

1 A bill to be entitled
2 An act relating to health care access; creating s.
3 220.197, F.S.; providing a tax credit for eligible
4 taxpayers; authorizing an unused tax credit amount to
5 be carried forward for a certain period of time;
6 authorizing the Department of Revenue to perform
7 audits and investigations under certain circumstances;
8 authorizing the department to pursue recovery of tax
9 credits if the taxpayer received a tax credit for
10 which the taxpayer was not entitled; authorizing the
11 transfer of a tax credit under certain circumstances;
12 authorizing the department and the Office of Insurance
13 Regulation to adopt rules; amending s. 624.509, F.S.;
14 providing that a health insurer or health maintenance
15 organization is allowed a tax credit against a
16 specified tax imposed if it covers services provided
17 by telehealth; authorizing an unused tax credit amount
18 to be carried forward for a certain period of time;
19 authorizing the Department of Revenue to perform
20 audits and investigations under certain circumstances;
21 authorizing the Department of Revenue to pursue
22 recovery of tax credits if the taxpayer received a tax
23 credit for which the taxpayer was not entitled;
24 authorizing the transfer of a tax credit under certain
25 circumstances; authorizing the Department of Revenue

26 | and the Office of Insurance Regulation to adopt rules;
27 | providing that an insurer claiming the tax credit is
28 | not required to pay any additional retaliatory tax;
29 | providing definitions; creating s. 456.47, F.S.;
30 | providing definitions; establishing certain practice
31 | standards for telehealth providers; providing for the
32 | maintenance and confidentiality of medical records;
33 | providing registration requirements for out-of-state
34 | telehealth providers; requiring the Department of
35 | Health to publish certain information on its website;
36 | authorizing a board or the department if there is no
37 | board to revoke a telehealth provider's registration
38 | under certain circumstances; providing venue;
39 | providing exemptions to the registration requirement;
40 | providing rulemaking authority; providing an
41 | appropriation and authorizing positions; amending s.
42 | 464.003, F.S.; revising and providing definitions;
43 | redesignating advanced registered nurse practitioners
44 | as advanced practice registered nurses; providing for
45 | independent advanced practice registered nurses to
46 | practice advanced or specialized nursing and without
47 | the supervision of a physician or protocol; creating a
48 | joint committee to determine the medical acts that may
49 | be performed by independent advanced practice
50 | registered nurses and advanced practice registered

51 nurses; providing for appointment and terms of
52 committee members; requiring the Board of Nursing to
53 adopt rules authorizing the performance of certain
54 acts by an independent advanced practice registered
55 nurse; amending s. 464.012, F.S.; revising advanced
56 practice registered nurse certification requirements;
57 creating s. 464.0125, F.S.; providing for the
58 registration of an independent advanced practice
59 registered nurse who meets certain clinical practice
60 and educational requirements; specifying acts that
61 independent advanced practice registered nurses are
62 authorized to perform without physician supervision or
63 protocol; requiring an independent advanced practice
64 registered nurse to submit proof of registration to
65 the department; authorizing the department to include
66 the proof of registration in the advanced practice
67 registered nurse's practitioner profile; providing for
68 biennial renewal of registration, including continuing
69 education requirements; providing for application and
70 biennial renewal fees; providing rulemaking authority;
71 amending s. 464.015, F.S.; providing title protection
72 for independent advanced practice registered nurses,
73 advanced practice registered nurses, and certified
74 nurse practitioners; creating s. 464.0155, F.S.;

75 requiring independent advanced practice registered

76 | nurses to report adverse incidents to the Department
77 | of Health in a certain manner; providing report
78 | requirements; defining the term "adverse incident";
79 | providing for department review of adverse incidents;
80 | authorizing the department to take disciplinary action
81 | in cases of adverse incidents; amending s. 464.016,
82 | F.S.; providing penalties for illegally using certain
83 | titles; amending s. 464.018, F.S.; adding grounds for
84 | disciplinary actions against independent advanced
85 | practice registered nurses; amending s. 39.303, F.S.;
86 | revising requirements relating to review of certain
87 | cases of abuse or neglect and standards for face-to-
88 | face medical evaluations by a child protection team;
89 | amending s. 39.304, F.S.; authorizing a physician
90 | assistant and an independent advanced practice
91 | registered nurse to perform or order an examination
92 | and diagnose a child without parental consent under
93 | certain circumstances; amending s. 90.503, F.S.;
94 | redefining the term "psychotherapist" to include an
95 | independent advanced practice registered nurse with a
96 | specified scope of practice; amending s. 112.0455,
97 | F.S.; authorizing an independent advanced practice
98 | registered nurse to collect specimens for drug
99 | testing; amending s. 121.0515, F.S.; designating an
100 | advanced practice registered nurse as a special risk

101 member under certain conditions; amending ss. 310.071,
102 310.073, and 310.081, F.S.; authorizing a physician
103 assistant and an independent advanced practice
104 registered nurse to administer the physical
105 examination required for deputy pilot certification
106 and state pilot licensure; broadening an exception to
107 the prohibition against the use of controlled
108 substances by an applicant for a deputy pilot
109 certificate or a state pilot license to allow the use
110 of controlled substances prescribed by a physician
111 assistant, an independent advanced practice registered
112 nurse, or an advanced practice registered nurse;
113 requiring a physician assistant or an independent
114 advanced practice registered nurse performing the
115 physical examination to know the minimum licensure
116 standards and certify that such standards are met;
117 amending s. 320.0848, F.S.; authorizing an independent
118 advanced practice registered nurse to certify that a
119 person is disabled; amending s. 381.00315, F.S.;
120 authorizing the reactivation of an independent
121 advanced practice registered nurse license in a public
122 health emergency; amending s. 381.00593, F.S.;
123 redefining the term "health care practitioner" to
124 include a physician assistant and an independent
125 advanced practice registered nurse; amending s.

126 | 381.026, F.S.; revising the definition of the term
127 | "health care provider" to include a physician
128 | assistant and an independent advanced practice
129 | registered nurse; amending s. 382.008, F.S.;
130 | authorizing a physician assistant, an independent
131 | advanced practice registered nurse, or an advanced
132 | practice registered nurse to file a certificate of
133 | death or fetal death under certain circumstances;
134 | authorizing a certified nurse midwife to provide
135 | certain information to a funeral director within a
136 | specified time period; revising the definition of the
137 | term "primary or attending physician"; amending s.
138 | 383.14, F.S.; authorizing the release of certain
139 | newborn tests and screening results to an independent
140 | advanced practice registered nurse; amending ss.
141 | 383.141, 627.357, and 766.1115, F.S.; revising the
142 | definition of the term "health care provider" to
143 | include an independent advanced practice registered
144 | nurse; amending s. 384.27, F.S., authorizing an
145 | independent advanced practice registered nurse to
146 | provide expedited partner therapy; amending s.
147 | 390.0111, F.S.; including an independent advanced
148 | practice registered nurse in a list of health care
149 | practitioners authorized to review an ultrasound with
150 | a woman prior to an abortion procedure; amending s.

151 390.012, F.S.; including an independent advanced
152 practice registered nurse in a list of health care
153 practitioners authorized to provide postoperative
154 monitoring and required to be available throughout an
155 abortion procedure, remain at the abortion clinic
156 until all patients are discharged, and attempt to
157 assess the patient's recovery within a specified time;
158 amending s. 394.455, F.S.; revising the definition of
159 the term "psychiatric nurse" to include an independent
160 advanced practice registered nurse certified in a
161 specified specialty; amending s. 394.463, F.S.;
162 authorizing a physician assistant, an independent
163 advanced practice registered nurse, or an advanced
164 practice registered nurse to initiate an involuntary
165 examination for mental illness under certain
166 circumstances; providing for examination of a patient
167 by a physician assistant or psychiatric nurse;
168 authorizing a psychiatric nurse to approve the release
169 of a patient under certain conditions; amending s.
170 395.0191, F.S.; authorizing an independent advanced
171 practice registered nurse to apply for clinical
172 privileges; providing an exception to the requirement
173 for onsite medical direction for certain independent
174 advanced practice registered nurses; amending s.
175 395.605, F.S.; including independent advanced practice

176 registered nurses in a list of health care
177 practitioners who must supervise the care of a patient
178 or be on duty for a specified duration in an emergency
179 care setting; amending s. 397.311, F.S.; revising the
180 definition of the term "qualified professional" to
181 include an independent advanced practice registered
182 nurse; conforming terminology; amending s. 397.405,
183 F.S.; providing that an independent advanced practice
184 registered nurse's practice may not be limited under
185 certain circumstances; amending s. 397.501, F.S.;
186 prohibiting the denial of certain services to an
187 individual who takes medication prescribed by a
188 physician assistant, an independent advanced practice
189 registered nurse, or an advanced practice registered
190 nurse; amending ss. 397.679 and 397.6793, F.S.;
191 revising the list of persons authorized to initiate a
192 certificate for an emergency admission for a person
193 who is substance abuse impaired; amending s. 400.021,
194 F.S.; revising the definition of the term "geriatric
195 outpatient clinic" to include a site staffed by an
196 independent advanced practice registered nurse;
197 amending s. 400.0255, F.S.; including independent
198 advanced practice registered nurses in a list of
199 health care practitioners who must sign a notice of
200 discharge or transfer; amending s. 400.172, F.S.;

201 including independent advanced practice registered
202 nurses and advanced practice registered nurses in a
203 list of health care practitioners who may provide a
204 prospective respite care resident with certain medical
205 information; amending s. 400.462, F.S.; defining the
206 term "independent advanced practice registered nurse";
207 amending s. 400.487, F.S.; including independent
208 advanced practice registered nurses in a list of
209 health care practitioners who must establish treatment
210 orders for certain patients under certain
211 circumstances; amending s. 400.506, F.S.; applying
212 medical treatment plan requirements to independent
213 advanced practice registered nurses; amending s.
214 400.9905, F.S.; exempting entities where health care
215 services are provided by independent advanced practice
216 registered nurses from clinic licensure requirements;
217 amending s. 400.9973, F.S.; revising the list of
218 professionals authorized to prescribe admission to a
219 transitional living facility; amending s. 400.9974,
220 F.S.; revising the criteria for the comprehensive
221 treatment plan; amending s. 400.9976, F.S.; revising
222 the list of professionals authorized to supervise and
223 record medications to be administered to a client;
224 amending s. 400.9979, F.S.; revising the list of
225 professionals that may order physical or chemical

226 restraints for a client; amending s. 401.445, F.S.;

227 prohibiting recovery of damages in court against an

228 independent advanced practice registered nurse under

229 certain circumstances; requiring an independent

230 advanced practice registered nurse to attempt to

231 obtain a person's consent prior to providing emergency

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

233 requiring the agency to reimburse independent advanced

234 practice registered nurses for providing certain

235 mandatory Medicaid services; amending s. 409.9081,

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

237 to be paid for independent advanced practice

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

239 requiring managed care plans to cover independent

240 advanced practice registered nurse services; amending

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

242 practice registered nurses from having a financial

243 interest in the assisted living facility that employs

244 them; including independent advanced practice

245 registered nurses in a list of health care

246 practitioners from whom an assisted living facility

247 resident may obtain an examination prior to admission;

248 amending s. 429.918, F.S.; revising the definition of

249 the term "ADRD participant" to include participants

250 who have a documented diagnosis of Alzheimer's disease

251 or a dementia-related disorder from an independent
252 advanced practice registered nurse; including
253 independent advanced practice registered nurses in a
254 list of health care practitioners from whom an ADRD
255 participant may obtain signed medical documentation;
256 amending s. 440.102, F.S.; authorizing, for the
257 purpose of drug-free workforce program requirements,
258 an independent advanced practice registered nurse to
259 collect a specimen for a drug test; amending s.
260 456.048, F.S.; requiring independent advanced practice
261 registered nurses to maintain medical malpractice
262 insurance or provide proof of financial
263 responsibility; exempting independent advanced
264 practice registered nurses from such requirements
265 under certain circumstances; amending s. 456.053,
266 F.S.; revising the definition of the term "board" to
267 include the Board of Nursing; revising the definitions
268 of the terms "health care provider" and "sole
269 provider" to include independent advanced practice
270 registered nurses; authorizing an independent advanced
271 practice registered nurse to make referrals under
272 certain circumstances; conforming a reference;
273 amending s. 456.072, F.S.; requiring the suspension
274 and fining of an independent advanced practice
275 registered nurse or an advanced practice registered

