

1 A bill to be entitled
2 An act relating to the regulation of health care
3 practitioners; amending s. 384.4018, F.S.; requiring
4 the Department of Health to follow federal
5 requirements, and authorizing the department to adopt
6 rules, in the implementation of a specified program;
7 amending s. 395.3025, F.S.; authorizing the disclosure
8 of certain patient records to the department, rather
9 than the Agency for Health Care Administration;
10 requiring the department, rather than the agency, to
11 make certain patient records available under certain
12 circumstances; amending s. 456.013, F.S.; requiring
13 examination applications for health care practitioner
14 licensure to include the applicant's date of birth;
15 removing provisions relating to the size and format of
16 such licenses; prohibiting regulatory boards or the
17 department from issuing or renewing such licenses
18 under certain conditions; amending s. 456.025, F.S.;
19 authorizing regulatory boards or the department to
20 adopt rules that waive certain fees under certain
21 conditions; amending s. 456.065, F.S.; authorizing a
22 transfer from a profession's operating fund to cover a
23 deficit in the unlicensed activity category; amending
24 ss. 458.3265 and 459.0137, F.S.; exempting certain
25 pain-management clinics from paying registration fees

26 | and from complying with certain requirements and
27 | rules; amending s. 458.348, F.S.; repealing a
28 | provision that requires a joint committee to determine
29 | standards for the content of advanced registered nurse
30 | practitioner protocols; conforming a cross-reference;
31 | amending s. 464.012, F.S.; removing an obsolete
32 | qualification to satisfy certification requirements
33 | for an advanced registered nurse practitioner;
34 | requiring an advanced registered nurse practitioner's
35 | supervisory protocol to be maintained at a specified
36 | location; removing the requirement that the
37 | supervisory protocol be filed with the Board of
38 | Nursing; removing the requirement that the board refer
39 | licensees who submit noncompliant supervisory
40 | protocols to the department; amending s. 464.013,
41 | F.S.; requiring certain continuing education courses
42 | to be approved by the Board of Nursing; removing a
43 | requirement that certain continuing education courses
44 | be offered by specified entities; amending s. 464.019,
45 | F.S.; authorizing the board to conduct certain onsite
46 | evaluations; removing a limiting criterion from the
47 | requirement to measure graduate passage rates;
48 | removing a requirement that certain nursing program
49 | graduates complete a specified preparatory course;
50 | clarifying circumstances in which programs in

51 | probationary status must be terminated; providing that
52 | accredited and nonaccredited programs must disclose
53 | probationary status; requiring such notification to
54 | include certain information; prohibiting a terminated
55 | or closed program from seeking program approval for a
56 | certain time period; authorizing the board to adopt
57 | certain rules; removing requirements that the Office
58 | of Program Policy Analysis and Government
59 | Accountability (OPPAGA) perform certain tasks and
60 | duties; requiring the Florida Center for Nursing to
61 | complete an annual assessment of compliance by nursing
62 | programs with certain accreditation requirements;
63 | requiring the center to include its assessment in a
64 | report to the Governor and Legislature; requiring the
65 | termination of a program under certain circumstances;
66 | creating s. 465.0195, F.S.; requiring a pharmacy or
67 | outsourcing facility to obtain a permit before
68 | engaging in specified activities relating to compound
69 | sterile products; providing requirements for the
70 | permit application and for the employment of certain
71 | individuals; authorizing the Board of Pharmacy to
72 | adopt by rule standards of practice for sterile
73 | compounding; requiring the board to consider certain
74 | standards and regulations in adopting such rules;
75 | providing applicability; amending 465.027, F.S.;

76 | exempting certain third-party logistics providers from
77 | regulation under chapter 465, F.S.; amending s.
78 | 468.80, F.S.; requiring completion of a specified
79 | course for orthotics, prosthetics, and pedorthics
80 | licensure and licensure renewal; providing course
81 | requirements; amending s. 468.803, F.S.; revising
82 | registration requirements for orthotics and
83 | prosthetics; authorizing persons to hold a single
84 | registration in both fields; authorizing the
85 | department to develop and administer a prosthetist-
86 | orthotist license; providing requirements for a
87 | prosthetics-orthotics examination and licensure;
88 | amending 480.041, F.S.; requiring the department,
89 | rather than the Board of Massage Therapy, to deny the
90 | renewal of a massage therapist license under certain
91 | circumstances; amending s. 486.102, F.S.; providing
92 | requirements for certain physical therapy assistant
93 | licensure applicants; amending s. 491.005, F.S.;
94 | revising the amount of clinical experience required
95 | for a license to provide marriage and family therapy;
96 | revising the examination used for mental health
97 | counselor licensure; amending s. 491.009, F.S.;
98 | authorizing the Board of Clinical Social Work,
99 | Marriage and Family Therapy, and Mental Health
100 | Counseling, rather than the department, to deny

101 licensure to or impose penalties against specified
 102 applicants or licensees under certain circumstances;
 103 authorizing the department, rather than the board, to
 104 deny licensure to or impose penalties against a
 105 certified master social worker, rather than
 106 psychologist, applicants or licensees under certain
 107 circumstances; providing effective dates.
 108

109 Be It Enacted by the Legislature of the State of Florida:
 110

111 Section 1. Effective upon this act becoming a law,
 112 paragraph (k) is added to subsection (3) of section 381.4018,
 113 Florida Statutes, to read:

114 381.4018 Physician workforce assessment and development.—

115 (3) GENERAL FUNCTIONS.—The department shall maximize the
 116 use of existing programs under the jurisdiction of the
 117 department and other state agencies and coordinate governmental
 118 and nongovernmental stakeholders and resources in order to
 119 develop a state strategic plan and assess the implementation of
 120 such strategic plan. In developing the state strategic plan, the
 121 department shall:

122 (k) Follow the federal requirements and may adopt rules
 123 necessary for the implementation of the Conrad 30 Waiver program
 124 established under section 214(1) of the Immigration Nationality
 125 Act.

126 Section 2. Paragraph (e) of subsection (4) of section
127 395.3025, Florida Statutes, is amended to read:

128 395.3025 Patient and personnel records; copies;
129 examination.—

130 (4) Patient records are confidential and must not be
131 disclosed without the consent of the patient or his or her legal
132 representative, but appropriate disclosure may be made without
133 such consent to:

134 (e) The department ~~agency~~ upon subpoena issued pursuant to
135 s. 456.071, but the records obtained thereby must be used solely
136 for the purpose of the department ~~agency~~ and the appropriate
137 professional board in its investigation, prosecution, and appeal
138 of disciplinary proceedings. If the department ~~agency~~ requests
139 copies of the records, the facility shall charge no more than
140 its actual copying costs, including reasonable staff time. The
141 records must be sealed and must not be available to the public
142 pursuant to s. 119.07(1) or any other statute providing access
143 to records, nor may they be available to the public as part of
144 the record of investigation for and prosecution in disciplinary
145 proceedings made available to the public by the department
146 ~~agency~~ or the appropriate regulatory board. However, the
147 department ~~agency~~ must make available, upon written request by a
148 practitioner against whom probable cause has been found, any
149 such records that form the basis of the determination of
150 probable cause.

