

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                        (Y/N)  
ADOPTED AS AMENDED                        (Y/N)  
ADOPTED W/O OBJECTION                    (Y/N)  
FAILED TO ADOPT                            (Y/N)  
WITHDRAWN                                   (Y/N)  
OTHER                                           

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1 Committee/Subcommittee hearing bill: Health & Human Services  
2 Committee

3 Representative Pigman offered the following:

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**Amendment (with title amendment)**

Remove lines 632-1012 and insert:

4. Designates a duly appointed registered agent for  
service of process in this state on a form prescribed by the  
department.

(c) A telehealth provider registered pursuant to paragraph

(b) must:

1. Prominently display a hyperlink on the homepage of the  
telehealth provider's website to such webpages on the  
department's website which contain the information required  
pursuant to paragraph (h).

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16       2. As a condition of biennial registration renewal,  
17 complete a renewal application and pay a renewal registration  
18 fee of \$150.

19       (d) A health care professional may not register under this  
20 subsection if his or her license to provide health care services  
21 is subject to a pending disciplinary investigation or action, or  
22 has been revoked in any state or jurisdiction. A health care  
23 professional registered under this section must notify the  
24 appropriate board, or the department if there is no board, of  
25 restrictions placed on the health care professional's license to  
26 practice, or disciplinary action taken or pending against the  
27 health care professional, in any state or jurisdiction. The  
28 notification must be provided within 5 business days after the  
29 restriction is placed or disciplinary action is initiated or  
30 taken.

31       (e) A health care professional registered under this  
32 subsection may not open an office in this state and may not  
33 provide in-person health care services to patients located in  
34 this state.

35       (f) A pharmacist registered under this subsection may only  
36 use a pharmacy permitted under chapter 465, a nonresident  
37 pharmacy registered under s. 465.0156, or a nonresident pharmacy  
38 or outsourcing facility holding an active permit pursuant to s.  
39 465.0158, to dispense medicinal drugs to patients located in  
40 this state.

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41 (h) The department shall publish on its website a list of  
42 all registrants and include, to the extent applicable, each  
43 registrant's:

44 1. Name.

45 2. Health care occupation.

46 3. Completed health care training and education, including  
47 completion dates and any certificates or degrees obtained.

48 4. Out-of-state health care license with the license  
49 number.

50 5. Florida telehealth provider registration number.

51 6. Specialty.

52 7. Board certification.

53 8. Five-year disciplinary history, including sanctions and  
54 board actions.

55 9. Medical malpractice insurance provider and policy  
56 limits, including whether the policy covers claims which arise  
57 in this state.

58 10. The name and address of the registered agent  
59 designated for the service of process in this state.

60 (i) The board, or the department if there is no board, may  
61 revoke an out-of-state telehealth provider's registration if the  
62 registrant:

63 1. Fails to notify the applicable board, or the  
64 department, of any adverse actions taken against his or her  
65 license as required under paragraph (d).

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66        2. Has restrictions placed on or disciplinary action taken  
67 against his or her license in any state or jurisdiction.

68        3. Violates any of the requirements of this section.

69        (5) VENUE.-For the purposes of this section, any act that  
70 constitutes the delivery of health care services is deemed to  
71 occur at the place where the patient is located at the time the  
72 act is performed.

73        (6) EXEMPTIONS.-A health care professional who is not  
74 licensed to provide health care services in this state but who  
75 holds an active license to provide health care services in  
76 another state or jurisdiction, and who provides health care  
77 services using telehealth to a patient located in this state, is  
78 not subject to the registration requirement under this section  
79 if the services are provided:

80        (a) In response to an emergency medical condition as  
81 defined in s. 395.002; or

82        (b) In consultation with a health care professional  
83 licensed in this state and that health care professional retains  
84 ultimate authority over the diagnosis and care of the patient.

85        (7) RULEMAKING.-The applicable board, or the department if  
86 there is no board, may adopt rules to administer this section.