276 nurse for prescribing or dispensing a controlled
277 substance in a certain manner; amending s. 456.44,
278 F.S.; providing certain requirements for independent
279 advanced practice registered nurses and advanced
280 practice registered nurses who prescribe controlled
281 substances for the treatment of chronic nonmalignant
282 pain; amending ss. 458.3265 and 459.0137, F.S.;
283 requiring an independent advanced practice registered
284 nurse to perform a physical examination of a patient
285 at a pain-management clinic under certain
286 circumstances; amending ss. 458.348 and 459.025, F.S.;
287 deleting obsolete provisions; conforming provisions;
288 amending s. 464.0205, F.S.; authorizing an independent
289 advanced practice registered nurse to directly
290 supervise a certified retired volunteer nurse;
291 amending s. 480.0475, F.S.; authorizing the operation
292 of a massage establishment during specified times if a
293 massage is prescribed by an independent advanced
294 practice registered nurse; amending s. 483.041, F.S.;
295 revising the definition of the term "licensed
296 practitioner" to include a physician assistant and an
297 independent advanced practice registered nurse;
298 amending s. 483.181, F.S.; requiring clinical
299 laboratories to accept a human specimen submitted by
300 an independent advanced practice registered nurse;

301 amending s. 486.021, F.S.; authorizing a physical
302 therapist to implement a plan of treatment provided by
303 an independent advanced practice registered nurse;
304 amending s. 490.012, F.S.; allowing certain qualified
305 independent advanced practice registered nurses to use
306 the word, or a form of the word, "psychotherapy";
307 amending s. 491.0057, F.S.; authorizing certain
308 qualified independent advanced practice registered
309 nurses to be licensed as marriage and family
310 therapists; amending s. 491.012, F.S.; authorizing
311 certain qualified independent advanced practice
312 registered nurses to use specified terms; amending s.
313 493.6108, F.S.; authorizing an independent advanced
314 practice registered nurse to certify the physical
315 fitness of a certain class of applicants to bear a
316 weapon or firearm; amending s. 626.9707, F.S.;
317 including independent advanced practice registered
318 nurses in a list of entities and individuals that are
319 protected from insurer discrimination when providing
320 services to a person with the sickle-cell trait;
321 amending s. 627.6471, F.S.; requiring insurers to
322 provide eligibility criteria for certain qualified
323 independent advanced practice registered nurses under
324 certain circumstances; amending s. 627.6472, F.S.;
325 requiring insurers to provide eligibility criteria for

326 certain qualified independent advanced practice
327 registered nurses under certain circumstances;
328 prohibiting an exclusive provider organization from
329 discriminating against participation by an independent
330 advanced practice registered nurse; amending s.
331 627.736, F.S.; requiring personal injury protection
332 insurance to cover a certain percentage of medical
333 services and care provided by an independent advanced
334 practice registered nurse, a practitioner supervised
335 by an independent advanced practice registered nurse,
336 or an entity wholly owned by one or more independent
337 advanced practice registered nurses; providing for
338 reimbursement of independent advanced practice
339 registered nurses up to a specified amount for
340 providing medical services and care; amending s.
341 633.412, F.S.; authorizing an independent advanced
342 practice registered nurse to medically examine an
343 applicant for firefighter certification; amending s.
344 641.3923, F.S.; prohibiting a health maintenance
345 organization from discriminating against the
346 participation of a physician assistant or an
347 independent advanced practice registered nurse;
348 amending s. 641.495, F.S.; requiring a health
349 maintenance organization to disclose in certain
350 documents that certain services may be provided by

351 independent advanced practice registered nurses;
352 amending s. 744.2006, F.S.; adding independent
353 advanced practice registered nurses to a list of
354 authorized professionals with whom a public guardian
355 may contract to carry out guardianship functions;
356 amending s. 744.331, F.S.; including a physician
357 assistant as an eligible member of an examining
358 committee; conforming terminology; amending s.
359 766.102, F.S.; providing requirements for
360 qualification as an expert witness in a medical
361 negligence case concerning the standard of care for an
362 independent advanced practice registered nurse and an
363 advanced practice registered nurse; amending s.
364 766.103, F.S.; prohibiting recovery of damages against
365 an independent advanced practice registered nurse
366 under certain conditions; amending s. 766.1116, F.S.;
367 revising the definition of the term "health care
368 practitioner" to include an independent advanced
369 practice registered nurse; amending s. 766.118, F.S.;
370 revising the definition of the term "practitioner" to
371 include an independent advanced practice registered
372 nurse; amending s. 768.135, F.S.; providing immunity
373 from liability for an independent advanced practice
374 registered nurse who provides volunteer services under
375 certain circumstances; amending s. 782.071, F.S.;

376 | allowing an independent advanced practice registered
377 | nurse or an advanced practice registered nurse to
378 | supervise a person who is completing community service
379 | hours in a trauma center or hospital; amending s.
380 | 794.08, F.S.; providing that the section does not
381 | apply to medical procedures conducted by an
382 | independent advanced practice registered nurse under
383 | certain circumstances; amending s. 893.02, F.S.;
384 | revising the definition of the term "practitioner" to
385 | include an independent advanced practice registered
386 | nurse and an advanced practice registered nurse;
387 | amending s. 943.13, F.S.; authorizing a law
388 | enforcement officer or correctional officer to satisfy
389 | qualifications for employment or appointment by
390 | passing a physical examination conducted by an
391 | independent advanced practice registered nurse;
392 | amending s. 945.603, F.S.; authorizing the
393 | Correctional Medical Authority to review and make
394 | recommendations relating to the use of advanced
395 | practice registered nurses as physician extenders;
396 | amending s. 948.03, F.S.; revising the list of persons
397 | who may prescribe drugs or narcotics to a probationer
398 | to include an independent advanced practice registered
399 | nurse; amending ss. 1002.20 and 1002.42, F.S.;
400 | including independent advanced practice registered

401 nurses in a list of individuals who have immunity
 402 relating to the use of epinephrine auto-injectors in
 403 public and private schools; amending s. 1006.062,
 404 F.S.; authorizing nonmedical assistive personnel to
 405 perform health services if trained by an independent
 406 advanced practice registered nurse; requiring the
 407 monitoring of such personnel by an independent
 408 advanced practice registered nurse; including
 409 independent advanced practice registered nurses in a
 410 list of practitioners who must determine whether such
 411 personnel may perform certain invasive medical
 412 services; amending s. 1006.20, F.S.; authorizing an
 413 independent advanced practice registered nurse to
 414 medically evaluate a student athlete; amending ss.
 415 110.12315, 252.515, 395.602, 397.427, 456.0391,
 416 456.0392, 456.041, 458.331, 459.015, 464.004,
 417 464.0205, 467.003, 483.801, 893.05, 960.28, 1009.65,
 418 1009.66, and 1009.67, F.S.; conforming terminology and
 419 cross-references; providing effective dates.

420

421 Be It Enacted by the Legislature of the State of Florida:

422

423 Section 1. Effective upon this act becoming a law, section
 424 220.197, Florida Statutes, is created to read:

425 220.197 Telehealth tax credit.-

426 (1) For tax years beginning on or after January 1, 2018,
427 for taxpayers eligible to receive the tax credit provided in s.
428 624.509(9) (a), but with insufficient tax liability under s.
429 624.509 to use such tax credit, a credit against the tax imposed
430 by this chapter equal to the credit amount provided in s.
431 624.509(9) (a) is allowed.

432 (2) If the credit allowed pursuant to this section is not
433 fully used in any single year because of insufficient tax
434 liability on the part of the taxpayer, the unused amount may be
435 carried forward for a period not to exceed 5 years.

436 (3) (a) In addition to its existing audit and investigation
437 authority, the department may perform any additional financial
438 and technical audits and investigations, including examining the
439 accounts, books, and records of the taxpayer, which are
440 necessary to verify eligibility for the credit authorized by
441 this section and to ensure compliance with this section. The
442 Office of Insurance Regulation shall provide technical
443 assistance when requested by the department on any audits or
444 examinations performed pursuant to this paragraph.

445 (b) If the department determines, as a result of an audit
446 or examination or from information received from the Office of
447 Insurance Regulation, that a taxpayer received a tax credit
448 pursuant to this subsection to which it was not entitled, the
449 department shall pursue recovery of such funds pursuant to the
450 laws and rules governing the assessment of taxes.

451 (4) A taxpayer may transfer a credit for which it
452 qualifies under subsection (1), in whole or in part, to any
453 taxpayer by written agreement. In order to perfect the transfer,
454 the transferor shall provide the department with a written
455 transfer statement stating the transferor's intent to transfer
456 the tax credit to the transferee; the date that the transfer is
457 effective; the transferee's name, address, and federal taxpayer
458 identification number; the tax period; and the amount of tax
459 credit to be transferred. Upon receipt of the transfer
460 statement, the department shall provide the transferee and the
461 office with a certificate reflecting the transferred tax credit
462 amount. A copy of the certificate must be attached to each tax
463 return for which the transferee seeks to apply the credit.

464 (5) The department and the Office of Insurance Regulation
465 may adopt rules to administer this section, including rules
466 relating to:

467 (a) The forms, if any, necessary to claim a tax credit
468 under this section, the requirements and basis for establishing
469 an entitlement to a credit, and the examination and audit
470 procedures required to administer this section.

471 (b) The implementation and administration of the
472 provisions allowing a transfer of a tax credit, including rules
473 prescribing forms, reporting requirements, and specific
474 procedures, guidelines, and requirements necessary to transfer a
475 tax credit.

476 Section 2. Effective upon this act becoming a law,
477 subsection (9) of section 624.509, Florida Statutes, is
478 renumbered as subsection (10) and amended, and a new subsection
479 (9) is added to that section, to read:

480 624.509 Premium tax; rate and computation.—

481 (9) (a) For tax years beginning on or after January 1,
482 2018, any health insurer or health maintenance organization that
483 covers services provided by telehealth shall be allowed a credit
484 against the tax imposed by this section equal to 0.001 percent
485 of total insurance premiums received on accident and health
486 insurance policies or plans delivered or issued in this state in
487 the previous calendar year that provide medical, major medical,
488 or similar comprehensive coverage. The office shall confirm such
489 coverage to the Department of Revenue following its annual rate
490 and form review for each health insurance policy or plan.

491 (b) If the credit allowed pursuant to this subsection is
492 not fully used in any single year because of insufficient tax
493 liability on the part of a health insurer or health maintenance
494 organization and the same health insurer or health maintenance
495 organization does not use the credit available pursuant to s.
496 220.197, the unused amount may be carried forward for a period
497 not to exceed 5 years.

498 (c)1. In addition to its existing audit and investigation
499 authority, the Department of Revenue may perform any additional
500 financial and technical audits and investigations, including

501 examining the accounts, books, and records of the health insurer
502 or health maintenance organization, which are necessary to
503 verify eligibility for the credit authorized by this subsection
504 and to ensure compliance with this subsection. The office shall
505 provide technical assistance when requested by the Department of
506 Revenue on any audits or examinations performed pursuant to this
507 subparagraph.

508 2. If the Department of Revenue determines, as a result of
509 an audit or examination or from information received from the
510 office, that a taxpayer received a tax credit pursuant to this
511 subsection to which it was not entitled, the Department of
512 Revenue shall pursue recovery of such funds pursuant to the laws
513 and rules governing the assessment of taxes.

514 (d) A health insurer or health maintenance organization
515 may transfer a credit for which it qualifies under paragraph
516 (a), in whole or in part, to any insurer by written agreement.
517 In order to perfect the transfer, the transferor shall provide
518 the Department of Revenue with a written transfer statement
519 stating the transferor's intent to transfer the tax credit to
520 the transferee; the date that the transfer is effective; the
521 transferee's name, address, and federal taxpayer identification
522 number; the tax period; and the amount of tax credit to be
523 transferred. Upon receipt of the transfer statement, the
524 Department of Revenue shall provide the transferee and the
525 office with a certificate reflecting the transferred tax credit

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526 amount. A copy of the certificate must be attached to each tax
527 return for which the transferee seeks to apply the credit.

528 (e) The Department of Revenue and the office may adopt
529 rules to administer this section, including rules relating to:

530 1. The forms, if any, necessary to claim a tax credit
531 under this section, the requirements and basis for establishing
532 an entitlement to a credit, and the examination and audit
533 procedures required to administer this section.

534 2. The implementation and administration of the provisions
535 allowing a transfer of a tax credit, including rules prescribing
536 forms, reporting requirements, and specific procedures,
537 guidelines, and requirements necessary to transfer a tax credit.

538 (f) An insurer that claims a credit against tax liability
539 under this subsection is not required to pay any additional
540 retaliatory tax levied under s. 624.5091 as a result of claiming
541 such a credit. Section 624.5091 does not limit such a credit in
542 any manner.

543 (10)-(9) As used in this section, the term:

544 (a) "Health insurer" means an authorized insurer offering
545 health insurance as defined in s. 624.603.

546 (b) "Health maintenance organization" has the same meaning
547 as provided in s. 641.19.

548 (c) "Insurer" includes any entity subject to the tax
549 imposed by this section.

550 (d) "Telehealth" means the use of synchronous or

551 asynchronous telecommunications technology by a health care
552 provider to provide health care services, including, but not
553 limited to, patient assessment, diagnosis, consultation,
554 treatment, and monitoring; transfer of medical data; patient and
555 professional health-related education; public health services;
556 and health administration. The term does not include audio-only
557 telephone calls, e-mail messages, or facsimile transmissions.