151 Section 3. Paragraph (a) of subsection (1) and subsection
152 (2) of section 456.013, Florida Statutes, are amended, and
153 subsections (14) and (15) are added to that section, to read:

154 456.013 Department; general licensing provisions.—

155 (1) (a) Any person desiring to be licensed in a profession
156 within the jurisdiction of the department shall apply to the
157 department in writing to take the licensure examination. The
158 application shall be made on a form prepared and furnished by
159 the department. The application form must be available on the
160 Internet ~~World Wide Web~~ and the department may accept
161 electronically submitted applications beginning July 1, 2001.
162 The application shall require the date of birth and the social
163 security number of the applicant, except as provided in
164 paragraph (b). The form shall be supplemented as needed to
165 reflect any material change in any circumstance or condition
166 stated in the application which takes place between the initial
167 filing of the application and the final grant or denial of the
168 license and which might affect the decision of the department.
169 If an application is submitted electronically, the department
170 may require supplemental materials, including an original
171 signature of the applicant and verification of credentials, to
172 be submitted in a nonelectronic format. An incomplete
173 application shall expire 1 year after initial filing. In order
174 to further the economic development goals of the state, and
175 notwithstanding any law to the contrary, the department may

176 enter into an agreement with the county tax collector for the
177 purpose of appointing the county tax collector as the
178 department's agent to accept applications for licenses and
179 applications for renewals of licenses. The agreement must
180 specify the time within which the tax collector must forward any
181 applications and accompanying application fees to the
182 department.

183 (2) Before the issuance of a ~~any~~ license, the department
184 shall charge an initial license fee as determined by the
185 applicable board or, if there is no board, by rule of the
186 department. Upon receipt of the appropriate license fee, the
187 department shall issue a license to a ~~any~~ person certified by
188 the appropriate board, or its designee, as having met the
189 licensure requirements imposed by law or rule. ~~The license shall~~
190 ~~consist of a wallet-size identification card and a wall card~~
191 ~~measuring 6 1/2 inches by 5 inches.~~ The licensee shall surrender
192 the license to the department ~~the wallet-size identification~~
193 ~~card and the wall card~~ if the ~~licensee's~~ license was ~~is~~ issued
194 in error or is revoked.

195 (14) The department may not renew the license of a person
196 or establishment that has not paid applicable fines and costs
197 within the timeframe listed in a final order imposing discipline
198 unless the licensing board, or the department if there is no
199 board, has granted the licensee additional time to pay the fines
200 and costs imposed by the final order.

201 (15) A board, or the department if there is no board, may
202 not issue a license to a person or establishment that has not
203 paid applicable fines and costs within the timeframe listed in a
204 final order imposing discipline; that has allowed the person's
205 or establishment's license, regulated under chapter 456, to
206 become delinquent or void; or that has relinquished such a
207 license in any way, until such time as the total amount of the
208 fines and costs imposed by the final order, the delinquency fee,
209 and any other fees resulting from failure to timely renew a
210 license are paid in full. This subsection does not prevent a
211 board, or the department if there is no board, from reinstating
212 or issuing a license with conditions that allow for the full
213 payment of the fines and costs imposed by the final order.

214 Section 4. Subsections (7) through (11) of section
215 456.025, Florida Statutes, are renumbered as subsections (8)
216 through (12), respectively, and a new subsection (7) is added to
217 that section to read:

218 456.025 Fees; receipts; disposition.—

219 (7) If the department determines, based on long-range
220 estimates of revenue, that a profession's trust fund moneys
221 exceed the costs of regulating the profession, the applicable
222 board, or the department if there is no board, may adopt rules
223 to implement a waiver of initial application fees, initial
224 licensure fees, unlicensed activity fees, or renewal fees for
225 the profession for a period not to exceed 2 years.

226 Section 5. Subsection (3) of section 456.065, Florida
227 Statutes, is amended to read:

228 456.065 Unlicensed practice of a health care profession;
229 intent; cease and desist notice; penalties; enforcement;
230 citations; fees; allocation and disposition of moneys
231 collected.—

232 (3) Because all enforcement costs should be covered by
233 professions regulated by the department, the department shall
234 impose, upon initial licensure and each licensure renewal, a
235 special fee of \$5 per licensee to fund efforts to combat
236 unlicensed activity. Such fee shall be in addition to all other
237 fees collected from each licensee. The department shall make
238 direct charges to the Medical Quality Assurance Trust Fund by
239 profession. The department shall seek board advice regarding
240 enforcement methods and strategies. The department shall
241 directly credit the Medical Quality Assurance Trust Fund, by
242 profession, with the revenues received from the department's
243 efforts to enforce licensure provisions. The department shall
244 include all financial and statistical data resulting from
245 unlicensed activity enforcement as a separate category in the
246 quarterly management report provided for in s. 456.025. For an
247 unlicensed activity account, a balance which remains at the end
248 of a renewal cycle may, with concurrence of the applicable board
249 and the department, be transferred to the operating fund account
250 of that profession. If the special fee is insufficient to cover

251 the costs of unlicensed activity enforcement for a profession,
252 with the concurrence of the applicable board and the department,
253 a transfer may be made from the operating fund of that
254 profession to the unlicensed activity category within the
255 profession's cash balance to cover the deficit. The department
256 shall also use these funds to inform and educate consumers
257 generally on the importance of using licensed health care
258 practitioners.

259 Section 6. Paragraph (a) of subsection (1) of section
260 458.3265, Florida Statutes, is amended to read:

261 458.3265 Pain-management clinics.—

262 (1) REGISTRATION.—

263 (a)1. As used in this section, the term:

264 a. "Board eligible" means successful completion of an
265 anesthesia, physical medicine and rehabilitation, rheumatology,
266 or neurology residency program approved by the Accreditation
267 Council for Graduate Medical Education or the American
268 Osteopathic Association for a period of 6 years from successful
269 completion of such residency program.

270 b. "Chronic nonmalignant pain" means pain unrelated to
271 cancer which persists beyond the usual course of disease or the
272 injury that is the cause of the pain or more than 90 days after
273 surgery.

274 c. "Pain-management clinic" or "clinic" means any publicly
275 or privately owned facility:

276 (I) That advertises in any medium for any type of pain-
 277 management services; or

278 (II) Where in any month a majority of patients are
 279 prescribed opioids, benzodiazepines, barbiturates, or
 280 carisoprodol for the treatment of chronic nonmalignant pain.

281 2. Each pain-management clinic must register with the
 282 department.

283 3. A clinic that meets one or more of the following
 284 conditions and notifies the department of such is exempt from
 285 any registration fee and from complying with paragraphs (c)-(m),
 286 subsections (2) and (3), and rules adopted under subsection (4)

287 unless:

288 a. The ~~That~~ clinic is licensed as a facility pursuant to
 289 chapter 395;

290 b. The majority of the physicians who provide services in
 291 the clinic primarily provide surgical services;

292 c. The clinic is owned by a publicly held corporation
 293 whose shares are traded on a national exchange or on the over-
 294 the-counter market and whose total assets at the end of the
 295 corporation's most recent fiscal quarter exceeded \$50 million;

296 d. The clinic is affiliated with an accredited medical
 297 school at which training is provided for medical students,
 298 residents, or fellows;

299 e. The clinic does not prescribe controlled substances for
 300 the treatment of pain;

301 f. The clinic is owned by a corporate entity exempt from
 302 federal taxation under 26 U.S.C. s. 501(c)(3);

303 g. The clinic is wholly owned and operated by one or more
 304 board-eligible or board-certified anesthesiologists,
 305 physiatrists, rheumatologists, or neurologists; or

306 h. The clinic is wholly owned and operated by a physician
 307 multispecialty practice where one or more board-eligible or
 308 board-certified medical specialists, who have also completed
 309 fellowships in pain medicine approved by the Accreditation
 310 Council for Graduate Medical Education or who are also board-
 311 certified in pain medicine by the American Board of Pain
 312 Medicine or a board approved by the American Board of Medical
 313 Specialties, the American Association of Physician Specialists,
 314 or the American Osteopathic Association, perform interventional
 315 pain procedures of the type routinely billed using surgical
 316 codes.