87        Section 4. For the 2017-2018 fiscal year, the sums of  
88 \$261,389 in recurring funds and \$15,528 in nonrecurring funds  
89 from the Medical Quality Assurance Trust Fund are appropriated  
90 to the Department of Health, and four full-time equivalent

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91 positions with associated salary rate of 145,870 are authorized,  
92 for the purpose of implementing s. 456.47, Florida Statutes, as  
93 created by this act.

94 Section 5. Subsections (2) and (3) of section 464.003,  
95 Florida Statutes, are amended, subsections (16) through (23) are  
96 renumbered as subsections (17) through (24), respectively,  
97 present subsections (20) and (22) are amended, and a new  
98 subsection (16) is added to that section, to read:

99 464.003 Definitions.—As used in this part, the term:

100 (2) "Advanced or specialized nursing practice" or "to  
101 practice advanced or specialized nursing" means, in addition to  
102 the practice of professional nursing, the performance of  
103 advanced-level nursing acts approved by the board which, by  
104 virtue of postbasic specialized education, training, and  
105 experience, are appropriately performed by an independent  
106 advanced practice registered nurse or an advanced practice  
107 registered nurse practitioner. Within the context of advanced or  
108 specialized nursing practice, the independent advanced practice  
109 registered nurse and the advanced practice registered nurse  
110 practitioner may perform acts of nursing diagnosis and nursing  
111 treatment of alterations of the health status. The advanced  
112 practice registered nurse practitioner may also perform acts of  
113 medical diagnosis and treatment, prescription, and operation as  
114 authorized within the framework of an established supervisory  
115 protocol. The department may, by rule, require that a copy of

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116 the protocol be filed with the department along with the notice  
117 required by s. 458.348 or s. 459.025. The Board of Nursing may  
118 establish an advisory committee to make evidence-based  
119 recommendations about medical acts that an independent advanced  
120 practice registered nurse may perform. The committee must  
121 consist of three advanced registered nurse practitioners  
122 licensed under this section, recommended by the board of  
123 nursing; three physicians licensed under chapter 458 or chapter  
124 459 who have work experience with advanced registered nurse  
125 practitioners, recommended by the Board of Medicine; and the  
126 State Surgeon General or the State Surgeon General's designee.  
127 Each committee member appointed by a board shall be appointed to  
128 a term of 4 years unless a shorter term is required to establish  
129 or maintain staggered terms. The Board of Nursing shall act upon  
130 recommendations from the committee within 90 days following  
131 their submission.

132 (3) "Advanced practice registered nurse ~~practitioner~~"  
133 means any person licensed in this state to practice professional  
134 nursing and certified in advanced or specialized nursing  
135 practice, including certified registered nurse anesthetists,  
136 certified nurse midwives, and certified nurse practitioners.

137 (16) "Independent advanced practice registered nurse"  
138 means an advanced practice registered nurse who maintains an  
139 active and unencumbered certification under s. 464.012(2) and  
140 registration under s. 464.0125 to practice advanced or

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141 specialized nursing independently and without the supervision of  
142 a physician or a protocol.

143 ~~(21)-(20)~~ "Practice of professional nursing" means the  
144 performance of those acts requiring substantial specialized  
145 knowledge, judgment, and nursing skill based upon applied  
146 principles of psychological, biological, physical, and social  
147 sciences which shall include, but not be limited to:

148 (a) The observation, assessment, nursing diagnosis,  
149 planning, intervention, and evaluation of care; health teaching  
150 and counseling of the ill, injured, or infirm; and the promotion  
151 of wellness, maintenance of health, and prevention of illness of  
152 others.

153 (b) The prescribing and administration of medications and  
154 treatments as ~~prescribed or~~ authorized by a ~~duly licensed~~  
155 ~~practitioner authorized by~~ the laws of this state ~~to prescribe~~  
156 ~~such medications and treatments.~~

157 (c) The supervision and teaching of other personnel in the  
158 theory and performance of any of the acts described in this  
159 subsection.