558 Section 3. Section 456.47, Florida Statutes, is created to
559 read:

560 456.47 Use of telehealth to provide services.-

561 (1) DEFINITIONS.-As used in this section, the term:

562 (a) "Telehealth" means the use of synchronous or
563 asynchronous telecommunications technology by a telehealth
564 provider to provide health care services, including, but not
565 limited to, patient assessment, diagnosis, consultation,
566 treatment, and monitoring; transfer of medical data; patient and
567 professional health-related education; public health services;
568 and health administration. The term does not include audio-only
569 telephone calls, e-mail messages, or facsimile transmissions.

570 (b) "Telehealth provider" means any individual who
571 provides health care and related services using telehealth and
572 who is licensed or certified under s. 393.17; part III of
573 chapter 401; chapter 457; chapter 458; chapter 459; chapter 460;
574 chapter 461; chapter 463; chapter 464; chapter 465; chapter 466;
575 chapter 467; part I, part III, part IV, part V, part X, part

576 XIII, or part XIV of chapter 468; chapter 478; chapter 480; part
577 III of chapter 483; chapter 484; chapter 486; chapter 490; or
578 chapter 491; or who is registered under and complies with
579 subsection (4).

580 (2) PRACTICE STANDARD.—

581 (a) The standard of care for telehealth providers who
582 provide health care services is the same as the standard of care
583 for health care professionals who provide in-person health care
584 services to patients in this state. If the telehealth provider
585 conducts a patient evaluation sufficient to diagnose and treat
586 the patient, the telehealth provider is not required to research
587 a patient's medical history or conduct a physical examination of
588 the patient before using telehealth to provide services to the
589 patient. The evaluation may be performed using telehealth.

590 (b) A telehealth provider may not use telehealth to
591 prescribe a controlled substance to treat chronic nonmalignant
592 pain, as defined under s. 456.44, unless the controlled
593 substance is ordered for inpatient treatment at a hospital
594 licensed under chapter 395, is prescribed for a patient
595 receiving hospice services, as defined under s. 400.601, or is
596 prescribed for a resident of a nursing home facility as defined
597 under s. 400.021(12).

598 (c) A telehealth provider and a patient may be in separate
599 locations when telehealth is used to provide health care
600 services to a patient.

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601 (d) A nonphysician telehealth provider using telehealth
602 and acting within the relevant scope of practice, as established
603 by Florida law and rule, is not a violation of s. 458.327(1)(a)
604 or s. 459.013(1)(a).

605 (3) RECORDS.—A telehealth provider shall document in the
606 patient's medical record the health care services rendered using
607 telehealth according to the same standard as used for in-person
608 services. Medical records, including video, audio, electronic,
609 or other records generated as a result of providing such
610 services, are confidential pursuant to ss. 395.3025(4) and
611 456.057.

612 (4) REGISTRATION OF OUT-OF-STATE TELEHEALTH PROVIDERS.—

613 (a) A health care professional not licensed in this state
614 may provide health care services to a patient located in this
615 state using telehealth if the telehealth provider registers with
616 the applicable board, or the department if there is no board,
617 and provides health care services within the relevant scope of
618 practice established by Florida law or rule.

619 (b) The board, or the department if there is no board,
620 shall register a health care professional not licensed in this
621 state as a telehealth provider if the health care professional:

- 622 1. Completes an application in the format prescribed by
623 the department;
624 2. Pays a \$150 registration fee; and
625 3. Holds an active, unencumbered license for a profession

626 listed in paragraph (1)(b) which is issued by another state, the
627 District of Columbia, or a possession or territory of the United
628 States and against whom no disciplinary action has been taken
629 during the 5 years before submission of the application. The
630 department shall use the National Practitioner Data Bank to
631 verify information submitted by an applicant.

632 (c) A telehealth provider registered pursuant to paragraph
633 (b) must, as a condition of biennial registration renewal,
634 complete a renewal application and pay a renewal registration
635 fee of \$150.

636 (d) A health care professional may not register under this
637 subsection if his or her license to provide health care services
638 is subject to a pending disciplinary investigation or action, or
639 has been revoked in any state or jurisdiction. A health care
640 professional registered under this section must notify the
641 appropriate board, or the department if there is no board, of
642 restrictions placed on the health care professional's license to
643 practice, or disciplinary action taken or pending against the
644 health care professional, in any state or jurisdiction. The
645 notification must be provided within 5 business days after the
646 restriction is placed or disciplinary action is initiated or
647 taken.

648 (e) A health care professional registered under this
649 subsection may not open an office in this state and may not
650 provide in-person health care services to patients located in

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651 this state.

652 (f) A pharmacist registered under this subsection may only
653 use a pharmacy permitted under chapter 465, a nonresident
654 pharmacy registered under s. 465.0156, or a nonresident pharmacy
655 or outsourcing facility holding an active permit pursuant to s.
656 465.0158, to dispense medicinal drugs to patients located in
657 this state.

658 (g) The department shall publish on its website a list of
659 all registrants and include, to the extent applicable, each
660 registrant's:

661 1. Name.

662 2. Health care occupation.

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

665 4. Out-of-state health care license with the license
666 number.

667 5. Florida telehealth provider registration number.

668 6. Specialty.

669 7. Board certification.

670 8. Five-year disciplinary history, including sanctions and
671 board actions.

672 9. Medical malpractice insurance provider and policy
673 limits, including whether the policy covers claims which arise
674 in this state.

675 (h) The board, or the department if there is no board, may

676 revoke an out-of-state telehealth provider's registration if the
677 registrant:

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

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

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

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

688 (6) EXEMPTIONS.-A health care professional who is not
689 licensed to provide health care services in this state but who
690 holds an active license to provide health care services in
691 another state or jurisdiction, and who provides health care
692 services using telehealth to a patient located in this state, is
693 not subject to the registration requirement under this section
694 if the services are provided:

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

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

700 (7) RULEMAKING.-The applicable board, or the department if

701 there is no board, may adopt rules to administer this section.

702 Section 4. For the 2017-2018 fiscal year, the sums of
703 \$261,389 in recurring funds and \$15,528 in nonrecurring funds
704 from the Medical Quality Assurance Trust Fund are appropriated
705 to the Department of Health, and four full-time equivalent
706 positions with associated salary rate of 145,870 are authorized,
707 for the purpose of implementing s. 456.47, Florida Statutes, as
708 created by this act.

709 Section 5. Subsections (2) and (3) of section 464.003,
710 Florida Statutes, are amended, subsections (16) through (23) are
711 renumbered as subsections (17) through (24), respectively,
712 present subsections (20) and (22) are amended, and a new
713 subsection (16) is added to that section, to read:

714 464.003 Definitions.—As used in this part, the term:

715 (2) "Advanced or specialized nursing practice" or "to
716 practice advanced or specialized nursing" means, in addition to
717 the practice of professional nursing, the performance of
718 advanced-level nursing acts approved by the board which, by
719 virtue of postbasic specialized education, training, and
720 experience, are appropriately performed by an independent
721 advanced practice registered nurse or an advanced practice
722 registered nurse practitioner. Within the context of advanced or
723 specialized nursing practice, the independent advanced practice
724 registered nurse and the advanced practice registered nurse
725 practitioner may perform acts of nursing diagnosis and nursing

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726 treatment of alterations of the health status. The independent
727 advanced practice registered nurse and the advanced practice
728 registered nurse practitioner may also perform acts of medical
729 diagnosis, and treatment, prescription, and operation which are
730 identified and approved by a joint committee composed of three
731 members appointed by the Board of Nursing, one of whom must be
732 an independent advanced practice registered nurse and one of
733 whom must be an advanced practice registered nurse; three
734 members appointed by the Board of Medicine, two of whom must
735 have had work experience with advanced practice registered
736 nurses; and the State Surgeon General or the State Surgeon
737 General's designee. Each committee member appointed by a board
738 shall be appointed to a term of 4 years unless a shorter term is
739 required to establish or maintain staggered terms. The Board of
740 Nursing shall adopt rules authorizing the performance of any
741 such acts approved by the joint committee. Unless otherwise
742 specified by the joint committee and unless such acts are
743 performed by an independent advanced practice nurse, such
744 medical acts must be performed as authorized within the
745 framework of an established supervisory protocol. The department
746 may, by rule, require that a copy of the protocol be filed with
747 the department along with the notice required by s. 458.348 or
748 s. 459.025.

749 (3) "Advanced practice registered nurse ~~practitioner~~"
750 means any person licensed in this state to practice professional

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751 nursing and certified in advanced or specialized nursing
752 practice, including certified registered nurse anesthetists,
753 certified nurse midwives, and certified nurse practitioners.

754 (16) "Independent advanced practice registered nurse"
755 means an advanced practice registered nurse who maintains an
756 active and unencumbered certification under s. 464.012(2) and
757 registration under s. 464.0125 to practice advanced or
758 specialized nursing independently and without the supervision of
759 a physician or a protocol.

760 (21)~~(20)~~ "Practice of professional nursing" means the
761 performance of those acts requiring substantial specialized
762 knowledge, judgment, and nursing skill based upon applied
763 principles of psychological, biological, physical, and social
764 sciences which shall include, but not be limited to:

765 (a) The observation, assessment, nursing diagnosis,
766 planning, intervention, and evaluation of care; health teaching
767 and counseling of the ill, injured, or infirm; and the promotion
768 of wellness, maintenance of health, and prevention of illness of
769 others.

770 (b) The prescribing and administration of medications and
771 treatments as ~~prescribed or~~ authorized by a ~~duly licensed~~
772 ~~practitioner authorized by the laws of this state to prescribe~~
773 ~~such medications and treatments.~~

774 (c) The supervision and teaching of other personnel in the
775 theory and performance of any of the acts described in this

776 subsection.

777

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

781 (23) ~~(22)~~ "Registered nurse" means any person licensed in
 782 this state to practice professional nursing, except such
 783 licensed person may only administer medications and treatments
 784 authorized by a duly licensed practitioner authorized by the
 785 laws of this state to prescribe such medications and treatments.

786 Section 6. Section 464.012, Florida Statutes, is amended
 787 to read:

788 464.012 Certification of advanced practice registered
 789 nurses ~~nurse practitioners~~; fees; controlled substance
 790 prescribing.-

791 (1) Any nurse desiring to be certified as an advanced
 792 practice registered nurse ~~practitioner~~ shall apply to the board
 793 ~~department~~ and submit proof that the nurse ~~he or she~~ holds a
 794 current license to practice professional nursing and that the
 795 nurse ~~he or she~~ meets ~~one or more of~~ the following requirements
 796 ~~as determined by the board:~~

797 ~~(a) Satisfactory completion of a formal postbasic~~
 798 ~~educational program of at least one academic year, the primary~~
 799 ~~purpose of which is to prepare nurses for advanced or~~
 800 ~~specialized practice.~~

801 ~~(a)(b)~~ Certification by an appropriate specialty board.
802 Such certification shall be required for initial state
803 certification and any recertification as a registered nurse
804 anesthetist, psychiatric nurse, or nurse midwife. The board may
805 by rule provide for provisional state certification of graduate
806 nurse practitioners, nurse anesthetists, psychiatric nurses, and
807 nurse midwives for a period of time determined to be appropriate
808 for preparing for and passing the national certification
809 examination.

810 ~~(b)(e)~~ Graduation from a ~~program leading to a~~ master's
811 degree program in a nursing clinical specialty area with
812 preparation in specialized practitioner skills. ~~For applicants~~
813 ~~graduating on or after October 1, 1998, graduation from a~~
814 ~~master's degree program shall be required for initial~~
815 ~~certification as a nurse practitioner under paragraph (4)(c).~~
816 ~~For applicants graduating on or after October 1, 2001,~~
817 ~~graduation from a master's degree program shall be required for~~
818 ~~initial certification as a registered nurse anesthetist under~~
819 ~~paragraph (4)(a).~~

820 (2) The board shall provide by rule the appropriate
821 requirements for advanced practice registered nurses ~~nurse~~
822 ~~practitioners~~ in the categories of certified registered nurse
823 anesthetist, certified nurse midwife, and certified nurse
824 practitioner.

825 (3) An advanced practice registered nurse ~~practitioner~~

826 shall perform those functions authorized in this section within
827 the framework of an established protocol that is filed with the
828 board upon biennial license renewal and within 30 days after
829 entering into a supervisory relationship with a physician or
830 changes to the protocol. The board shall review the protocol to
831 ensure compliance with applicable regulatory standards for
832 protocols. The board shall refer to the department licensees
833 submitting protocols that are not compliant with the regulatory
834 standards for protocols. A practitioner currently licensed under
835 chapter 458, chapter 459, or chapter 466 shall maintain
836 supervision for directing the specific course of medical
837 treatment. Within the established framework, an advanced
838 practice registered nurse ~~practitioner~~ may:

- 839 (a) Prescribe, dispense, administer, or order any drug;
840 however, an advanced practice registered nurse ~~practitioner~~ may
841 prescribe or dispense a controlled substance as defined in s.
842 893.03 only if the advanced practice registered nurse
843 ~~practitioner~~ has graduated from a program leading to a master's
844 or doctoral degree in a clinical nursing specialty area with
845 training in specialized practitioner skills.
- 846 (b) Initiate appropriate therapies for certain conditions.
- 847 (c) Perform additional functions as may be determined by
848 rule in accordance with s. 464.003(2).
- 849 (d) Order diagnostic tests and physical and occupational
850 therapy.