317 Section 7. Subsection (2) and paragraph (e) of subsection
 318 (4) of section 458.348, Florida Statutes, are amended to read:

319 458.348 Formal supervisory relationships, standing orders,
 320 and established protocols; notice; standards.—

321 ~~(2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE. The~~
 322 ~~joint committee shall determine minimum standards for the~~
 323 ~~content of established protocols pursuant to which an advanced~~
 324 ~~registered nurse practitioner may perform medical acts or acts~~
 325 ~~set forth in s. 464.012(3) and (4) and shall determine minimum~~

326 | ~~standards for supervision of such acts by the physician, unless~~
327 | ~~the joint committee determines that any act set forth in s.~~
328 | ~~464.012(3) or (4) is not a medical act. Such standards shall be~~
329 | ~~based on risk to the patient and acceptable standards of medical~~
330 | ~~care and shall take into account the special problems of~~
331 | ~~medically underserved areas. The standards developed by the~~
332 | ~~joint committee shall be adopted as rules by the Board of~~
333 | ~~Nursing and the Board of Medicine for purposes of carrying out~~
334 | ~~their responsibilities pursuant to part I of chapter 464 and~~
335 | ~~this chapter, respectively, but neither board shall have~~
336 | ~~disciplinary powers over the licensees of the other board.~~

337 | (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—
338 | A physician who supervises an advanced registered nurse
339 | practitioner or physician assistant at a medical office other
340 | than the physician's primary practice location, where the
341 | advanced registered nurse practitioner or physician assistant is
342 | not under the onsite supervision of a supervising physician,
343 | must comply with the standards set forth in this subsection. For
344 | the purpose of this subsection, a physician's "primary practice
345 | location" means the address reflected on the physician's profile
346 | published pursuant to s. 456.041.

347 | (e) This subsection does not apply to health care services
348 | provided in facilities licensed under chapter 395 or in
349 | conjunction with a college of medicine, a college of nursing, an
350 | accredited graduate medical program, or a nursing education

351 program; not-for-profit, family-planning clinics that are not
 352 licensed pursuant to chapter 390; rural and federally qualified
 353 health centers; health care services provided in a nursing home
 354 licensed under part II of chapter 400, an assisted living
 355 facility licensed under part I of chapter 429, a continuing care
 356 facility licensed under chapter 651, or a retirement community
 357 consisting of independent living units and a licensed nursing
 358 home or assisted living facility; anesthesia services provided
 359 in accordance with law; health care services provided in a
 360 designated rural health clinic; health care services provided to
 361 persons enrolled in a program designed to maintain elderly
 362 persons and persons with disabilities in a home or community-
 363 based setting; university primary care student health centers;
 364 school health clinics; or health care services provided in
 365 federal, state, or local government facilities. Subsection (2)
 366 ~~(3)~~ and this subsection do not apply to offices at which the
 367 exclusive service being performed is laser hair removal by an
 368 advanced registered nurse practitioner or physician assistant.

369 Section 8. Paragraph (a) of subsection (1) of section
 370 459.0137, Florida Statutes, is amended to read:

371 459.0137 Pain-management clinics.—

372 (1) REGISTRATION.—

373 (a)1. As used in this section, the term:

374 a. "Board eligible" means successful completion of an
 375 anesthesia, physical medicine and rehabilitation, rheumatology,

376 or neurology residency program approved by the Accreditation
 377 Council for Graduate Medical Education or the American
 378 Osteopathic Association for a period of 6 years from successful
 379 completion of such residency program.

380 b. "Chronic nonmalignant pain" means pain unrelated to
 381 cancer which persists beyond the usual course of disease or the
 382 injury that is the cause of the pain or more than 90 days after
 383 surgery.

384 c. "Pain-management clinic" or "clinic" means any publicly
 385 or privately owned facility:

386 (I) That advertises in any medium for any type of pain-
 387 management services; or

388 (II) Where in any month a majority of patients are
 389 prescribed opioids, benzodiazepines, barbiturates, or
 390 carisoprodol for the treatment of chronic nonmalignant pain.

391 2. Each pain-management clinic must register with the
 392 department.

393 3. A clinic that meets one or more of the following
 394 conditions and notifies the department of such is exempt from
 395 any registration fee and from complying with paragraphs (c)-(m),
 396 subsections (2) and (3), and rules adopted under subsection (4)
 397 unless:

398 a. The ~~That~~ clinic is licensed as a facility pursuant to
 399 chapter 395;

400 b. The majority of the physicians who provide services in

401 the clinic primarily provide surgical services;

402 c. The clinic is owned by a publicly held corporation
403 whose shares are traded on a national exchange or on the over-
404 the-counter market and whose total assets at the end of the
405 corporation's most recent fiscal quarter exceeded \$50 million;

406 d. The clinic is affiliated with an accredited medical
407 school at which training is provided for medical students,
408 residents, or fellows;

409 e. The clinic does not prescribe controlled substances for
410 the treatment of pain;

411 f. The clinic is owned by a corporate entity exempt from
412 federal taxation under 26 U.S.C. s. 501(c)(3);

413 g. The clinic is wholly owned and operated by one or more
414 board-eligible or board-certified anesthesiologists,
415 physiatrists, rheumatologists, or neurologists; or

416 h. The clinic is wholly owned and operated by a physician
417 multispecialty practice where one or more board-eligible or
418 board-certified medical specialists, who have also completed
419 fellowships in pain medicine approved by the Accreditation
420 Council for Graduate Medical Education or the American
421 Osteopathic Association or who are also board-certified in pain
422 medicine by the American Board of Pain Medicine or a board
423 approved by the American Board of Medical Specialties, the
424 American Association of Physician Specialists, or the American
425 Osteopathic Association, perform interventional pain procedures

426 of the type routinely billed using surgical codes.

427 Section 9. Subsections (1) and (3) of section 464.012,
428 Florida Statutes, are amended to read:

429 464.012 Certification of advanced registered nurse
430 practitioners; fees; controlled substance prescribing.—

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

436 ~~(a) Satisfactory completion of a formal postbasic~~
437 ~~educational program of at least one academic year, the primary~~
438 ~~purpose of which is to prepare nurses for advanced or~~
439 ~~specialized practice.~~

440 (a) ~~(b)~~ Certification by an appropriate specialty board.
441 Such certification shall be required for initial state
442 certification and any recertification as a registered nurse
443 anesthetist, psychiatric nurse, or nurse midwife. The board may
444 by rule provide for provisional state certification of graduate
445 nurse anesthetists, psychiatric nurses, and nurse midwives for a
446 period of time determined to be appropriate for preparing for
447 and passing the national certification examination.