160  
161 A professional nurse is responsible and accountable for making  
162 decisions that are based upon the individual's educational  
163 preparation and experience in nursing.

164 ~~(23)-(22)~~ "Registered nurse" means any person licensed in  
165 this state to practice professional nursing, except such

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166 licensed person may only administer medications and treatments  
167 authorized by a duly licensed practitioner authorized by the  
168 laws of this state to prescribe such medications and treatments.

169 Section 6. Section 464.012, Florida Statutes, is amended  
170 to read:

171 464.012 Certification of advanced practice registered  
172 nurses ~~nurse practitioners~~; fees; controlled substance  
173 prescribing.-

174 (1) Any nurse desiring to be certified as an advanced  
175 practice registered nurse ~~practitioner~~ shall apply to the board  
176 ~~department~~ and submit proof that the nurse ~~he or she~~ holds a  
177 current license to practice professional nursing and that the  
178 nurse ~~he or she~~ meets ~~one or more of~~ the following requirements  
179 ~~as determined by the board~~:

180 ~~(a) Satisfactory completion of a formal postbasic~~  
181 ~~educational program of at least one academic year, the primary~~  
182 ~~purpose of which is to prepare nurses for advanced or~~  
183 ~~specialized practice.~~

184 (a) ~~(b)~~ Certification by an appropriate specialty board.  
185 Such certification shall be required for initial state  
186 certification and any recertification as a registered nurse  
187 anesthetist, psychiatric nurse, or nurse midwife. The board may  
188 by rule provide for provisional state certification of graduate  
189 nurse practitioners, nurse anesthetists, psychiatric nurses, and  
190 nurse midwives for a period of time determined to be appropriate



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191 for preparing for and passing the national certification  
192 examination.

193 ~~(b)(e) Graduation from a program leading to a master's~~  
194 ~~degree program in a nursing clinical specialty area with~~  
195 ~~preparation in specialized practitioner skills. For applicants~~  
196 ~~graduating on or after October 1, 1998, graduation from a~~  
197 ~~master's degree program shall be required for initial~~  
198 ~~certification as a nurse practitioner under paragraph (4)(c).~~  
199 ~~For applicants graduating on or after October 1, 2001,~~  
200 ~~graduation from a master's degree program shall be required for~~  
201 ~~initial certification as a registered nurse anesthetist under~~  
202 ~~paragraph (4)(a).~~

203 (2) The board shall provide by rule the appropriate  
204 requirements for advanced practice registered nurses ~~nurse~~  
205 ~~practitioners~~ in the categories of certified registered nurse  
206 anesthetist, certified nurse midwife, and certified nurse  
207 practitioner.

208 (3) An advanced practice registered nurse ~~practitioner~~  
209 shall perform those functions authorized in this section within  
210 the framework of an established protocol that is filed with the  
211 board upon biennial license renewal and within 30 days after  
212 entering into a supervisory relationship with a physician or  
213 changes to the protocol. The board shall review the protocol to  
214 ensure compliance with applicable regulatory standards for  
215 protocols. The board shall refer to the department licensees

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216 submitting protocols that are not compliant with the regulatory  
217 standards for protocols. A practitioner currently licensed under  
218 chapter 458, chapter 459, or chapter 466 shall maintain  
219 supervision for directing the specific course of medical  
220 treatment. Within the established framework, an advanced  
221 practice registered nurse ~~practitioner~~ may:

222 (a) Prescribe, dispense, administer, or order any drug;  
223 however, an advanced practice registered nurse ~~practitioner~~ may  
224 prescribe or dispense a controlled substance as defined in s.  
225 893.03 only if the advanced practice registered nurse  
226 ~~practitioner~~ has graduated from a program leading to a master's  
227 or doctoral degree in a clinical nursing specialty area with  
228 training in specialized practitioner skills.

229 (b) Initiate appropriate therapies for certain conditions.