851 (e) Order any medication for administration to a patient
852 in a facility licensed under chapter 395 or part II of chapter
853 400, notwithstanding any provisions in chapter 465 or chapter
854 893.

855 (4) In addition to the general functions specified in
856 subsection (3), an advanced practice registered nurse
857 ~~practitioner~~ may perform the following acts within his or her
858 specialty:

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

863 1. Determine the health status of the patient as it
864 relates to the risk factors and to the anesthetic management of
865 the patient through the performance of the general functions.

866 2. Based on history, physical assessment, and supplemental
867 laboratory results, determine, with the consent of the
868 responsible physician, the appropriate type of anesthesia within
869 the framework of the protocol.

870 3. Order under the protocol preanesthetic medication.

871 4. Perform under the protocol procedures commonly used to
872 render the patient insensible to pain during the performance of
873 surgical, obstetrical, therapeutic, or diagnostic clinical
874 procedures. These procedures include ordering and administering
875 regional, spinal, and general anesthesia; inhalation agents and

876 techniques; intravenous agents and techniques; and techniques of
877 hypnosis.

878 5. Order or perform monitoring procedures indicated as
879 pertinent to the anesthetic health care management of the
880 patient.

881 6. Support life functions during anesthesia health care,
882 including induction and intubation procedures, the use of
883 appropriate mechanical supportive devices, and the management of
884 fluid, electrolyte, and blood component balances.

885 7. Recognize and take appropriate corrective action for
886 abnormal patient responses to anesthesia, adjunctive medication,
887 or other forms of therapy.

888 8. Recognize and treat a cardiac arrhythmia while the
889 patient is under anesthetic care.

890 9. Participate in management of the patient while in the
891 postanesthesia recovery area, including ordering the
892 administration of fluids and drugs.

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

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

- 901 1. Perform superficial minor surgical procedures.
- 902 2. Manage the patient during labor and delivery to include
- 903 amniotomy, episiotomy, and repair.
- 904 3. Order, initiate, and perform appropriate anesthetic
- 905 procedures.
- 906 4. Perform postpartum examination.
- 907 5. Order appropriate medications.
- 908 6. Provide family-planning services and well-woman care.
- 909 7. Manage the medical care of the normal obstetrical
- 910 patient and the initial care of a newborn patient.
- 911 (c) The certified nurse practitioner may perform any or
- 912 all of the following acts within the framework of established
- 913 protocol:
- 914 1. Manage selected medical problems.
- 915 2. Order physical and occupational therapy.
- 916 3. Initiate, monitor, or alter therapies for certain
- 917 uncomplicated acute illnesses.
- 918 4. Monitor and manage patients with stable chronic
- 919 diseases.
- 920 5. Establish behavioral problems and diagnosis and make
- 921 treatment recommendations.
- 922 (5) A psychiatric nurse, as defined in s. 394.455, within
- 923 the framework of an established protocol with a psychiatrist,
- 924 may prescribe psychotropic controlled substances for the
- 925 treatment of mental disorders.

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926 (6) The board shall certify, and the department shall
927 issue a certificate to, any nurse meeting the qualifications in
928 this section. The board shall establish an application fee not
929 to exceed \$100 and a biennial renewal fee not to exceed \$50. The
930 board is authorized to adopt such other rules as are necessary
931 to implement the provisions of this section.

932 (7) (a) The board shall establish a committee to recommend
933 a formulary of controlled substances that an advanced practice
934 registered nurse ~~practitioner~~ may not prescribe or may prescribe
935 only for specific uses or in limited quantities. The committee
936 must consist of three advanced practice registered nurses ~~nurse~~
937 ~~practitioners~~ licensed under this section, recommended by the
938 board; three physicians licensed under chapter 458 or chapter
939 459 who have work experience with advanced practice registered
940 nurses ~~nurse-practitioners~~, recommended by the Board of
941 Medicine; and a pharmacist licensed under chapter 465 who is a
942 doctor of pharmacy, recommended by the Board of Pharmacy. The
943 committee may recommend an evidence-based formulary applicable
944 to all advanced practice registered nurses ~~nurse-practitioners~~
945 which is limited by specialty certification, is limited to
946 approved uses of controlled substances, or is subject to other
947 similar restrictions the committee finds are necessary to
948 protect the health, safety, and welfare of the public. The
949 formulary must restrict the prescribing of psychiatric mental
950 health controlled substances for children younger than 18 years

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951 of age to advanced practice registered nurses ~~nurse~~
952 ~~practitioners~~ who also are psychiatric nurses as defined in s.
953 394.455. The formulary must also limit the prescribing of
954 Schedule II controlled substances as listed in s. 893.03 to a 7-
955 day supply, except that such restriction does not apply to
956 controlled substances that are psychiatric medications
957 prescribed by psychiatric nurses as defined in s. 394.455.

958 (b) The board shall adopt by rule the recommended
959 formulary and any revision to the formulary which it finds is
960 supported by evidence-based clinical findings presented by the
961 Board of Medicine, the Board of Osteopathic Medicine, or the
962 Board of Dentistry.

963 (c) The formulary required under this subsection does not
964 apply to a controlled substance that is dispensed for
965 administration pursuant to an order, including an order for
966 medication authorized by subparagraph (4)(a)3., subparagraph
967 (4)(a)4., or subparagraph (4)(a)9.

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

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

972 Section 7. Section 464.0125, Florida Statutes, is created
973 to read:

974 464.0125 Registration of independent advanced practice
975 registered nurses; fees.—

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

979 (a) Completed, in any jurisdiction of the United States,
980 at least 4,000 clinical practice hours while practicing as an
981 advanced practice registered nurse under the supervision of an
982 allopathic or osteopathic physician holding an active,
983 unencumbered license issued by any state, the District of
984 Columbia, or a possession or territory of the United States
985 during the period of supervision.

986 (b) Completed at least 2,000 clinical practice hours
987 within a 3-year period immediately preceding the submission of
988 the application, which shall, if supervised pursuant to
989 paragraph (a), be counted as part of the requirement of that
990 paragraph.

991 (c) Not been subject to any disciplinary action under s.
992 464.018 or s. 456.072, or any similar disciplinary action in any
993 other jurisdiction, during the 5 years immediately preceding the
994 submission of the application.

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

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

999 (3) An independent advanced practice registered nurse may
1000 perform, without physician supervision or a protocol, the

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1001 functions authorized in s. 464.012(3), the acts within his or
1002 her specialty as described in s. 464.012(4), and any of the
1003 following:

1004 (a) For a patient who requires the services of a health
1005 care facility, as defined in s. 408.032(8):

1006 1. Admit the patient to the facility.

1007 2. Manage the care that the patient receives in the
1008 facility.

1009 3. Discharge the patient from the facility.

1010 (b) Provide a signature, certification, stamp,
1011 verification, affidavit, or other endorsement that is otherwise
1012 required by law to be provided by a physician.

1013 (4) An independent advanced practice registered nurse
1014 registered under this section must submit to the department
1015 proof of registration along with the information required under
1016 s. 456.0391, and the department shall include the registration
1017 in the independent advanced practice registered nurse's
1018 practitioner profile created pursuant to s. 456.041.

1019 (5) To be eligible for biennial renewal of registration,
1020 an independent advanced practice registered nurse must complete
1021 at least 10 hours of continuing education approved by the board
1022 in pharmacology in addition to completing the continuing
1023 education requirements established by board rule pursuant to s.
1024 464.013. The biennial renewal for registration shall coincide
1025 with the independent advanced practice registered nurse's

1026 biennial renewal period for advanced practice registered nurse
 1027 certification. If the initial renewal period occurs before
 1028 January 1, 2018, an independent advanced practice registered
 1029 nurse is not required to complete the continuing education
 1030 requirement under this subsection until the following biennial
 1031 renewal period.

1032 (6) The board shall register any nurse meeting the
 1033 qualifications in this section. The board shall establish an
 1034 application fee not to exceed \$100 and a biennial renewal fee
 1035 not to exceed \$50. The board is authorized to adopt rules as
 1036 necessary to implement this section.

1037 Section 8. Subsections (8) and (9) of section 464.015,
 1038 Florida Statutes, are amended to read:

1039 464.015 Titles and abbreviations; restrictions; penalty.-

1040 (8) Only a person certified under s. 464.012 ~~persons who~~
 1041 ~~hold valid certificates~~ to practice as an advanced practice
 1042 registered nurse practitioners in this state may use the title
 1043 "Advanced Practice Registered Nurse Practitioner" and the
 1044 abbreviation "A.P.R.N." Only a person registered under s.
 1045 464.0125 to practice as an independent advanced practice
 1046 registered nurse in this state may use the title "Independent
 1047 Advanced Practice Registered Nurse" and the abbreviation
 1048 "I.A.P.R.N." ~~"A.R.N.P."~~

1049 (9) A person may not practice or advertise as, or assume
 1050 the title of, registered nurse, licensed practical nurse,

1051 clinical nurse specialist, certified registered nurse
 1052 anesthetist, certified nurse midwife, certified nurse
 1053 practitioner, ~~or~~ advanced practice registered nurse, or
 1054 independent advanced practice registered nurse practitioner or
 1055 use the abbreviation "R.N.," "L.P.N.," "C.N.S.," "C.R.N.A.,"
 1056 "C.N.M.," "C.N.P.," "A.P.R.N.," or "I.A.P.R.N."~~"A.R.N.P."~~ or
 1057 take any other action that would lead the public to believe that
 1058 person was certified or registered as such or is performing
 1059 nursing services pursuant to the exception set forth in s.
 1060 464.022(8), unless that person is licensed, ~~or~~ certified,
 1061 registered to practice as such.

1062 Section 9. Effective January 1, 2018, section 464.0155,
 1063 Florida Statutes, is created to read:

1064 464.0155 Reports of adverse incidents by independent
 1065 advanced practice registered nurses.—

1066 (1) An independent advanced practice registered nurse must
 1067 report an adverse incident to the department in accordance with
 1068 this section.

1069 (2) The report must be in writing, sent to the department
 1070 by certified mail, and postmarked within 15 days after the
 1071 adverse incident if the adverse incident occurs when the patient
 1072 is at the office of the independent advanced practice registered
 1073 nurse. If the adverse incident occurs when the patient is not at
 1074 the office of the independent advanced practice registered
 1075 nurse, the report must be postmarked within 15 days after the

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1076 independent advanced practice registered nurse discovers, or
1077 reasonably should have discovered, the occurrence of the adverse
1078 incident.

1079 (3) For the purpose of this section, the term "adverse
1080 incident" means any of the following events when it is
1081 reasonable to believe that the event is attributable to the
1082 prescription of a controlled substance by the independent
1083 advanced practice registered nurse:

1084 (a) A condition that requires the transfer of a patient to
1085 a hospital licensed under chapter 395.

1086 (b) Permanent physical injury to the patient.

1087 (c) Death of the patient.

1088 (4) The department shall review each adverse incident and
1089 determine whether the independent advanced practice registered
1090 nurse caused the adverse incident. The board may take
1091 disciplinary action upon such a finding, in which case s.
1092 456.073 applies.

1093 Section 10. Paragraph (a) of subsection (2) of section
1094 464.016, Florida Statutes, is amended to read:

1095 464.016 Violations and penalties.—

1096 (2) Each of the following acts constitutes a misdemeanor
1097 of the first degree, punishable as provided in s. 775.082 or s.
1098 775.083:

1099 (a) Using the name or title "Nurse," "Registered Nurse,"
1100 "Licensed Practical Nurse," "Clinical Nurse Specialist,"

1101 "Certified Registered Nurse Anesthetist," "Certified Nurse
 1102 Midwife," "Certified Nurse Practitioner," "Advanced Practice
 1103 Registered Nurse Practitioner," "Independent Advanced Practice
 1104 Registered Nurse," or any other name or title that ~~which~~ implies
 1105 that a person was licensed, ~~or~~ certified, or registered as same,
 1106 unless such person is duly licensed, ~~or~~ certified, or
 1107 registered.