448 (b) ~~(e)~~ Graduation from a program leading to a master's
449 degree in a nursing clinical specialty area with preparation in
450 specialized practitioner skills. For applicants graduating on or

451 after October 1, 1998, graduation from a master's degree program
452 shall be required for initial certification as a nurse
453 practitioner under paragraph (4)(c). For applicants graduating
454 on or after October 1, 2001, graduation from a master's degree
455 program shall be required for initial certification as a
456 registered nurse anesthetist under paragraph (4)(a).

457 (3) An advanced registered nurse practitioner shall
458 perform those functions authorized in this section within the
459 framework of an established protocol which must be maintained
460 onsite at the location or locations at which an advanced
461 registered nurse practitioner practices. In the case of multiple
462 supervising physicians in the same group, an advanced registered
463 nurse practitioner must enter into a supervisory protocol with
464 at least one physician within the physician group practice that
465 ~~is filed with the board upon biennial license renewal and within~~
466 ~~30 days after entering into a supervisory relationship with a~~
467 ~~physician or changes to the protocol. The board shall review the~~
468 ~~protocol to ensure compliance with applicable regulatory~~
469 ~~standards for protocols. The board shall refer to the department~~
470 ~~licensees submitting protocols that are not compliant with the~~
471 ~~regulatory standards for protocols.~~ A practitioner currently
472 licensed under chapter 458, chapter 459, or chapter 466 shall
473 maintain supervision for directing the specific course of
474 medical treatment. Within the established framework, an advanced
475 registered nurse practitioner may:

476 (a) Prescribe, dispense, administer, or order any drug;
 477 however, an advanced registered nurse practitioner may prescribe
 478 or dispense a controlled substance as defined in s. 893.03 only
 479 if the advanced registered nurse practitioner has graduated from
 480 a program leading to a master's or doctoral degree in a clinical
 481 nursing specialty area with training in specialized practitioner
 482 skills.

483 (b) Initiate appropriate therapies for certain conditions.

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

486 (d) Order diagnostic tests and physical and occupational
 487 therapy.

488 (e) Order any medication for administration to a patient
 489 in a facility licensed under chapter 395 or part II of chapter
 490 400, notwithstanding any provisions in chapter 465 or chapter
 491 893.

492 Section 10. Effective December 31, 2018, or upon enactment
 493 of the Nurse Licensure Compact into law by 26 states, whichever
 494 occurs first, subsection (1) of section 464.012, Florida
 495 Statutes, as amended by section 8 of chapter 2016-139, section
 496 12 of chapter 2016-224, and section 7 of chapter 2016-231, Laws
 497 of Florida, is amended to read:

498 464.012 Certification of advanced registered nurse
 499 practitioners; fees; controlled substance prescribing.—

500 (1) Any nurse desiring to be certified as an advanced

501 registered nurse practitioner shall apply to the department and
502 submit proof that he or she holds a current license to practice
503 professional nursing or holds an active multistate license to
504 practice professional nursing pursuant to s. 464.0095 and that
505 he or she meets one or more of the following requirements as
506 determined by the board:

507 ~~(a) Satisfactory completion of a formal postbasic~~
508 ~~educational program of at least one academic year, the primary~~
509 ~~purpose of which is to prepare nurses for advanced or~~
510 ~~specialized practice.~~

511 (a) ~~(b)~~ Certification by an appropriate specialty board.
512 Such certification shall be required for initial state
513 certification and any recertification as a registered nurse
514 anesthetist, psychiatric nurse, or nurse midwife. The board may
515 by rule provide for provisional state certification of graduate
516 nurse anesthetists, psychiatric nurses, and nurse midwives for a
517 period of time determined to be appropriate for preparing for
518 and passing the national certification examination.

519 (b) ~~(c)~~ Graduation from a program leading to a master's
520 degree in a nursing clinical specialty area with preparation in
521 specialized practitioner skills. For applicants graduating on or
522 after October 1, 1998, graduation from a master's degree program
523 shall be required for initial certification as a nurse
524 practitioner under paragraph (4) (c). For applicants graduating
525 on or after October 1, 2001, graduation from a master's degree

526 program shall be required for initial certification as a
 527 registered nurse anesthetist under paragraph (4) (a).

528 Section 11. Subsection (3) of section 464.013, Florida
 529 Statutes, is amended to read:

530 464.013 Renewal of license or certificate.—

531 (3) The board shall by rule prescribe up to 30 hours of
 532 continuing education biennially as a condition for renewal of a
 533 license or certificate.

534 (a) A nurse who is certified by a health care specialty
 535 program accredited by the National Commission for Certifying
 536 Agencies or the Accreditation Board for Specialty Nursing
 537 Certification is exempt from continuing education requirements.
 538 The criteria for programs must be approved by the board.

539 (b) Notwithstanding the exemption in paragraph (a), as
 540 part of the maximum 30 hours of continuing education ~~hours~~
 541 required under this subsection, advanced registered nurse
 542 practitioners certified under s. 464.012 must complete at least
 543 3 hours of continuing education on the safe and effective
 544 prescription of controlled substances. Such continuing education
 545 courses must be approved by the board and ~~must be offered by a~~
 546 ~~statewide professional association of physicians in this state~~
 547 ~~accredited to provide educational activities designated for the~~
 548 ~~American Medical Association Physician's Recognition Award~~
 549 ~~Category 1 credit, the American Nurses Credentialing Center, the~~
 550 ~~American Association of Nurse Anesthetists, or the American~~

551 ~~Association of Nurse Practitioners~~ and may be offered in a
552 distance learning format.

553 Section 12. Paragraph (b) of subsection (2), subsection
554 (5), subsection (8), paragraph (a) of subsection (9), and
555 subsection (10) of section 464.019, Florida Statutes, are
556 amended, and paragraph (d) is added to subsection (7) and
557 paragraph (e) is added to subsection (11) of that section, to
558 read:

559 464.019 Approval of nursing education programs.—

560 (2) PROGRAM APPROVAL.—

561 (b) Following the department's receipt of a complete
562 program application, the board may conduct an onsite evaluation
563 if necessary to document the applicant's compliance with
564 subsection (1). Within 90 days after the department's receipt of
565 a complete program application, the board shall:

566 1. Approve the application if it documents compliance with
567 subsection (1); or

568 2. Provide the educational institution with a notice of
569 intent to deny the application if it does not document
570 compliance with subsection (1). The notice must specify written
571 reasons for the board's denial of the application. The board may
572 not deny a program application because of an educational
573 institution's failure to correct an error or omission that the
574 department failed to provide notice of to the institution within
575 the 30-day notice period under paragraph (a). The educational

576 institution may request a hearing on the notice of intent to
577 deny the program application pursuant to chapter 120.

578 (5) ACCOUNTABILITY.—

579 (a)1. An approved program must achieve a graduate passage
580 rate for first-time test takers which ~~who take the licensure~~
581 ~~examination within 6 months after graduation from the program~~
582 ~~that~~ is not more than 10 percentage points lower than the
583 average passage rate during the same calendar year for graduates
584 of comparable degree programs who are United States educated,
585 first-time test takers on the National Council of State Boards
586 of Nursing Licensing Examination, as calculated by the contract
587 testing service of the National Council of State Boards of
588 Nursing. ~~An approved program shall require a graduate from the~~
589 ~~program who does not take the licensure examination within 6~~
590 ~~months after graduation to enroll in and successfully complete a~~
591 ~~licensure examination preparatory course pursuant to s. 464.008.~~
592 For purposes of this subparagraph, an approved program is
593 comparable to all degree programs of the same program type from
594 among the following program types:

595 a. Professional nursing education programs that terminate
596 in a bachelor's degree.