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

232 (d) Order diagnostic tests and physical and occupational  
233 therapy.

234 (e) Order any medication for administration to a patient  
235 in a facility licensed under chapter 395 or part II of chapter  
236 400, notwithstanding any provisions in chapter 465 or chapter  
237 893.

238 (4) In addition to the general functions specified in  
239 subsection (3), an advanced practice registered nurse

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240 ~~practitioner~~ may perform the following acts within his or her  
241 specialty:

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

246 1. Determine the health status of the patient as it  
247 relates to the risk factors and to the anesthetic management of  
248 the patient through the performance of the general functions.

249 2. Based on history, physical assessment, and supplemental  
250 laboratory results, determine, with the consent of the  
251 responsible physician, the appropriate type of anesthesia within  
252 the framework of the protocol.

253 3. Order under the protocol preanesthetic medication.

254 4. Perform under the protocol procedures commonly used to  
255 render the patient insensible to pain during the performance of  
256 surgical, obstetrical, therapeutic, or diagnostic clinical  
257 procedures. These procedures include ordering and administering  
258 regional, spinal, and general anesthesia; inhalation agents and  
259 techniques; intravenous agents and techniques; and techniques of  
260 hypnosis.

261 5. Order or perform monitoring procedures indicated as  
262 pertinent to the anesthetic health care management of the  
263 patient.

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264 6. Support life functions during anesthesia health care,  
265 including induction and intubation procedures, the use of  
266 appropriate mechanical supportive devices, and the management of  
267 fluid, electrolyte, and blood component balances.

268 7. Recognize and take appropriate corrective action for  
269 abnormal patient responses to anesthesia, adjunctive medication,  
270 or other forms of therapy.

271 8. Recognize and treat a cardiac arrhythmia while the  
272 patient is under anesthetic care.

273 9. Participate in management of the patient while in the  
274 postanesthesia recovery area, including ordering the  
275 administration of fluids and drugs.

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

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

284 1. Perform superficial minor surgical procedures.

285 2. Manage the patient during labor and delivery to include  
286 amniotomy, episiotomy, and repair.

287 3. Order, initiate, and perform appropriate anesthetic  
288 procedures.

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- 289 4. Perform postpartum examination.  
290 5. Order appropriate medications.  
291 6. Provide family-planning services and well-woman care.  
292 7. Manage the medical care of the normal obstetrical  
293 patient and the initial care of a newborn patient.

294 (c) The certified nurse practitioner may perform any or  
295 all of the following acts within the framework of established  
296 protocol:

- 297 1. Manage selected medical problems.  
298 2. Order physical and occupational therapy.  
299 3. Initiate, monitor, or alter therapies for certain  
300 uncomplicated acute illnesses.  
301 4. Monitor and manage patients with stable chronic  
302 diseases.  
303 5. Establish behavioral problems and diagnosis and make  
304 treatment recommendations.

305 (5) A psychiatric nurse, as defined in s. 394.455, within  
306 the framework of an established protocol with a psychiatrist,  
307 may prescribe psychotropic controlled substances for the  
308 treatment of mental disorders.

309 (6) The board shall certify, and the department shall  
310 issue a certificate to, any nurse meeting the qualifications in  
311 this section. The board shall establish an application fee not  
312 to exceed \$100 and a biennial renewal fee not to exceed \$50. The