1108 Section 11. Paragraph (p) of subsection (1) of section
 1109 464.018, Florida Statutes, is amended, and paragraph (r) is
 1110 added to that subsection, to read:

1111 464.018 Disciplinary actions.—

1112 (1) The following acts constitute grounds for denial of a
 1113 license or disciplinary action, as specified in s. 456.072(2):

1114 (p) For an advanced practice registered nurse or an
 1115 independent advanced practice registered nurse practitioner:

- 1116 1. Presigning blank prescription forms.
- 1117 2. Prescribing for office use any medicinal drug appearing
 1118 on Schedule II in chapter 893.
- 1119 3. Prescribing, ordering, dispensing, administering,
 1120 supplying, selling, or giving a drug that is an amphetamine, a
 1121 sympathomimetic amine drug, or a compound designated in s.
 1122 893.03(2) as a Schedule II controlled substance, to or for any
 1123 person except for:
 - 1124 a. The treatment of narcolepsy; hyperkinesia; behavioral
 1125 syndrome in children characterized by the developmentally

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1126 | inappropriate symptoms of moderate to severe distractibility,
1127 | short attention span, hyperactivity, emotional lability, and
1128 | impulsivity; or drug-induced brain dysfunction.

1129 | b. The differential diagnostic psychiatric evaluation of
1130 | depression or the treatment of depression shown to be refractory
1131 | to other therapeutic modalities.

1132 | c. The clinical investigation of the effects of such drugs
1133 | or compounds when an investigative protocol is submitted to,
1134 | reviewed by, and approved by the department before such
1135 | investigation is begun.

1136 | 4. Prescribing, ordering, dispensing, administering,
1137 | supplying, selling, or giving growth hormones, testosterone or
1138 | its analogs, human chorionic gonadotropin (HCG), or other
1139 | hormones for the purpose of muscle building or to enhance
1140 | athletic performance. As used in this subparagraph, the term
1141 | "muscle building" does not include the treatment of injured
1142 | muscle. A prescription written for the drug products identified
1143 | in this subparagraph may be dispensed by a pharmacist with the
1144 | presumption that the prescription is for legitimate medical use.

1145 | 5. Promoting or advertising on any prescription form a
1146 | community pharmacy unless the form also states: "This
1147 | prescription may be filled at any pharmacy of your choice."

1148 | 6. Prescribing, dispensing, administering, mixing, or
1149 | otherwise preparing a legend drug, including a controlled
1150 | substance, other than in the course of his or her professional

1151 practice. For the purposes of this subparagraph, it is legally
1152 presumed that prescribing, dispensing, administering, mixing, or
1153 otherwise preparing legend drugs, including all controlled
1154 substances, inappropriately or in excessive or inappropriate
1155 quantities is not in the best interest of the patient and is not
1156 in the course of the advanced practice registered nurse's ~~nurse~~
1157 ~~practitioner's~~ professional practice, without regard to his or
1158 her intent.

1159 7. Prescribing, dispensing, or administering a medicinal
1160 drug appearing on any schedule set forth in chapter 893 to
1161 himself or herself, except a drug prescribed, dispensed, or
1162 administered to the advanced practice registered nurse or the
1163 independent advanced practice registered nurse ~~practitioner~~ by
1164 another practitioner authorized to prescribe, dispense, or
1165 administer medicinal drugs.

1166 8. Prescribing, ordering, dispensing, administering,
1167 supplying, selling, or giving amygdalin (laetrile) to any
1168 person.

1169 9. Dispensing a substance designated in s. 893.03(2) or
1170 (3) as a substance controlled in Schedule II or Schedule III,
1171 respectively, in violation of s. 465.0276.

1172 10. Promoting or advertising through any communication
1173 medium the use, sale, or dispensing of a substance designated in
1174 s. 893.03 as a controlled substance.

1175 (r) For an independent advanced practice registered nurse
1176 registered under s. 464.0125:

1177 1. Paying or receiving any commission, bonus, kickback, or
1178 rebate, or engaging in any split-fee arrangement in any form
1179 whatsoever with a health care practitioner, organization,
1180 agency, or person, either directly or indirectly, for patients
1181 referred to providers of health care goods and services,
1182 including, but not limited to, hospitals, nursing homes,
1183 clinical laboratories, ambulatory surgical centers, or
1184 pharmacies. This subparagraph may not be construed to prevent an
1185 independent advanced practice registered nurse from receiving a
1186 fee for professional consultation services.

1187 2. Exercising influence within a patient-independent
1188 advanced practice registered nurse relationship for purposes of
1189 engaging a patient in sexual activity. A patient shall be
1190 presumed to be incapable of giving free, full, and informed
1191 consent to sexual activity with his or her independent advanced
1192 practice registered nurse.

1193 3. Making deceptive, untrue, or fraudulent representations
1194 in or related to the practice of advanced or specialized nursing
1195 or employing a trick or scheme in the practice of advanced or
1196 specialized nursing.

1197 4. Soliciting patients, either personally or through an
1198 agent, through the use of fraud, intimidation, undue influence,
1199 or a form of overreaching or vexatious conduct. A solicitation

1200 is any communication that directly or implicitly requests an
1201 immediate oral response from the recipient.

1202 5. Failing to keep legible, as defined by department rule
1203 in consultation with the board, medical records that identify
1204 the independent advanced practice registered nurse by name and
1205 professional title who is responsible for rendering, ordering,
1206 supervising, or billing for each diagnostic or treatment
1207 procedure and that justify the course of treatment of the
1208 patient, including, but not limited to, patient histories;
1209 examination results; test results; records of drugs prescribed,
1210 dispensed, or administered; and reports of consultations or
1211 referrals.

1212 6. Exercising influence on a patient or client in a manner
1213 as to exploit the patient or client for the financial gain of
1214 the licensee or of a third party, which shall include, but not
1215 be limited to, the promoting or selling of services, goods,
1216 appliances, or drugs.

1217 7. Performing professional services that have not been
1218 duly authorized by the patient or client, or his or her legal
1219 representative, except as provided in s. 766.103 or s. 768.13.

1220 8. Performing any procedure or prescribing any therapy
1221 that, by the prevailing standards of advanced or specialized
1222 nursing practice in the community, would constitute
1223 experimentation on a human subject, without first obtaining
1224 full, informed, and written consent.

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1225 9. Delegating professional responsibilities to a person
1226 when the licensee delegating the responsibilities knows or has
1227 reason to know that the person is not qualified by training,
1228 experience, or licensure to perform such responsibilities.

1229 10. Conspiring with another independent advanced practice
1230 registered nurse or with any other person to commit an act, or
1231 committing an act, which would tend to coerce, intimidate, or
1232 preclude another independent advanced practice registered nurse
1233 from lawfully advertising his or her services.

1234 11. Advertising or holding oneself out as having
1235 certification in a specialty that the independent advanced
1236 practice registered nurse has not received.

1237 12. Failing to comply with the requirements of ss. 381.026
1238 and 381.0261 to provide patients with information about their
1239 patient rights and how to file a patient complaint.

1240 13. Providing deceptive or fraudulent expert witness
1241 testimony related to the advanced or specialized practice of
1242 nursing.

1243 Section 12. Paragraph (c) of subsection (5) and paragraph
1244 (a) of subsection (6) of section 39.303, Florida Statutes, are
1245 amended to read:

1246 39.303 Child protection teams; services; eligible cases.—

1247 (5) All abuse and neglect cases transmitted for
1248 investigation to a district by the hotline must be
1249 simultaneously transmitted to the Department of Health child

1250 protection team for review. For the purpose of determining
 1251 whether face-to-face medical evaluation by a child protection
 1252 team is necessary, all cases transmitted to the child protection
 1253 team which meet the criteria in subsection (4) must be timely
 1254 reviewed by:

1255 (c) An advanced practice registered nurse certified or an
 1256 independent advanced practice registered nurse registered
 1257 ~~practitioner licensed~~ under chapter 464 who has a specialty in
 1258 pediatrics or family medicine and is a member of a child
 1259 protection team;

1260 (6) A face-to-face medical evaluation by a child
 1261 protection team is not necessary when:

1262 (a) The child was examined for the alleged abuse or
 1263 neglect by a physician or an independent advanced practice
 1264 registered nurse who is not a member of the child protection
 1265 team, and a consultation between the child protection team
 1266 board-certified pediatrician, advanced practice registered nurse
 1267 ~~practitioner~~, physician assistant working under the supervision
 1268 of a child protection team board-certified pediatrician, or
 1269 registered nurse working under the direct supervision of a child
 1270 protection team board-certified pediatrician, and the examining
 1271 practitioner ~~physician~~ concludes that a further medical
 1272 evaluation is unnecessary;

1273
 1274 Notwithstanding paragraphs (a), (b), and (c), a child protection

1275 | team pediatrician, as authorized in subsection (5), may
 1276 | determine that a face-to-face medical evaluation is necessary.

1277 | Section 13. Paragraph (b) of subsection (1) of section
 1278 | 39.304, Florida Statutes, is amended to read:

1279 | 39.304 Photographs, medical examinations, X rays, and
 1280 | medical treatment of abused, abandoned, or neglected child.—

1281 | (1)

1282 | (b) If the areas of trauma visible on a child indicate a
 1283 | need for a medical examination, or if the child verbally
 1284 | complains or otherwise exhibits distress as a result of injury
 1285 | through suspected child abuse, abandonment, or neglect, or is
 1286 | alleged to have been sexually abused, the person required to
 1287 | investigate may cause the child to be referred for diagnosis to
 1288 | a licensed physician, a physician assistant, an independent
 1289 | advanced practice registered nurse, or an emergency department
 1290 | in a hospital without the consent of the child's parents or
 1291 | legal custodian. Such examination may be performed by a ~~any~~
 1292 | licensed physician, a physician assistant, a registered
 1293 | independent advanced practice registered nurse, or a certified
 1294 | ~~an~~ advanced practice registered nurse practitioner ~~licensed~~
 1295 | ~~pursuant to part I of chapter 464.~~ Any examining practitioner
 1296 | ~~licensed physician, or advanced registered nurse practitioner~~
 1297 | ~~licensed pursuant to part I of chapter 464,~~ who has reasonable
 1298 | cause to suspect that an injury was the result of child abuse,
 1299 | abandonment, or neglect may authorize a radiological examination

1300 to be performed on the child without the consent of the child's
 1301 parent or legal custodian.

1302 Section 14. Paragraph (a) of subsection (1) of section
 1303 90.503, Florida Statutes, is amended to read:

1304 90.503 Psychotherapist-patient privilege.-

1305 (1) For purposes of this section:

1306 (a) A "psychotherapist" is:

1307 1. A person authorized to practice medicine in any state
 1308 or nation, or reasonably believed by the patient so to be, who
 1309 is engaged in the diagnosis or treatment of a mental or
 1310 emotional condition, including alcoholism and other drug
 1311 addiction;

1312 2. A person licensed or certified as a psychologist under
 1313 the laws of any state or nation, who is engaged primarily in the
 1314 diagnosis or treatment of a mental or emotional condition,
 1315 including alcoholism and other drug addiction;

1316 3. A person licensed or certified as a clinical social
 1317 worker, marriage and family therapist, or mental health
 1318 counselor under the laws of this state, who is engaged primarily
 1319 in the diagnosis or treatment of a mental or emotional
 1320 condition, including alcoholism and other drug addiction;

1321 4. Treatment personnel of facilities licensed by the state
 1322 pursuant to chapter 394, chapter 395, or chapter 397, of
 1323 facilities designated by the Department of Children and Families
 1324 pursuant to chapter 394 as treatment facilities, or of

1325 facilities defined as community mental health centers pursuant
 1326 to s. 394.907(1), who are engaged primarily in the diagnosis or
 1327 treatment of a mental or emotional condition, including
 1328 alcoholism and other drug addiction; or

1329 5. An independent advanced practice registered nurse or
 1330 advanced practice registered nurse ~~practitioner certified under~~
 1331 ~~s. 464.012~~, whose primary scope of practice is the diagnosis or
 1332 treatment of mental or emotional conditions, including chemical
 1333 abuse, and limited only to actions performed in accordance with
 1334 part I of chapter 464.

1335 Section 15. Subsection (7) of section 110.12315, Florida
 1336 Statutes, is amended to read:

1337 110.12315 Prescription drug program.—The state employees'
 1338 prescription drug program is established. This program shall be
 1339 administered by the Department of Management Services, according
 1340 to the terms and conditions of the plan as established by the
 1341 relevant provisions of the annual General Appropriations Act and
 1342 implementing legislation, subject to the following conditions:

1343 (7) The department shall establish the reimbursement
 1344 schedule for prescription pharmaceuticals dispensed under the
 1345 program. Reimbursement rates for a prescription pharmaceutical
 1346 must be based on the cost of the generic equivalent drug if a
 1347 generic equivalent exists, unless the physician, independent
 1348 advanced practice registered nurse, advanced practice registered
 1349 nurse ~~practitioner~~, or physician assistant prescribing the

1350 pharmaceutical clearly states on the prescription that the brand
 1351 name drug is medically necessary or that the drug product is
 1352 included on the formulary of drug products that may not be
 1353 interchanged as provided in chapter 465, in which case
 1354 reimbursement must be based on the cost of the brand name drug
 1355 as specified in the reimbursement schedule adopted by the
 1356 department.