597 b. Professional nursing education programs that terminate
598 in an associate degree.

599 c. Professional nursing education programs that terminate
600 in a diploma.

601 d. Practical nursing education programs.

602 2. Beginning with graduate passage rates for calendar year
603 2010, if an approved program's graduate passage rates do not
604 equal or exceed the required passage rates for 2 consecutive
605 calendar years, the board shall place the program on
606 probationary status pursuant to chapter 120 and the program
607 director shall appear before the board to present a plan for
608 remediation, which shall include specific benchmarks to identify
609 progress toward a graduate passage rate goal. The program must
610 remain on probationary status until it achieves a graduate
611 passage rate that equals or exceeds the required passage rate
612 for any 1 calendar year. The board shall deny a program
613 application for a new prelicensure nursing education program
614 submitted by an educational institution if the institution has
615 an existing program that is already on probationary status.

616 3. Upon the program's achievement of a graduate passage
617 rate that equals or exceeds the required passage rate, the
618 board, at its next regularly scheduled meeting following release
619 of the program's graduate passage rate by the National Council
620 of State Boards of Nursing, shall remove the program's
621 probationary status. If the program, during the 2 calendar years
622 following its placement on probationary status, does not achieve
623 the required passage rate for any 1 calendar year, the board
624 ~~shall terminate the program pursuant to chapter 120. However,~~
625 ~~the board~~ may extend the program's probationary status for 1

626 additional year, provided if the program has demonstrated
627 ~~demonstrates~~ adequate progress toward the graduate passage rate
628 goal by meeting a majority of the benchmarks established in the
629 remediation plan. If the program is not granted the 1-year
630 extension or fails to achieve the required passage rate by the
631 end of such extension, the board shall terminate the program
632 pursuant to chapter 120.

633 (b) If an approved program fails to submit the annual
634 report required in subsection (3), the board shall notify the
635 program director and president or chief executive officer of the
636 educational institution in writing within 15 days after the due
637 date of the annual report. The program director shall appear
638 before the board at the board's next regularly scheduled meeting
639 to explain the reason for the delay. The board shall terminate
640 the program pursuant to chapter 120 if the program director
641 fails to appear before the board, as required under this
642 paragraph, or if the program ~~it~~ does not submit the annual
643 report within 6 months after the due date.

644 (c) A nursing education ~~An approved~~ program, whether
645 accredited or nonaccredited, which has been placed on
646 probationary status shall disclose its probationary status in
647 writing to the program's students and applicants. The
648 notification must include an explanation of the implications of
649 the program's probationary status on student and applicant
650 employment and educational opportunities, including the

651 prospects a student wishing to matriculate at a university will
652 face.

653 (d) If students from a program that is terminated pursuant
654 to this subsection transfer to an approved or an accredited
655 program under the direction of the Commission for Independent
656 Education, the board shall recalculate the passage rates of the
657 programs receiving the transferring students, excluding the test
658 scores of those students transferring more than 12 credits.

659 (7) PROGRAM CLOSURE.—

660 (d) A program that is terminated or closed under this
661 section may not seek program approval under its original name or
662 a new program name for a minimum of 3 years after the date of
663 termination or closing.

664 (8) RULEMAKING.—The board does not have rulemaking
665 authority to administer this section, except that the board
666 shall adopt rules that prescribe the format for submitting
667 program applications under subsection (1) and annual reports
668 under subsection (3), and to administer the documentation of the
669 accreditation of nursing education programs under subsection
670 (11). The board may adopt rules related to the nursing
671 curriculum and nursing program implementation plans, which may
672 include definitions of the various types and uses of simulation
673 technology and limitations on the technology's use. The board
674 may also adopt rules related to program termination or closure
675 under this section and the procedure for a program that is

676 terminated or closed under this section to seek subsequent
677 program approval. The board may not impose any condition or
678 requirement on an educational institution submitting a program
679 application, an approved program, or an accredited program,
680 except as expressly provided in this section.

681 (9) APPLICABILITY TO ACCREDITED PROGRAMS.—

682 (a) Subsections (1)-(3), paragraph (4)(b), and paragraph
683 (5)(b) ~~subsection (5)~~ do not apply to an accredited program.

684 (10) IMPLEMENTATION STUDY.—The Florida Center for Nursing
685 ~~and the education policy area of the Office of Program Policy~~
686 ~~Analysis and Government Accountability~~ shall study the
687 administration of this section and submit reports to the
688 Governor, the President of the Senate, and the Speaker of the
689 House of Representatives annually by January 30, through January
690 30, 2020. The annual reports shall address the previous academic
691 year; provide data on the measures specified in paragraphs (a)
692 and (b), as such data becomes available; and include an
693 evaluation of such data for purposes of determining whether this
694 section is increasing the availability of nursing education
695 programs and the production of quality nurses. The department
696 and each approved program or accredited program shall comply
697 with requests for data from the Florida Center for Nursing ~~and~~
698 ~~the education policy area of the Office of Program Policy~~
699 ~~Analysis and Government Accountability.~~

700 (a) The Florida Center for Nursing ~~education policy area~~

701 ~~of the Office of Program Policy Analysis and Government~~
702 ~~Accountability~~ shall evaluate program-specific data for each
703 approved program and accredited program conducted in the state,
704 including, but not limited to:

- 705 1. The number of programs and student slots available.
- 706 2. The number of student applications submitted, the
707 number of qualified applicants, and the number of students
708 accepted.
- 709 3. The number of program graduates.
- 710 4. Program retention rates of students tracked from
711 program entry to graduation.
- 712 5. Graduate passage rates on the National Council of State
713 Boards of Nursing Licensing Examination.
- 714 6. The number of graduates who become employed as
715 practical or professional nurses in the state.

716 (b) The Florida Center for Nursing shall evaluate the
717 board's implementation of the:

- 718 1. Program application approval process, including, but
719 not limited to, the number of program applications submitted
720 under subsection (1); the number of program applications
721 approved and denied by the board under subsection (2); the
722 number of denials of program applications reviewed under chapter
723 120; and a description of the outcomes of those reviews.
- 724 2. Accountability processes, including, but not limited
725 to, the number of programs on probationary status, the number of

726 approved programs for which the program director is required to
727 appear before the board under subsection (5), the number of
728 approved programs terminated by the board, the number of
729 terminations reviewed under chapter 120, and a description of
730 the outcomes of those reviews.

731 (c) The Florida Center for Nursing shall complete an
732 annual assessment of compliance by programs with the
733 accreditation requirements of subsection (11), include in the
734 assessment a determination of the accreditation process status
735 for each program, and submit the assessment as part of the
736 report required by this subsection ~~For any state fiscal year in~~
737 ~~which The Florida Center for Nursing does not receive~~
738 ~~legislative appropriations, the education policy area of the~~
739 ~~Office of Program Policy Analysis and Government Accountability~~
740 ~~shall perform the duties assigned by this subsection to the~~
741 ~~Florida Center for Nursing.~~

742 (11) ACCREDITATION REQUIRED.—

743 (e) A nursing education program that fails to meet the
744 accreditation requirements shall be terminated and is ineligible
745 for reapproval under its original name or a new program name for
746 a minimum of 3 years after the date of termination.