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

315 (7) (a) The board shall establish a committee to recommend  
316 a formulary of controlled substances that an advanced practice  
317 registered nurse ~~practitioner~~ may not prescribe or may prescribe  
318 only for specific uses or in limited quantities. The committee  
319 must consist of three advanced practice registered nurses ~~nurse~~  
320 ~~practitioners~~ licensed under this section, recommended by the  
321 board; three physicians licensed under chapter 458 or chapter  
322 459 who have work experience with advanced practice registered  
323 nurses ~~nurse-practitioners~~, recommended by the Board of  
324 Medicine; and a pharmacist licensed under chapter 465 who is a  
325 doctor of pharmacy, recommended by the Board of Pharmacy. The  
326 committee may recommend an evidence-based formulary applicable  
327 to all advanced practice registered nurses ~~nurse-practitioners~~  
328 which is limited by specialty certification, is limited to  
329 approved uses of controlled substances, or is subject to other  
330 similar restrictions the committee finds are necessary to  
331 protect the health, safety, and welfare of the public. The  
332 formulary must restrict the prescribing of psychiatric mental  
333 health controlled substances for children younger than 18 years  
334 of age to advanced practice registered nurses ~~nurse~~  
335 ~~practitioners~~ who also are psychiatric nurses as defined in s.  
336 394.455. The formulary must also limit the prescribing of  
337 Schedule II controlled substances as listed in s. 893.03 to a 7-

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338 day supply, except that such restriction does not apply to  
339 controlled substances that are psychiatric medications  
340 prescribed by psychiatric nurses as defined in s. 394.455.

341 (b) The board shall adopt by rule the recommended  
342 formulary and any revision to the formulary which it finds is  
343 supported by evidence-based clinical findings presented by the  
344 Board of Medicine, the Board of Osteopathic Medicine, or the  
345 Board of Dentistry.

346 (c) The formulary required under this subsection does not  
347 apply to a controlled substance that is dispensed for  
348 administration pursuant to an order, including an order for  
349 medication authorized by subparagraph (4)(a)3., subparagraph  
350 (4)(a)4., or subparagraph (4)(a)9.

351 (d) The board shall adopt the committee's initial  
352 recommendation no later than October 31, 2017 ~~2016~~.

353 (8) This section shall be known as "The Barbara Lumpkin  
354 Prescribing Act."

355 Section 7. Section 464.0125, Florida Statutes, is created  
356 to read:

357 464.0125 Registration of independent advanced practice  
358 registered nurses; fees.—

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

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362 (a) Completed, in any jurisdiction of the United States,  
363 at least 4,000 clinical practice hours while practicing as an  
364 advanced practice registered nurse under the supervision of an  
365 allopathic or osteopathic physician holding an active,  
366 unencumbered license issued by any state, the District of  
367 Columbia, or a possession or territory of the United States  
368 during the period of supervision.

369 (b) Completed at least 2,000 clinical practice hours  
370 within a 3-year period immediately preceding the submission of  
371 the application, which shall, if supervised pursuant to  
372 paragraph (a), be counted as part of the requirement of that  
373 paragraph.

374 (c) Not been subject to any disciplinary action under s.  
375 464.018 or s. 456.072, or any similar disciplinary action in any  
376 other jurisdiction, during the 5 years immediately preceding the  
377 submission of the application.

378 (d) Completed a graduate-level course in pharmacology.

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

382 (3) An independent advanced practice registered nurse may  
383 perform, without physician supervision or a protocol, the  
384 functions authorized in s. 464.012(3), the acts within his or  
385 her specialty as described in s. 464.012(4), and any of the  
386 following:



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

389 1. Admit the patient to the facility.

390 2. Manage the care that the patient receives in the  
391 facility.

392 3. Discharge the patient from the facility, unless  
393 prohibited by federal law or rule.

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

397

398 -----

399 **T I T L E A M E N D M E N T**

400 Remove lines 50-63 and insert:

401 registered nurses; providing for appointment and terms of  
402 committee members; requiring the Board of Nursing to adopt rules  
403 authorizing the performance of certain acts by an independent  
404 advanced practice registered nurse; amending s. 464.012, F.S.;  
405 revising advanced practice registered nurse certification  
406 requirements; creating s. 464.0125, F.S.; providing for the  
407 registration of an independent advanced practice registered  
408 nurse who meets certain clinical practice and educational  
409 requirements; specifying acts that independent advanced practice  
410 registered nurses are authorized to perform without physician  
411 supervision or protocol; providing exceptions