1357 Section 16. Paragraph (e) of subsection (8) of section
 1358 112.0455, Florida Statutes, is amended to read:

1359 112.0455 Drug-Free Workplace Act.—

1360 (8) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen
 1361 collection and testing for drugs under this section shall be
 1362 performed in accordance with the following procedures:

1363 (e) A specimen for a drug test may be taken or collected
 1364 by any of the following persons:

1365 1. A physician, a physician ~~physician's~~ assistant, an
 1366 independent advanced practice registered nurse, an advanced
 1367 practice registered nurse, a registered ~~professional~~ nurse, a
 1368 licensed practical nurse, ~~a nurse practitioner,~~ or a certified
 1369 paramedic who is present at the scene of an accident for the
 1370 purpose of rendering emergency medical service or treatment.

1371 2. A qualified person employed by a licensed laboratory.

1372 Section 17. Paragraph (f) of subsection (3) of section
 1373 121.0515, Florida Statutes, is amended to read:

1374 121.0515 Special Risk Class.—

1375 (3) CRITERIA.—A member, to be designated as a special risk
 1376 member, must meet the following criteria:

1377 (f) Effective January 1, 2001, the member must be employed
 1378 in one of the following classes and must spend at least 75
 1379 percent of his or her time performing duties which involve
 1380 contact with patients or inmates in a correctional or forensic
 1381 facility or institution:

- 1382 1. Dietitian (class codes 5203 and 5204);
- 1383 2. Public health nutrition consultant (class code 5224);
- 1384 3. Psychological specialist (class codes 5230 and 5231);
- 1385 4. Psychologist (class code 5234);
- 1386 5. Senior psychologist (class codes 5237 and 5238);
- 1387 6. Regional mental health consultant (class code 5240);
- 1388 7. Psychological Services Director—DCF (class code 5242);
- 1389 8. Pharmacist (class codes 5245 and 5246);
- 1390 9. Senior pharmacist (class codes 5248 and 5249);
- 1391 10. Dentist (class code 5266);
- 1392 11. Senior dentist (class code 5269);
- 1393 12. Registered nurse (class codes 5290 and 5291);
- 1394 13. Senior registered nurse (class codes 5292 and 5293);
- 1395 14. Registered nurse specialist (class codes 5294 and
 1396 5295);
- 1397 15. Clinical associate (class codes 5298 and 5299);
- 1398 16. Advanced practice registered nurse ~~practitioner~~ (class
 1399 codes 5297 and 5300);

- 1400 17. Advanced practice registered nurse ~~practitioner~~
 1401 specialist (class codes 5304 and 5305);
- 1402 18. Registered nurse supervisor (class codes 5306 and
 1403 5307);
- 1404 19. Senior registered nurse supervisor (class codes 5308
 1405 and 5309);
- 1406 20. Registered nursing consultant (class codes 5312 and
 1407 5313);
- 1408 21. Quality management program supervisor (class code
 1409 5314);
- 1410 22. Executive nursing director (class codes 5320 and
 1411 5321);
- 1412 23. Speech and hearing therapist (class code 5406); or
- 1413 24. Pharmacy manager (class code 5251);
- 1414 Section 18. Paragraph (a) of subsection (3) of section
 1415 252.515, Florida Statutes, is amended to read:
- 1416 252.515 Postdisaster Relief Assistance Act; immunity from
 1417 civil liability.—
- 1418 (3) As used in this section, the term:
- 1419 (a) "Emergency first responder" means:
- 1420 1. A physician licensed under chapter 458.
- 1421 2. An osteopathic physician licensed under chapter 459.
- 1422 3. A chiropractic physician licensed under chapter 460.
- 1423 4. A podiatric physician licensed under chapter 461.
- 1424 5. A dentist licensed under chapter 466.

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1425 | 6. An advanced practice registered nurse ~~practitioner~~
 1426 | certified under s. 464.012.

1427 | 7. A physician assistant licensed under s. 458.347 or s.
 1428 | 459.022.

1429 | 8. A worker employed by a public or private hospital in
 1430 | the state.

1431 | 9. A paramedic as defined in s. 401.23(17).

1432 | 10. An emergency medical technician as defined in s.
 1433 | 401.23(11).

1434 | 11. A firefighter as defined in s. 633.102.

1435 | 12. A law enforcement officer as defined in s. 943.10.

1436 | 13. A member of the Florida National Guard.

1437 | 14. Any other personnel designated as emergency personnel
 1438 | by the Governor pursuant to a declared emergency.

1439 | Section 19. Paragraph (c) of subsection (1) of section
 1440 | 310.071, Florida Statutes, is amended to read:

1441 | 310.071 Deputy pilot certification.—

1442 | (1) In addition to meeting other requirements specified in
 1443 | this chapter, each applicant for certification as a deputy pilot
 1444 | must:

1445 | (c) Be in good physical and mental health, as evidenced by
 1446 | documentary proof of having satisfactorily passed a complete
 1447 | physical examination administered by a licensed physician,
 1448 | licensed physician assistant, or registered independent advanced
 1449 | practice registered nurse within the preceding 6 months. The

1450 board shall adopt rules to establish requirements for passing
1451 the physical examination, which rules shall establish minimum
1452 standards for the physical or mental capabilities necessary to
1453 carry out the professional duties of a certificated deputy
1454 pilot. Such standards shall include zero tolerance for any
1455 controlled substance regulated under chapter 893 unless that
1456 individual is under the care of a physician, an independent
1457 advanced practice registered nurse, an advanced practice
1458 registered nurse ~~practitioner~~, or a physician assistant and that
1459 controlled substance was prescribed by that physician,
1460 independent advanced practice registered nurse, advanced
1461 practice registered nurse ~~practitioner~~, or physician assistant.
1462 To maintain eligibility as a certificated deputy pilot, each
1463 certificated deputy pilot must annually provide documentary
1464 proof of having satisfactorily passed a complete physical
1465 examination administered by a licensed physician, licensed
1466 physician assistant, or registered independent advanced practice
1467 registered nurse. The practitioner ~~physician~~ must know the
1468 minimum standards and certify that the certificateholder
1469 satisfactorily meets the standards. The standards for
1470 certificateholders shall include a drug test.

1471 Section 20. Subsection (3) of section 310.073, Florida
1472 Statutes, is amended to read:

1473 310.073 State pilot licensing.—In addition to meeting
1474 other requirements specified in this chapter, each applicant for

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1475 | license as a state pilot must:

1476 | (3) Be in good physical and mental health, as evidenced by
1477 | documentary proof of having satisfactorily passed a complete
1478 | physical examination administered by a licensed physician,
1479 | licensed physician assistant, or registered independent advanced
1480 | practice registered nurse within the preceding 6 months. The
1481 | board shall adopt rules to establish requirements for passing
1482 | the physical examination, which rules shall establish minimum
1483 | standards for the physical or mental capabilities necessary to
1484 | carry out the professional duties of a licensed state pilot.
1485 | Such standards shall include zero tolerance for any controlled
1486 | substance regulated under chapter 893 unless that individual is
1487 | under the care of a physician, an independent advanced practice
1488 | registered nurse, an advanced practice registered nurse
1489 | ~~practitioner~~, or a physician assistant and that controlled
1490 | substance was prescribed by that physician, independent advanced
1491 | practice registered nurse, advanced practice registered nurse
1492 | ~~practitioner~~, or physician assistant. To maintain eligibility as
1493 | a licensed state pilot, each licensed state pilot must annually
1494 | provide documentary proof of having satisfactorily passed a
1495 | complete physical examination administered by a licensed
1496 | physician, licensed physician assistant, or registered
1497 | independent advanced practice registered nurse. The examining
1498 | practitioner ~~physician~~ must know the minimum standards and
1499 | certify that the licensee satisfactorily meets the standards.

1500 The standards for licensees shall include a drug test.

1501 Section 21. Paragraph (b) of subsection (3) of section
 1502 310.081, Florida Statutes, is amended to read:

1503 310.081 Department to examine and license state pilots and
 1504 certificate deputy pilots; vacancies.-

1505 (3) Pilots shall hold their licenses or certificates
 1506 pursuant to the requirements of this chapter so long as they:

1507 (b) Are in good physical and mental health as evidenced by
 1508 documentary proof of having satisfactorily passed a physical
 1509 examination administered by a licensed physician, an independent
 1510 advanced practice registered nurse, or a physician assistant
 1511 within each calendar year. The board shall adopt rules to
 1512 establish requirements for passing the physical examination,
 1513 which rules shall establish minimum standards for the physical
 1514 or mental capabilities necessary to carry out the professional
 1515 duties of a licensed state pilot or a certificated deputy pilot.
 1516 Such standards shall include zero tolerance for any controlled
 1517 substance regulated under chapter 893 unless that individual is
 1518 under the care of a physician, independent advanced practice
 1519 registered nurse, an advanced practice registered nurse
 1520 ~~practitioner~~, or a physician assistant and that controlled
 1521 substance was prescribed by that physician, independent advanced
 1522 practice registered nurse, advanced practice registered nurse
 1523 ~~practitioner~~, or physician assistant. To maintain eligibility as
 1524 a certificated deputy pilot or licensed state pilot, each

1525 certificated deputy pilot or licensed state pilot must annually
 1526 provide documentary proof of having satisfactorily passed a
 1527 complete physical examination administered by a licensed
 1528 physician. The examining practitioner ~~physician~~ must know the
 1529 minimum standards and certify that the certificateholder or
 1530 licensee satisfactorily meets the standards. The standards for
 1531 certificateholders and for licensees shall include a drug test.

1532

1533 Upon resignation or in the case of disability permanently
 1534 affecting a pilot's ability to serve, the state license or
 1535 certificate issued under this chapter shall be revoked by the
 1536 department.

1537 Section 22. Paragraph (b) of subsection (1) of section
 1538 320.0848, Florida Statutes, is amended to read:

1539 320.0848 Persons who have disabilities; issuance of
 1540 disabled parking permits; temporary permits; permits for certain
 1541 providers of transportation services to persons who have
 1542 disabilities.—

1543 (1)

1544 (b)1. The person must be currently certified as being
 1545 legally blind or as having any of the following disabilities
 1546 that render him or her unable to walk 200 feet without stopping
 1547 to rest:

1548 a. Inability to walk without the use of or assistance from
 1549 a brace, cane, crutch, prosthetic device, or other assistive

1550 device, or without the assistance of another person. If the
 1551 assistive device significantly restores the person's ability to
 1552 walk to the extent that the person can walk without severe
 1553 limitation, the person is not eligible for the exemption parking
 1554 permit.

1555 b. The need to permanently use a wheelchair.

1556 c. Restriction by lung disease to the extent that the
 1557 person's forced (respiratory) expiratory volume for 1 second,
 1558 when measured by spirometry, is less than 1 liter, or the
 1559 person's arterial oxygen is less than 60 mm/hg on room air at
 1560 rest.

1561 d. Use of portable oxygen.

1562 e. Restriction by cardiac condition to the extent that the
 1563 person's functional limitations are classified in severity as
 1564 Class III or Class IV according to standards set by the American
 1565 Heart Association.

1566 f. Severe limitation in the person's ability to walk due
 1567 to an arthritic, neurological, or orthopedic condition.

1568 2. The certification of disability which is required under
 1569 subparagraph 1. must be provided by a physician licensed under
 1570 chapter 458, chapter 459, or chapter 460;~~it~~by a podiatric
 1571 physician licensed under chapter 461;~~it~~by an optometrist
 1572 licensed under chapter 463;~~it~~by an independent advanced practice
 1573 registered nurse registered or an advanced practice registered
 1574 nurse certified practitioner~~licensed~~ under part I of chapter

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1575 464; ~~under the protocol of a licensed physician as stated in~~
1576 ~~this subparagraph,~~ by a physician assistant licensed under
1577 chapter 458 or chapter 459; or ~~or~~ by a similarly licensed
1578 physician from another state if the application is accompanied
1579 by documentation of the physician's licensure in the other state
1580 and a form signed by the out-of-state physician verifying his or
1581 her knowledge of this state's eligibility guidelines.

1582 Section 23. Paragraph (c) of subsection (1) of section
1583 381.00315, Florida Statutes, is amended to read:

1584 381.00315 Public health advisories; public health
1585 emergencies; isolation and quarantines.—The State Health Officer
1586 is responsible for declaring public health emergencies, issuing
1587 public health advisories, and ordering isolation or quarantines.