747 Section 13. Section 465.0195, Florida Statutes, is created
748 to read:

749 465.0195 In-state sterile compounding permit.—Before any
750 pharmacy or outsourcing facility located in this state

751 dispenses, creates, delivers, ships, or mails, in any manner, a
752 compound sterile product, the pharmacy or outsourcing facility
753 must hold a sterile compounding permit.

754 (1) An application for a sterile compounding permit shall
755 be submitted on a form furnished by the board. The board may
756 require such information as it deems reasonably necessary to
757 carry out the purposes of this section.

758 (2) If the board certifies that the application complies
759 with the applicable laws and rules of the board governing
760 pharmacies, the department shall issue the permit.

761 (3) A permit may not be issued unless a licensed
762 pharmacist is designated to supervise the compounding and
763 dispensing of all drugs dispensed by the permittee.

764 (4) The permittee shall notify the department within 10
765 days after any change in the designation of the supervising
766 licensed pharmacist. A permittee that employs or otherwise uses
767 registered pharmacy technicians must have a written policy and
768 procedures manual specifying the duties, tasks, and functions
769 that a registered pharmacy technician is allowed to perform.

770 (5) The board may adopt by rule standards of practice for
771 sterile compounding. In adopting the standards of practice, the
772 board shall consider the pharmaceutical standards in chapter 797
773 of the United States Pharmacopeia and may consider any
774 authoritative professional standards. In adopting standards of
775 practice for an outsourcing facility, the board shall consider

776 the Current Good Manufacturing Practice regulations enforced by
777 the United States Food and Drug Administration and may consider
778 any authoritative professional standards.

779 (6) All provisions relating to pharmacy permits in ss.
780 465.022 and 465.023 apply to permits issued pursuant to this
781 section.

782 Section 14. Subsection (2) of section 465.027, Florida
783 Statutes, is amended to read:

784 465.027 Exceptions.—

785 (2) This chapter shall not apply to a manufacturer, or its
786 agent, holding an active permit as a manufacturer under chapter
787 499, or a third-party logistics provider holding an active
788 permit as a third-party logistics provider under chapter 499,
789 and engaged solely in the manufacture or distribution of
790 dialysate, drugs, or devices necessary to perform home renal
791 dialysis on patients with chronic kidney failure, if the
792 dialysate, drugs, or devices are:

793 (a) Approved or cleared by the United States Food and Drug
794 Administration; and

795 (b) Delivered in the original, sealed packaging after
796 receipt of a physician's order to dispense to:

797 1. A patient with chronic kidney failure, or the patient's
798 designee, for the patient's self-administration of the dialysis
799 therapy; or

800 2. A health care practitioner or an institution for

801 administration or delivery of the dialysis therapy to a patient
802 with chronic kidney failure.

803 Section 15. Subsection (5) of section 468.80, Florida
804 Statutes, is amended to read:

805 468.80 Definitions.—As used in this part, the term:

806 (5) "Mandatory courses" means continuing education courses
807 that the board has defined by rule and required for license
808 issuance or renewal. Notwithstanding s. 456.013(7), the board
809 shall require completion of a 1-hour course relating to the
810 prevention of medical errors as a part of the licensure issuance
811 and biennial renewal process. The 1-hour medical errors course
812 counts toward the total number of continuing education hours
813 required. The course must be approved by the board, be developed
814 specifically for the field of orthotics and prosthetics, and
815 include a study of root-cause analysis, error reduction and
816 prevention, patient safety, and medical records.

817 Section 16. Subsections (1), (3), and (4) of section
818 468.803, Florida Statutes, are amended, and paragraph (f) is
819 added to subsection (5) of that section, to read:

820 468.803 License, registration, and examination
821 requirements.—

822 (1) The department shall issue a license to practice
823 orthotics, prosthetics, or pedorthics, or a registration for a
824 resident to practice orthotics or prosthetics, to qualified
825 applicants. Licenses shall be granted independently in

826 orthotics, prosthetics, or pedorthics, but a person may be
827 licensed in more than one such discipline, and a single
828 prosthetist-orthotist license may be granted to persons meeting
829 the requirements for both a prosthetist and an orthotist
830 license. Registrations shall be granted ~~independently~~ in
831 orthotics or prosthetics, or ~~and~~ a person may, if approved by
832 the board, hold a single registration ~~be registered~~ in both
833 fields ~~at the same time~~.

834 (3) A person seeking to attain the required orthotics or
835 prosthetics experience in this state must be approved by the
836 board and registered as a resident by the department. For a 12-
837 month residency, a registration may be held in each practice
838 field, and the board may not approve a second registration until
839 at least one year after the issuance of the first registration.
840 For an 18-month residency, Although a registration may be held
841 in both practice fields concurrently, ~~the board shall not~~
842 ~~approve a second registration until at least 1 year after the~~
843 ~~issuance of the first registration.~~ Notwithstanding subsection
844 (2), an applicant who has been approved by the board and
845 registered by the department in one practice field may apply for
846 registration in the second practice field without an additional
847 state or national criminal history check during the period in
848 which the first registration is valid. Each registration is
849 valid for 2 years from the date of issuance unless otherwise
850 revoked by the department upon recommendation of the board. The

851 board shall set a registration fee not to exceed \$500 to be paid
852 by the applicant. A registration may be renewed once by the
853 department upon recommendation of the board for a period no
854 longer than 1 year, as such renewal is defined by the board by
855 rule. The registration renewal fee shall not exceed one-half the
856 current registration fee. To be considered by the board for
857 approval of registration as a resident, the applicant must have:

858 (a) A Bachelor of Science or higher-level postgraduate
859 degree in Orthotics and Prosthetics from a regionally accredited
860 college or university recognized by the Commission on
861 Accreditation of Allied Health Education Programs or, at a
862 minimum, a bachelor's degree from a regionally accredited
863 college or university and a certificate in orthotics from a
864 program recognized by the Commission on Accreditation of Allied
865 Health Education Programs, or its equivalent, as determined by
866 the board; or

867 (b) A Bachelor of Science or higher-level postgraduate
868 degree in Orthotics and Prosthetics from a regionally accredited
869 college or university recognized by the Commission on
870 Accreditation of Allied Health Education Programs or, at a
871 minimum, a bachelor's degree from a regionally accredited
872 college or university and a certificate in prosthetics from a
873 program recognized by the Commission on Accreditation of Allied
874 Health Education Programs, or its equivalent, as determined by
875 the board.

876 (4) The department may develop and administer a state
877 examination for an orthotist license, ~~or~~ a prosthetist license,
878 or a prosthetist-orthotist license, or the board may approve the
879 existing examination of a national standards organization. The
880 examination must be predicated on a minimum of a baccalaureate-
881 level education and formalized specialized training in the
882 appropriate field. Each examination must demonstrate a minimum
883 level of competence in basic scientific knowledge, written
884 problem solving, and practical clinical patient management. If
885 developed and administered by the department, the board shall
886 require an examination fee not to exceed the actual cost of ~~to~~
887 ~~the board in~~ developing, administering, and approving the
888 examination, which fee must be paid by the applicant. To be
889 considered by the board for examination, the applicant must
890 have:

891 (a) For an examination in orthotics:

892 1. A Bachelor of Science or higher-level postgraduate
893 degree in Orthotics and Prosthetics from a regionally accredited
894 college or university recognized by the Commission on
895 Accreditation of Allied Health Education Programs or, at a
896 minimum, a bachelor's degree from a regionally accredited
897 college or university and a certificate in orthotics from a
898 program recognized by the Commission on Accreditation of Allied
899 Health Education Programs, or its equivalent, as determined by
900 the board; and

901 2. An approved orthotics internship of 1 year of qualified
 902 experience, as determined by the board, or an orthotic residency
 903 program recognized by the board.

