condition of~~
 1044 ~~license renewal.~~ The department shall require a minimum of 24
 1045 hours per biennium of continuing education offered by an
 1046 organization ~~recommended by the council and approved by the~~
 1047 department. The department, ~~upon recommendation of the council,~~
 1048 may adopt rules to specify continuing education requirements for
 1049 persons who hold a license in more than one specialty.

1050 (e) Upon ~~On~~ receipt of an application and fee as specified
 1051 in this section, the department may issue a license to practice
 1052 medical physics in this state ~~on or after October 1, 1997,~~ to a
 1053 person who is board certified in the medical physics specialty
 1054 in which the applicant applies to practice by the American Board
 1055 of Radiology for diagnostic radiological physics, therapeutic
 1056 radiological physics, or medical nuclear radiological physics;
 1057 by the American Board of Medical Physics for diagnostic
 1058 radiological physics, therapeutic radiological physics, or
 1059 medical nuclear radiological physics; or by the American Board
 1060 of Health Physics or an equivalent certifying body approved by
 1061 the department.

1062 (k) Upon proof of a completed residency program and
 1063 receipt of the fee set forth by rule, the department may issue a
 1064 temporary license for no more than 1 year. The department may
 1065 adopt by rule requirements for temporary licensure and renewal
 1066 of temporary licenses.

1067 (5)~~(7)~~ FEES.—The fee for the initial license application
 1068 shall be \$500 and is nonrefundable. The fee for license renewal
 1069 may not be more than \$500. These fees may cover only the costs
 1070 incurred by the department ~~and the council~~ to administer this
 1071 section. By July 1 each year, the department shall determine
 1072 ~~advise the council~~ if the fees are insufficient to administer
 1073 this section.

1074 Section 20. Subsection (2) of section 484.047, Florida
 1075 Statutes, is amended to read:

1076 484.047 Renewal of license.—

1077 (2) In addition to the other requirements for renewal
 1078 provided in this section and by the board, the department shall
 1079 renew a license upon receipt of the renewal application and, the
 1080 renewal fee, ~~and a written statement affirming compliance with~~
 1081 ~~all other requirements set forth in this section and by the~~
 1082 ~~board.~~ A licensee must maintain, if applicable, a certificate
 1083 from a manufacturer or independent testing agent certifying that
 1084 the testing room meets the requirements of s. 484.0501(6) and,
 1085 if applicable, a certificate from a manufacturer or independent
 1086 testing agent stating that all audiometric testing equipment
 1087 used by the licensee has been calibrated acoustically to
 1088 American National Standards Institute standards on an annual
 1089 basis ~~acoustically to American National Standards Institute~~
 1090 ~~standard specifications.~~ Possession of any applicable
 1091 certificate is ~~the certificates shall be~~ a prerequisite to
 1092 renewal.

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1093 Section 21. Subsections (1) and (4) of section 486.109,
 1094 Florida Statutes, are amended to read:

1095 486.109 Continuing education.—

1096 (1) The board shall require licensees to ~~periodically~~
 1097 demonstrate their professional competence as a condition of
 1098 renewal of a license by completing 24 hours of continuing
 1099 education biennially.

1100 (4) Each licensee shall maintain ~~be responsible for~~
 1101 ~~maintaining~~ sufficient records ~~in a format as determined by rule~~
 1102 ~~which shall be subject to a random audit by the department to~~
 1103 demonstrate ~~assure~~ compliance with this section.

1104 Section 22. Paragraph (e) of subsection (1) of section
 1105 458.331, Florida Statutes, is amended to read:

1106 458.331 Grounds for disciplinary action; action by the
 1107 board and department.—

1108 (1) The following acts constitute grounds for denial of a
 1109 license or disciplinary action, as specified in s. 456.072(2):

1110 (e) Failing to report to the department any person who the
 1111 licensee knows is in violation of this chapter or of the rules
 1112 of the department or the board. A treatment provider approved
 1113 pursuant to s. 456.076 shall provide the department or
 1114 consultant with information in accordance with the requirements
 1115 of s. 456.076(5), (6), (7), (8), and (10) ~~s. 456.076(4), (5),~~
 1116 ~~(6), (7), and (9)~~.

1117 Section 23. Paragraph (e) of subsection (1) of section
 1118 459.015, Florida Statutes, is amended to read:

1119 459.015 Grounds for disciplinary action; action by the
 1120 board and department.—

1121 (1) The following acts constitute grounds for denial of a
 1122 license or disciplinary action, as specified in s. 456.072(2):

1123 (e) Failing to report to the department or the
 1124 department's impaired professional consultant any person who the
 1125 licensee or certificateholder knows is in violation of this
 1126 chapter or of the rules of the department or the board. A
 1127 treatment provider, approved pursuant to s. 456.076, shall
 1128 provide the department or consultant with information in
 1129 accordance with the requirements of s. 456.076(5), (6), (7),
 1130 (8), and (10) ~~s. 456.076(4), (5), (6), (7), and (9)~~.

1131 Section 24. Paragraph (a) of subsection (15) of section
 1132 499.028, Florida Statutes, is amended to read:

1133 499.028 Drug samples or complimentary drugs; starter
 1134 packs; permits to distribute.—

1135 (15) A person may not possess a prescription drug sample
 1136 unless:

1137 (a) The drug sample was prescribed to her or him as
 1138 evidenced by the label required in s. 465.0276(4) ~~s.~~
 1139 ~~465.0276(5)~~.