1588 (1) As used in this section, the term:

1589 (c) "Public health emergency" means any occurrence, or
1590 threat thereof, whether natural or manmade, which results or may
1591 result in substantial injury or harm to the public health from
1592 infectious disease, chemical agents, nuclear agents, biological
1593 toxins, or situations involving mass casualties or natural
1594 disasters. Before declaring a public health emergency, the State
1595 Health Officer shall, to the extent possible, consult with the
1596 Governor and shall notify the Chief of Domestic Security. The
1597 declaration of a public health emergency shall continue until
1598 the State Health Officer finds that the threat or danger has
1599 been dealt with to the extent that the emergency conditions no

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1600 longer exist and he or she terminates the declaration. However,
1601 a declaration of a public health emergency may not continue for
1602 longer than 60 days unless the Governor concurs in the renewal
1603 of the declaration. The State Health Officer, upon declaration
1604 of a public health emergency, may take actions that are
1605 necessary to protect the public health. Such actions include,
1606 but are not limited to:

1607 1. Directing manufacturers of prescription drugs or over-
1608 the-counter drugs who are permitted under chapter 499 and
1609 wholesalers of prescription drugs located in this state who are
1610 permitted under chapter 499 to give priority to the shipping of
1611 specified drugs to pharmacies and health care providers within
1612 geographic areas that have been identified by the State Health
1613 Officer. The State Health Officer must identify the drugs to be
1614 shipped. Manufacturers and wholesalers located in the state must
1615 respond to the State Health Officer's priority shipping
1616 directive before shipping the specified drugs.

1617 2. Notwithstanding chapters 465 and 499 and rules adopted
1618 thereunder, directing pharmacists employed by the department to
1619 compound bulk prescription drugs and provide these bulk
1620 prescription drugs to physicians and nurses of county health
1621 departments or any qualified person authorized by the State
1622 Health Officer for administration to persons as part of a
1623 prophylactic or treatment regimen.

1624 3. Notwithstanding s. 456.036, temporarily reactivating

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1625 the inactive license of the following health care practitioners,
1626 when such practitioners are needed to respond to the public
1627 health emergency: physicians licensed under chapter 458 or
1628 chapter 459; physician assistants licensed under chapter 458 or
1629 chapter 459; independent advanced practice registered nurses
1630 registered, ~~licensed~~ practical nurses or, registered nurses
1631 licensed, and advanced practice registered nurses certified
1632 ~~nurse practitioners licensed~~ under part I of chapter 464;
1633 respiratory therapists licensed under part V of chapter 468; and
1634 emergency medical technicians and paramedics certified under
1635 part III of chapter 401. Only those health care practitioners
1636 specified in this paragraph who possess an unencumbered inactive
1637 license and who request that such license be reactivated are
1638 eligible for reactivation. An inactive license that is
1639 reactivated under this paragraph shall return to inactive status
1640 when the public health emergency ends or before the end of the
1641 public health emergency if the State Health Officer determines
1642 that the health care practitioner is no longer needed to provide
1643 services during the public health emergency. Such licenses may
1644 only be reactivated for a period not to exceed 90 days without
1645 meeting the requirements of s. 456.036 or chapter 401, as
1646 applicable.

1647 4. Ordering an individual to be examined, tested,
1648 vaccinated, treated, isolated, or quarantined for communicable
1649 diseases that have significant morbidity or mortality and

1650 present a severe danger to public health. Individuals who are
 1651 unable or unwilling to be examined, tested, vaccinated, or
 1652 treated for reasons of health, religion, or conscience may be
 1653 subjected to isolation or quarantine.

1654 a. Examination, testing, vaccination, or treatment may be
 1655 performed by any qualified person authorized by the State Health
 1656 Officer.

1657 b. If the individual poses a danger to the public health,
 1658 the State Health Officer may subject the individual to isolation
 1659 or quarantine. If there is no practical method to isolate or
 1660 quarantine the individual, the State Health Officer may use any
 1661 means necessary to vaccinate or treat the individual.

1662
 1663 Any order of the State Health Officer given to effectuate this
 1664 paragraph shall be immediately enforceable by a law enforcement
 1665 officer under s. 381.0012.

1666 Section 24. Subsection (3) of section 381.00593, Florida
 1667 Statutes, is amended to read:

1668 381.00593 Public school volunteer health care practitioner
 1669 program.—

1670 (3) For purposes of this section, the term "health care
 1671 practitioner" means a physician or physician assistant licensed
 1672 under chapter 458; an osteopathic physician or physician
 1673 assistant licensed under chapter 459; a chiropractic physician
 1674 licensed under chapter 460; a podiatric physician licensed under

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1675 chapter 461; an optometrist licensed under chapter 463; an
 1676 independent advanced practice registered nurse registered, an
 1677 advanced practice registered nurse certified practitioner, or a
 1678 registered nurse, or licensed practical nurse licensed under
 1679 part I of chapter 464; a pharmacist licensed under chapter 465;
 1680 a dentist or dental hygienist licensed under chapter 466; a
 1681 midwife licensed under chapter 467; a speech-language
 1682 pathologist or audiologist licensed under part I of chapter 468;
 1683 a dietitian/nutritionist licensed under part X of chapter 468;
 1684 or a physical therapist licensed under chapter 486.

1685 Section 25. Paragraph (c) of subsection (2) of section
 1686 381.026, Florida Statutes, is amended to read:

1687 381.026 Florida Patient's Bill of Rights and
 1688 Responsibilities.—

1689 (2) DEFINITIONS.—As used in this section and s. 381.0261,
 1690 the term:

1691 (c) "Health care provider" means a physician or physician
 1692 assistant licensed under chapter 458, an osteopathic physician
 1693 or physician assistant licensed under chapter 459, ~~or~~ a
 1694 podiatric physician licensed under chapter 461, or an
 1695 independent advanced practice registered nurse registered under
 1696 part I of chapter 464.

1697 Section 26. Paragraph (a) of subsection (2) and
 1698 subsections (3), (4), and (5) of section 382.008, Florida
 1699 Statutes, are amended to read:

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1700 382.008 Death and fetal death registration.—

1701 (2) (a) The funeral director who first assumes custody of a

1702 dead body or fetus shall file the certificate of death or fetal

1703 death. In the absence of the funeral director, the physician,

1704 physician assistant, independent advanced practice registered

1705 nurse, advanced practice registered nurse, or other person in

1706 attendance at or after the death or the district medical

1707 examiner of the county in which the death occurred or the body

1708 was found shall file the certificate of death or fetal death.

1709 The person who files the certificate shall obtain personal data

1710 from a legally authorized person as described in s. 497.005 or

1711 the best qualified person or source available. The medical

1712 certification of cause of death shall be furnished to the

1713 funeral director, either in person or via certified mail or

1714 electronic transfer, by the physician, physician assistant,

1715 independent advanced practice registered nurse, advanced

1716 practice registered nurse, or medical examiner responsible for

1717 furnishing such information. For fetal deaths, the physician,

1718 certified nurse midwife, midwife, or hospital administrator

1719 shall provide any medical or health information to the funeral

1720 director within 72 hours after expulsion or extraction.

1721 (3) Within 72 hours after receipt of a death or fetal

1722 death certificate from the funeral director, the medical

1723 certification of cause of death shall be completed and made

1724 available to the funeral director by the decedent's primary or

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1725 attending practitioner ~~physician~~ or, if s. 382.011 applies, the
1726 district medical examiner of the county in which the death
1727 occurred or the body was found. The primary or attending
1728 practitioner ~~physician~~ or the medical examiner shall certify
1729 over his or her signature the cause of death to the best of his
1730 or her knowledge and belief. As used in this section, the term
1731 "primary or attending practitioner ~~physician~~" means a physician,
1732 a physician assistant, an independent advanced practice
1733 registered nurse, or an advanced practice registered nurse, who
1734 treated the decedent through examination, medical advice, or
1735 medication during the 12 months preceding the date of death.

1736 (a) The department may grant the funeral director an
1737 extension of time upon a good and sufficient showing of any of
1738 the following conditions:

- 1739 1. An autopsy is pending.
- 1740 2. Toxicology, laboratory, or other diagnostic reports
1741 have not been completed.
- 1742 3. The identity of the decedent is unknown and further
1743 investigation or identification is required.

1744 (b) If the decedent's primary or attending practitioner
1745 ~~physician~~ or the district medical examiner of the county in
1746 which the death occurred or the body was found indicates that he
1747 or she will sign and complete the medical certification of cause
1748 of death but will not be available until after the 5-day
1749 registration deadline, the local registrar may grant an

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1750 extension of 5 days. If a further extension is required, the
1751 funeral director must provide written justification to the
1752 registrar.

1753 (4) If the department or local registrar grants an
1754 extension of time to provide the medical certification of cause
1755 of death, the funeral director shall file a temporary
1756 certificate of death or fetal death which shall contain all
1757 available information, including the fact that the cause of
1758 death is pending. The decedent's primary or attending
1759 practitioner ~~physician~~ or the district medical examiner of the
1760 county in which the death occurred or the body was found shall
1761 provide an estimated date for completion of the permanent
1762 certificate.

1763 (5) A permanent certificate of death or fetal death,
1764 containing the cause of death and any other information that was
1765 previously unavailable, shall be registered as a replacement for
1766 the temporary certificate. The permanent certificate may also
1767 include corrected information if the items being corrected are
1768 noted on the back of the certificate and dated and signed by the
1769 funeral director, physician, physician assistant, independent
1770 advanced practice registered nurse, advanced practice registered
1771 nurse, or district medical examiner of the county in which the
1772 death occurred or the body was found, as appropriate.

1773 Section 27. Paragraph (c) of subsection (1) of section
1774 383.14, Florida Statutes, is amended to read:

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1775 383.14 Screening for metabolic disorders, other hereditary
1776 and congenital disorders, and environmental risk factors.—

1777 (1) SCREENING REQUIREMENTS.—To help ensure access to the
1778 maternal and child health care system, the Department of Health
1779 shall promote the screening of all newborns born in Florida for
1780 metabolic, hereditary, and congenital disorders known to result
1781 in significant impairment of health or intellect, as screening
1782 programs accepted by current medical practice become available
1783 and practical in the judgment of the department. The department
1784 shall also promote the identification and screening of all
1785 newborns in this state and their families for environmental risk
1786 factors such as low income, poor education, maternal and family
1787 stress, emotional instability, substance abuse, and other high-
1788 risk conditions associated with increased risk of infant
1789 mortality and morbidity to provide early intervention,
1790 remediation, and prevention services, including, but not limited
1791 to, parent support and training programs, home visitation, and
1792 case management. Identification, perinatal screening, and
1793 intervention efforts shall begin prior to and immediately
1794 following the birth of the child by the attending health care
1795 provider. Such efforts shall be conducted in hospitals,
1796 perinatal centers, county health departments, school health
1797 programs that provide prenatal care, and birthing centers, and
1798 reported to the Office of Vital Statistics.

1799 (c) Release of screening results.—Notwithstanding any law

1800 to the contrary, the State Public Health Laboratory may release,
 1801 directly or through the Children's Medical Services program, the
 1802 results of a newborn's hearing and metabolic tests or screenings
 1803 to the newborn's health care practitioner. As used in this
 1804 paragraph, the term "health care practitioner" means a physician
 1805 or physician assistant licensed under chapter 458; an
 1806 osteopathic physician or physician assistant licensed under
 1807 chapter 459; an independent advanced practice registered nurse
 1808 registered, an advanced practice registered nurse certified
 1809 ~~practitioner, or a registered nurse, or licensed practical nurse~~
 1810 licensed under part I of chapter 464; a midwife licensed under
 1811 chapter 467; a speech-language pathologist or audiologist
 1812 licensed under part I of chapter 468; or a dietician or
 1813 nutritionist licensed under part X of chapter 468.

1814 Section 28. Paragraph (c) of subsection (1) of section
 1815 383.141, Florida Statutes, is amended to read:

1816 383.141 Prenatally diagnosed conditions; patient to be
 1817 provided information; definitions; information clearinghouse;
 1818 advisory council.—

1819 (1) As used in this section, the term:

1820 (c) "Health care provider" means a practitioner licensed
 1821 or registered under chapter 458 or chapter 459 or an independent
 1822 advanced practice registered nurse registered or an advanced
 1823 practice registered nurse ~~practitioner~~ certified under part I of
 1824 chapter 464.

1825 Section 29. Paragraph (a) of subsection (7) of section
 1826 384.27, Florida Statutes, is amended to read:

1827 384.27 Physical examination and treatment.—

1828 (7) (a) A health care practitioner licensed under chapter
 1829 458 or chapter 459, registered under s. 464.0125, or certified
 1830 under s. 464.012 may provide expedited partner therapy if the
 1831 following requirements are met:

1832 1. The patient has a laboratory-confirmed or suspected
 1833 clinical diagnosis of a sexually transmissible disease.

1834 2. The patient indicates that he or she has a partner with
 1835 whom he or she engaged in sexual activity before the diagnosis
 1836 of the sexually transmissible disease.

1837 3. The patient indicates that his or her partner is unable
 1838 or unlikely to seek clinical services in a timely manner.

1839 Section 30. Paragraph (a) of subsection (3) of section
 1840 390.0111, Florida Statutes, is amended to read:

1841 390.0111 Termination of pregnancies.—

1842 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
 1843 be performed or induced except with the voluntary and informed
 1844 written consent of the pregnant woman or, in the case of a
 1845 mental incompetent, the voluntary and informed written consent
 1846 of her court-appointed guardian.