904 (b) For an examination in prosthetics:

905 1. A Bachelor of Science or higher-level postgraduate
 906 degree in Orthotics and Prosthetics from a regionally accredited
 907 college or university recognized by the Commission on
 908 Accreditation of Allied Health Education Programs or, at a
 909 minimum, a bachelor's degree from a regionally accredited
 910 college or university and a certificate in prosthetics from a
 911 program recognized by the Commission on Accreditation of Allied
 912 Health Education Programs, or its equivalent, as determined by
 913 the board; and

914 2. An approved prosthetics internship of 1 year of
 915 qualified experience, as determined by the board, or a
 916 prosthetic residency program recognized by the board.

917 (c) For an examination in prosthetics-orthotics:

918 1. A Bachelor of Science or higher-level postgraduate
 919 degree in Orthotics and Prosthetics from a regionally accredited
 920 college or university recognized by the Commission on
 921 Accreditation of Allied Health Education Programs or, at a
 922 minimum, a bachelor's degree from a regionally accredited
 923 college or university and a certificate in orthotics and
 924 prosthetics from a program recognized by the Commission on
 925 Accreditation of Allied Health Education Programs, or its

926 equivalent, as determined by the board; and

927 2. An approved orthotics-prosthetics internship of at
 928 least 1 year of qualified experience, as determined by the
 929 board, or an orthotics-prosthetics residency program recognized
 930 by the board.

931 (5) In addition to the requirements in subsections
 932 ~~subsection~~ (2) and (4), to be licensed as:

933 (f) A prosthetist-orthotist, the applicant must pay a fee
 934 not to exceed \$1,000 and must have:

935 1. A Bachelor of Science or higher-level postgraduate
 936 degree in Orthotics and Prosthetics from a regionally accredited
 937 college or university, or a bachelor's degree with a certificate
 938 in orthotics and prosthetics from a program recognized by the
 939 Commission on Accreditation of Allied Health Education Programs,
 940 or its equivalent, as determined by the board;

941 2. An internship of at least 1 year of qualified
 942 experience, as determined by the board, or a residency program
 943 recognized by the board

944 3. Completed the mandatory courses; and

945 4. Passed the state prosthetics-orthotics examination, the
 946 board-approved prosthetics examination and the board-approved
 947 orthotics examination, or if available, the board-approved
 948 prosthetics-orthotics examination.

949 Section 17. Subsection (7) of section 480.041, Florida
 950 Statutes, is amended to read:

951 480.041 Massage therapists; qualifications; licensure;
952 endorsement.—

953 (7) The board shall deny an application for a new license
954 and the department shall deny the ~~or~~ renewal of a license if an
955 applicant has been convicted or found guilty of, or enters a
956 plea of guilty or nolo contendere to, regardless of
957 adjudication, a violation of s. 796.07(2) (a) which is
958 reclassified under s. 796.07(7) or a felony offense under any of
959 the following provisions of state law or a similar provision in
960 another jurisdiction:

- 961 (a) Section 787.01, relating to kidnapping.
- 962 (b) Section 787.02, relating to false imprisonment.
- 963 (c) Section 787.025, relating to luring or enticing a
964 child.
- 965 (d) Section 787.06, relating to human trafficking.
- 966 (e) Section 787.07, relating to human smuggling.
- 967 (f) Section 794.011, relating to sexual battery.
- 968 (g) Section 794.08, relating to female genital mutilation.
- 969 (h) Former s. 796.03, relating to procuring a person under
970 the age of 18 for prostitution.
- 971 (i) Former s. 796.035, relating to the selling or buying
972 of minors into prostitution.
- 973 (j) Section 796.04, relating to forcing, compelling, or
974 coercing another to become a prostitute.
- 975 (k) Section 796.05, relating to deriving support from the

976 | proceeds of prostitution.

977 | (1) Section 796.07(4)(a)3., relating to a felony of the
978 | third degree for a third or subsequent violation of s. 796.07,
979 | relating to prohibiting prostitution and related acts.

980 | (m) Section 800.04, relating to lewd or lascivious
981 | offenses committed upon or in the presence of persons less than
982 | 16 years of age.

983 | (n) Section 825.1025(2)(b), relating to lewd or lascivious
984 | offenses committed upon or in the presence of an elderly or
985 | disabled person.

986 | (o) Section 827.071, relating to sexual performance by a
987 | child.

988 | (p) Section 847.0133, relating to the protection of
989 | minors.

990 | (q) Section 847.0135, relating to computer pornography.

991 | (r) Section 847.0138, relating to the transmission of
992 | material harmful to minors to a minor by electronic device or
993 | equipment.

994 | (s) Section 847.0145, relating to the selling or buying of
995 | minors.

996 | Section 18. Paragraph (b) and (c) of subsection (3) of
997 | section 486.102, Florida Statutes, are amended, and paragraph
998 | (d) is added to that subsection, to read:

999 | 486.102 Physical therapist assistant; licensing
1000 | requirements.—To be eligible for licensing by the board as a

1001 physical therapist assistant, an applicant must:

1002 (3)

1003 (b) Have been graduated from a school giving a course for
 1004 physical therapist assistants in a foreign country and have
 1005 educational credentials deemed equivalent to those required for
 1006 the educational preparation of physical therapist assistants in
 1007 this country, as recognized by the appropriate agency as
 1008 identified by the board, and passed to the satisfaction of the
 1009 board an examination to determine her or his fitness for
 1010 practice as a physical therapist assistant as hereinafter
 1011 provided; ~~or~~

1012 (c) Be entitled to licensure without examination as
 1013 provided in s. 486.107; or

1014 (d) Have been enrolled between July 1, 2014, and July 1,
 1015 2016, in a physical therapy assistant school in this state which
 1016 was accredited at the time of enrollment; and

1017 1. Have been graduated or is eligible to graduate from
 1018 such school no later than July 1, 2018; and

1019 2. Have passed to the satisfaction of the board an
 1020 examination to determine his or her fitness for practice as a
 1021 physical therapy assistant as provided in s. 486.104.