1140 Section 25. Paragraph (g) of subsection (3) of section
 1141 921.0022, Florida Statutes, is amended to read:

1142 921.0022 Criminal Punishment Code; offense severity
 1143 ranking chart.—

1144 (3) OFFENSE SEVERITY RANKING CHART

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1145	(g) LEVEL 7	Florida Statute	Felony Degree	Description
1146				
1147		316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
1148		316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
1149		316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
1150		327.35 (3) (c) 2.	3rd	Vessel BUI resulting

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1151			in serious bodily injury.
1152	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1153	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
1154	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1155	456.065 (2)	3rd	Practicing a health care profession without a license.
1156	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.

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1157	458.327 (1)	3rd	Practicing medicine without a license.
1158	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1159	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
1160	461.012 (1)	3rd	Practicing podiatric medicine without a license.
1161	462.17	3rd	Practicing naturopathy without a license.
1162	463.015 (1)	3rd	Practicing optometry without a license.
1163	464.016 (1)	3rd	Practicing nursing without a license.
1164	465.015 (2)	3rd	Practicing pharmacy without a license.
	466.026 (1)	3rd	Practicing dentistry or

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1165			dental hygiene without a license.
1166	467.201	3rd	Practicing midwifery without a license.
1167	468.366	3rd	Delivering respiratory care services without a license.
1168	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1169	<u>483.901 (7)</u> 483.901 (9)	3rd	Practicing medical physics without a license.
1170	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1171	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money

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1172	560.123 (8) (b) 1.	3rd	and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1173	560.125 (5) (a)	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
1174	655.50 (10) (b) 1.	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1175	775.21 (10) (a)	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
			Sexual predator; failure to register; failure to renew

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1176	775.21 (10) (b)	3rd	<p>driver license or identification card; other registration violations.</p> <p>Sexual predator working where children regularly congregate.</p>
1177	775.21 (10) (g)	3rd	<p>Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.</p>
1178	782.051 (3)	2nd	<p>Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.</p>
1179	782.07 (1)	2nd	<p>Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).</p>
1180			

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1181	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1182	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1183	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1184	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1185	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.

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1186	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1187	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1188	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1189	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1190	784.081 (1)	1st	Aggravated battery on specified official or employee.
1191	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1192	784.083 (1)	1st	Aggravated battery on code inspector.

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1193	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
1194	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
1195	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1196	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1197	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1198	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or

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1199			attempting to commit a felony.
	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1200			
	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1201			
	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
1202			
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
1203			

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1204	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
1205	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1206	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
1207	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
1207	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction

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1208			for specified sex offense.
	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1209			
	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1210			
	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1211			
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1212			
	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1213			
	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing

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1214	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1215	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1216	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1217	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1218	812.019 (2)	1st	Stolen property; initiates, organizes,

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1219			plans, etc., the theft of property and traffics in stolen property.
1220	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1221	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1222	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
1223	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1224	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
	817.234 (11) (c)	1st	Insurance fraud; property value

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1225			\$100,000 or more.
1225	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
1226	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
1227	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1228	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.

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1229	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1230	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1231	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1232	838.015	2nd	Bribery.
1233	838.016	2nd	Unlawful compensation or reward for official behavior.
1234	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1235	838.22	2nd	Bid tampering.
1236	843.0855 (2)	3rd	Impersonation of a public officer or employee.

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1237	843.0855 (3)	3rd	Unlawful simulation of legal process.
1238	843.0855 (4)	3rd	Intimidation of a public officer or employee.
1239	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1240	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1241	872.06	2nd	Abuse of a dead human body.
1242	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
1243	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs,

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1244

893.13(1)(c)1.

1st

manages, or supervises
criminal gang-related
activity.

Sell, manufacture, or
deliver cocaine (or other
drug prohibited under s.
893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or
(2)(c)4.) within 1,000
feet of a child care
facility, school, or
state, county, or
municipal park or publicly
owned recreational
facility or community
center.

1245

893.13(1)(e)1.

1st

Sell, manufacture, or
deliver cocaine or other
drug prohibited under s.
893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or
(2)(c)4., within 1,000
feet of property used for
religious services or a

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			specified business site.
1246	893.13 (4) (a)	1st	Deliver to minor cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c)4. drugs).
1247	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1248	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1249	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1250	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
1251	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than

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1252			50 grams.
	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
1253			
	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
1254			
	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
1255			
	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
1256			
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
1257			
	893.135	1st	Trafficking in flunitrazepam, 4

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1258	(1) (g) 1.a.		grams or more, less than 14 grams.
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1259			
	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.a.		Butanediol, 1 kilogram or more, less than 5 kilograms.
1260			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.a.		10 grams or more, less than 200 grams.
1261			
	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1262			
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.

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1263	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1264	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1265	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1266	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
1267	943.0435 (13)	3rd	Failure to report or providing false information about a

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1268	943.0435 (14)	3rd	<p>sexual offender; harbor or conceal a sexual offender.</p> <p>Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.</p>
1269	944.607 (9)	3rd	<p>Sexual offender; failure to comply with reporting requirements.</p>
1270	944.607 (10) (a)	3rd	<p>Sexual offender; failure to submit to the taking of a digitized photograph.</p>
1271	944.607 (12)	3rd	<p>Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.</p>
1272			

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1273	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1274	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1275	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1276	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1277	Section 26. This act shall take effect July 1, 2016.		