1022 Section 19. Paragraph (c) of subsection (3) and subsection
 1023 (4) of section 491.005, Florida Statutes, are amended to read:

1024 491.005 Licensure by examination.—

1025 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of

1026 | documentation and payment of a fee not to exceed \$200, as set by
1027 | board rule, plus the actual cost to the department for the
1028 | purchase of the examination from the Association of Marital and
1029 | Family Therapy Regulatory Board, or similar national
1030 | organization, the department shall issue a license as a marriage
1031 | and family therapist to an applicant who the board certifies:

1032 | (c) Has had at least 2 years of clinical experience during
1033 | which 50 percent of the applicant's clients were receiving
1034 | marriage and family therapy services, which must be at the post-
1035 | master's level under the supervision of a licensed marriage and
1036 | family therapist with at least 5 years of experience, or the
1037 | equivalent, who is a qualified supervisor as determined by the
1038 | board. An individual who intends to practice in Florida to
1039 | satisfy the clinical experience requirements must register
1040 | pursuant to s. 491.0045 before commencing practice. If a
1041 | graduate has a master's degree with a major emphasis in marriage
1042 | and family therapy or a closely related field that did not
1043 | include all the coursework required under sub-subparagraphs
1044 | (b)1.a.-c., credit for the post-master's level clinical
1045 | experience shall not commence until the applicant has completed
1046 | a minimum of 10 of the courses required under sub-subparagraphs
1047 | (b)1.a.-c., as determined by the board, and at least 6 semester
1048 | hours or 9 quarter hours of the course credits must have been
1049 | completed in the area of marriage and family systems, theories,
1050 | or techniques. Within the 2 ~~3~~ years of required experience, the

1051 applicant shall provide direct individual, group, or family
1052 therapy and counseling, to include the following categories of
1053 cases: unmarried dyads, married couples, separating and
1054 divorcing couples, and family groups including children. A
1055 doctoral internship may be applied toward the clinical
1056 experience requirement. A licensed mental health professional
1057 must be on the premises when clinical services are provided by a
1058 registered intern in a private practice setting.

1059 (4) MENTAL HEALTH COUNSELING.—Upon verification of
1060 documentation and payment of a fee not to exceed \$200, as set by
1061 board rule, plus the actual per applicant cost to the department
1062 for purchase of the National Clinical Mental Health Counseling
1063 Examination, an examination administered by the National Board
1064 for Certified Counselors or its successor ~~from the Professional~~
1065 ~~Examination Service for the National Academy of Certified~~
1066 ~~Clinical Mental Health Counselors or a similar national~~
1067 ~~organization~~, the department shall issue a license as a mental
1068 health counselor to an applicant who the board certifies:

1069 (a) Has submitted an application and paid the appropriate
1070 fee.

1071 (b)1. Has a minimum of an earned master's degree from a
1072 mental health counseling program accredited by the Council for
1073 the Accreditation of Counseling and Related Educational Programs
1074 that consists of at least 60 semester hours or 80 quarter hours
1075 of clinical and didactic instruction, including a course in

1076 human sexuality and a course in substance abuse. If the master's
1077 degree is earned from a program related to the practice of
1078 mental health counseling that is not accredited by the Council
1079 for the Accreditation of Counseling and Related Educational
1080 Programs, then the coursework and practicum, internship, or
1081 fieldwork must consist of at least 60 semester hours or 80
1082 quarter hours and meet the following requirements:

1083 a. Thirty-three semester hours or 44 quarter hours of
1084 graduate coursework, which must include a minimum of 3 semester
1085 hours or 4 quarter hours of graduate-level coursework in each of
1086 the following 11 content areas: counseling theories and
1087 practice; human growth and development; diagnosis and treatment
1088 of psychopathology; human sexuality; group theories and
1089 practice; individual evaluation and assessment; career and
1090 lifestyle assessment; research and program evaluation; social
1091 and cultural foundations; counseling in community settings; and
1092 substance abuse. Courses in research, thesis or dissertation
1093 work, practicums, internships, or fieldwork may not be applied
1094 toward this requirement.

1095 b. A minimum of 3 semester hours or 4 quarter hours of
1096 graduate-level coursework in legal, ethical, and professional
1097 standards issues in the practice of mental health counseling,
1098 which includes goals, objectives, and practices of professional
1099 counseling organizations, codes of ethics, legal considerations,
1100 standards of preparation, certifications and licensing, and the

1101 role identity and professional obligations of mental health
1102 counselors. Courses in research, thesis or dissertation work,
1103 practicums, internships, or fieldwork may not be applied toward
1104 this requirement.

1105 c. The equivalent, as determined by the board, of at least
1106 1,000 hours of university-sponsored supervised clinical
1107 practicum, internship, or field experience as required in the
1108 accrediting standards of the Council for Accreditation of
1109 Counseling and Related Educational Programs for mental health
1110 counseling programs. This experience may not be used to satisfy
1111 the post-master's clinical experience requirement.

1112 2. If the course title which appears on the applicant's
1113 transcript does not clearly identify the content of the
1114 coursework, the applicant shall be required to provide
1115 additional documentation, including, but not limited to, a
1116 syllabus or catalog description published for the course.

1117
1118 Education and training in mental health counseling must have
1119 been received in an institution of higher education which at the
1120 time the applicant graduated was: fully accredited by a regional
1121 accrediting body recognized by the Commission on Recognition of
1122 Postsecondary Accreditation; publicly recognized as a member in
1123 good standing with the Association of Universities and Colleges
1124 of Canada; or an institution of higher education located outside
1125 the United States and Canada, which at the time the applicant

1126 | was enrolled and at the time the applicant graduated maintained
1127 | a standard of training substantially equivalent to the standards
1128 | of training of those institutions in the United States which are
1129 | accredited by a regional accrediting body recognized by the
1130 | Commission on Recognition of Postsecondary Accreditation. Such
1131 | foreign education and training must have been received in an
1132 | institution or program of higher education officially recognized
1133 | by the government of the country in which it is located as an
1134 | institution or program to train students to practice as mental
1135 | health counselors. The burden of establishing that the
1136 | requirements of this provision have been met shall be upon the
1137 | applicant, and the board shall require documentation, such as,
1138 | but not limited to, an evaluation by a foreign equivalency
1139 | determination service, as evidence that the applicant's graduate
1140 | degree program and education were equivalent to an accredited
1141 | program in this country.

1142 | (c) Has had at least 2 years of clinical experience in
1143 | mental health counseling, which must be at the post-master's
1144 | level under the supervision of a licensed mental health
1145 | counselor or the equivalent who is a qualified supervisor as
1146 | determined by the board. An individual who intends to practice
1147 | in Florida to satisfy the clinical experience requirements must
1148 | register pursuant to s. 491.0045 before commencing practice. If
1149 | a graduate has a master's degree with a major related to the
1150 | practice of mental health counseling that did not include all

1151 the coursework required under sub-subparagraphs (b)1.a.-b.,
1152 credit for the post-master's level clinical experience shall not
1153 commence until the applicant has completed a minimum of seven of
1154 the courses required under sub-subparagraphs (b)1.a.-b., as
1155 determined by the board, one of which must be a course in
1156 psychopathology or abnormal psychology. A doctoral internship
1157 may be applied toward the clinical experience requirement. A
1158 licensed mental health professional must be on the premises when
1159 clinical services are provided by a registered intern in a
1160 private practice setting.

1161 (d) Has passed a theory and practice examination provided
1162 by the department for this purpose.

1163 (e) Has demonstrated, in a manner designated by rule of
1164 the board, knowledge of the laws and rules governing the
1165 practice of clinical social work, marriage and family therapy,
1166 and mental health counseling.

1167 Section 20. Subsection (2) of section 491.009, Florida
1168 Statutes, is amended to read:

1169 491.009 Discipline.—

1170 (2) The board ~~department~~, or, in the case of certified
1171 master social workers ~~psychologists~~, the department ~~board~~, may
1172 enter an order denying licensure or imposing any of the
1173 penalties in s. 456.072(2) against any applicant for licensure
1174 or licensee who is found guilty of violating any provision of
1175 subsection (1) of this section or who is found guilty of

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1176 | violating any provision of s. 456.072(1).

1177 | Section 21. Except as otherwise expressly provided in this

1178 | act, this act shall take effect July 1, 2017.