1847 (a) Except in the case of a medical emergency, consent to
 1848 a termination of pregnancy is voluntary and informed only if:

1849 1. The physician who is to perform the procedure, or the

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1850 referring physician, has, at a minimum, orally, while physically
1851 present in the same room, and at least 24 hours before the
1852 procedure, informed the woman of:

1853 a. The nature and risks of undergoing or not undergoing
1854 the proposed procedure that a reasonable patient would consider
1855 material to making a knowing and willful decision of whether to
1856 terminate a pregnancy.

1857 b. The probable gestational age of the fetus, verified by
1858 an ultrasound, at the time the termination of pregnancy is to be
1859 performed.

1860 (I) The ultrasound must be performed by the physician who
1861 is to perform the abortion or by a person having documented
1862 evidence that he or she has completed a course in the operation
1863 of ultrasound equipment as prescribed by rule and who is working
1864 in conjunction with the physician.

1865 (II) The person performing the ultrasound must offer the
1866 woman the opportunity to view the live ultrasound images and
1867 hear an explanation of them. If the woman accepts the
1868 opportunity to view the images and hear the explanation, a
1869 physician or a registered nurse, a licensed practical nurse, an
1870 advanced practice registered nurse practitioner, an independent
1871 advanced practice registered nurse, or a physician assistant
1872 working in conjunction with the physician must contemporaneously
1873 review and explain the images to the woman before the woman
1874 gives informed consent to having an abortion procedure

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1875 performed.

1876 (III) The woman has a right to decline to view and hear
1877 the explanation of the live ultrasound images after she is
1878 informed of her right and offered an opportunity to view the
1879 images and hear the explanation. If the woman declines, the
1880 woman shall complete a form acknowledging that she was offered
1881 an opportunity to view and hear the explanation of the images
1882 but that she declined that opportunity. The form must also
1883 indicate that the woman's decision was not based on any undue
1884 influence from any person to discourage her from viewing the
1885 images or hearing the explanation and that she declined of her
1886 own free will.

1887 (IV) Unless requested by the woman, the person performing
1888 the ultrasound may not offer the opportunity to view the images
1889 and hear the explanation and the explanation may not be given
1890 if, at the time the woman schedules or arrives for her
1891 appointment to obtain an abortion, a copy of a restraining
1892 order, police report, medical record, or other court order or
1893 documentation is presented which provides evidence that the
1894 woman is obtaining the abortion because the woman is a victim of
1895 rape, incest, domestic violence, or human trafficking or that
1896 the woman has been diagnosed as having a condition that, on the
1897 basis of a physician's good faith clinical judgment, would
1898 create a serious risk of substantial and irreversible impairment
1899 of a major bodily function if the woman delayed terminating her

1900 pregnancy.

1901 c. The medical risks to the woman and fetus of carrying

1902 the pregnancy to term.

1903

1904 The physician may provide the information required in this

1905 subparagraph within 24 hours before the procedure if requested

1906 by the woman at the time she schedules or arrives for her

1907 appointment to obtain an abortion and if she presents to the

1908 physician a copy of a restraining order, police report, medical

1909 record, or other court order or documentation evidencing that

1910 she is obtaining the abortion because she is a victim of rape,

1911 incest, domestic violence, or human trafficking.

1912 2. Printed materials prepared and provided by the

1913 department have been provided to the pregnant woman, if she

1914 chooses to view these materials, including:

1915 a. A description of the fetus, including a description of

1916 the various stages of development.

1917 b. A list of entities that offer alternatives to

1918 terminating the pregnancy.

1919 c. Detailed information on the availability of medical

1920 assistance benefits for prenatal care, childbirth, and neonatal

1921 care.

1922 3. The woman acknowledges in writing, before the

1923 termination of pregnancy, that the information required to be

1924 provided under this subsection has been provided.

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1925
1926 Nothing in this paragraph is intended to prohibit a physician
1927 from providing any additional information which the physician
1928 deems material to the woman's informed decision to terminate her
1929 pregnancy.

1930 Section 31. Paragraphs (c), (e), and (f) of subsection (3)
1931 of section 390.012, Florida Statutes, are amended to read:

1932 390.012 Powers of agency; rules; disposal of fetal
1933 remains.—

1934 (3) For clinics that perform or claim to perform abortions
1935 after the first trimester of pregnancy, the agency shall adopt
1936 rules pursuant to ss. 120.536(1) and 120.54 to implement the
1937 provisions of this chapter, including the following:

1938 (c) Rules relating to abortion clinic personnel. At a
1939 minimum, these rules shall require that:

1940 1. The abortion clinic designate a medical director who is
1941 licensed to practice medicine in this state, and all physicians
1942 who perform abortions in the clinic have admitting privileges at
1943 a hospital within reasonable proximity to the clinic, unless the
1944 clinic has a written patient transfer agreement with a hospital
1945 within reasonable proximity to the clinic which includes the
1946 transfer of the patient's medical records held by both the
1947 clinic and the treating physician.

1948 2. If a physician is not present after an abortion is
1949 performed, a registered nurse, a licensed practical nurse, an

1950 | independent advanced practice registered nurse, an advanced
1951 | practice registered nurse ~~practitioner~~, or a physician assistant
1952 | be present and remain at the clinic to provide postoperative
1953 | monitoring and care until the patient is discharged.

1954 | 3. Surgical assistants receive training in counseling,
1955 | patient advocacy, and the specific responsibilities associated
1956 | with the services the surgical assistants provide.

1957 | 4. Volunteers receive training in the specific
1958 | responsibilities associated with the services the volunteers
1959 | provide, including counseling and patient advocacy as provided
1960 | in the rules adopted by the director for different types of
1961 | volunteers based on their responsibilities.

1962 | (e) Rules relating to the abortion procedure. At a
1963 | minimum, these rules shall require:

1964 | 1. That a physician, a registered nurse, a licensed
1965 | practical nurse, an advanced practice registered nurse
1966 | ~~practitioner~~, an independent advanced practice registered nurse,
1967 | or a physician assistant is available to all patients throughout
1968 | the abortion procedure.

1969 | 2. Standards for the safe conduct of abortion procedures
1970 | that conform to obstetric standards in keeping with established
1971 | standards of care regarding the estimation of fetal age as
1972 | defined in rule.

1973 | 3. Appropriate use of general and local anesthesia,
1974 | analgesia, and sedation if ordered by the physician.

1975 | 4. Appropriate precautions, such as the establishment of
 1976 | intravenous access at least for patients undergoing post-first
 1977 | trimester abortions.

1978 | 5. Appropriate monitoring of the vital signs and other
 1979 | defined signs and markers of the patient's status throughout the
 1980 | abortion procedure and during the recovery period until the
 1981 | patient's condition is deemed to be stable in the recovery room.

1982 | (f) Rules that prescribe minimum recovery room standards.
 1983 | At a minimum, these rules must require that:

1984 | 1. Postprocedure recovery rooms be supervised and staffed
 1985 | to meet the patients' needs.

1986 | 2. Immediate postprocedure care consist of observation in
 1987 | a supervised recovery room for as long as the patient's
 1988 | condition warrants.

1989 | 3. A registered nurse, a licensed practical nurse, an
 1990 | advanced practice registered nurse ~~practitioner~~, an independent
 1991 | advanced practice registered nurse, or physician assistant who
 1992 | is trained in the management of the recovery area and is capable
 1993 | of providing basic cardiopulmonary resuscitation and related
 1994 | emergency procedures remain on the premises of the abortion
 1995 | clinic until all patients are discharged.

1996 | 4. A physician sign the discharge order and be readily
 1997 | accessible and available until the last patient is discharged to
 1998 | facilitate the transfer of emergency cases if hospitalization of
 1999 | the patient or viable fetus is necessary.

2000 5. A physician discuss Rho(D) immune globulin with each
 2001 patient for whom it is indicated and ensure that it is offered
 2002 to the patient in the immediate postoperative period or will be
 2003 available to her within 72 hours after completion of the
 2004 abortion procedure. If the patient refuses the Rho(D) immune
 2005 globulin, she and a witness must sign a refusal form approved by
 2006 the agency which must be included in the medical record.

2007 6. Written instructions with regard to postabortion
 2008 coitus, signs of possible problems, and general aftercare which
 2009 are specific to the patient be given to each patient. The
 2010 instructions must include information regarding access to
 2011 medical care for complications, including a telephone number for
 2012 use in the event of a medical emergency.

2013 7. A minimum length of time be specified, by type of
 2014 abortion procedure and duration of gestation, during which a
 2015 patient must remain in the recovery room.

2016 8. The physician ensure that, with the patient's consent,
 2017 a registered nurse, a licensed practical nurse, an advanced
 2018 practice registered nurse practitioner, an independent advance
 2019 practice registered nurse, or a physician assistant from the
 2020 abortion clinic makes a good faith effort to contact the patient
 2021 by telephone within 24 hours after surgery to assess the
 2022 patient's recovery.

2023 9. Equipment and services be readily accessible to provide
 2024 appropriate emergency resuscitative and life support procedures

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2025 pending the transfer of the patient or viable fetus to the
 2026 hospital.

2027 Section 32. Subsection (35) of section 394.455, Florida
 2028 Statutes, is amended to read:

2029 394.455 Definitions.—As used in this part, the term:

2030 (35) "Psychiatric nurse" means an advanced practice
 2031 registered nurse ~~practitioner~~ certified or an independent
 2032 advanced practice registered nurse registered under part I of
 2033 chapter 464 s. 464.012 who has a master's or doctoral degree in
 2034 psychiatric nursing, holds a national advanced practice
 2035 certification as a psychiatric mental health advanced practice
 2036 nurse, and has 2 years of post-master's clinical experience
 2037 under the supervision of a physician, or an independent advanced
 2038 practice registered nurse registered under, or an advanced
 2039 practice registered nurse certified under, part I of chapter
 2040 464, who obtains national certification as a psychiatric-mental
 2041 health advanced practice nurse.

2042 Section 33. Paragraphs (a) and (f) of subsection (2) of
 2043 section 394.463, Florida Statutes, are amended to read:

2044 394.463 Involuntary examination.—

2045 (2) INVOLUNTARY EXAMINATION.—

2046 (a) An involuntary examination may be initiated by any one
 2047 of the following means:

2048 1. A circuit or county court may enter an ex parte order
 2049 stating that a person appears to meet the criteria for

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2050 involuntary examination and specifying the findings on which
2051 that conclusion is based. The ex parte order for involuntary
2052 examination must be based on written or oral sworn testimony
2053 that includes specific facts that support the findings. If other
2054 less restrictive means are not available, such as voluntary
2055 appearance for outpatient evaluation, a law enforcement officer,
2056 or other designated agent of the court, shall take the person
2057 into custody and deliver him or her to an appropriate, or the
2058 nearest, facility within the designated receiving system
2059 pursuant to s. 394.462 for involuntary examination. The order of
2060 the court shall be made a part of the patient's clinical record.
2061 A fee may not be charged for the filing of an order under this
2062 subsection. A facility accepting the patient based on this order
2063 must send a copy of the order to the department the next working
2064 day. The order may be submitted electronically through existing
2065 data systems, if available. The order shall be valid only until
2066 the person is delivered to the facility or for the period
2067 specified in the order itself, whichever comes first. If no time
2068 limit is specified in the order, the order shall be valid for 7
2069 days after the date that the order was signed.

2070 2. A law enforcement officer shall take a person who
2071 appears to meet the criteria for involuntary examination into
2072 custody and deliver the person or have him or her delivered to
2073 an appropriate, or the nearest, facility within the designated
2074 receiving system pursuant to s. 394.462 for examination. The

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2075 officer shall execute a written report detailing the
2076 circumstances under which the person was taken into custody,
2077 which must be made a part of the patient's clinical record. Any
2078 facility accepting the patient based on this report must send a
2079 copy of the report to the department the next working day.

2080 3. A physician, a physician assistant, a clinical
2081 psychologist, a psychiatric nurse, an independent advanced
2082 practice registered nurse, an advanced practice registered
2083 nurse, a mental health counselor, a marriage and family
2084 therapist, or a clinical social worker may execute a certificate
2085 stating that he or she has examined a person within the
2086 preceding 48 hours and finds that the person appears to meet the
2087 criteria for involuntary examination and stating the
2088 observations upon which that conclusion is based. If other less
2089 restrictive means, such as voluntary appearance for outpatient
2090 evaluation, are not available, a law enforcement officer shall
2091 take into custody the person named in the certificate and
2092 deliver him or her to the appropriate, or nearest, facility
2093 within the designated receiving system pursuant to s. 394.462
2094 for involuntary examination. The law enforcement officer shall
2095 execute a written report detailing the circumstances under which
2096 the person was taken into custody. The report and certificate
2097 shall be made a part of the patient's clinical record. Any
2098 facility accepting the patient based on this certificate must
2099 send a copy of the certificate to the department the next

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2100 working day. The document may be submitted electronically
2101 through existing data systems, if applicable.

2102 (f) A patient shall be examined by a physician, a
2103 physician assistant, ~~or~~ a clinical psychologist, or by a
2104 psychiatric nurse performing within the framework of an
2105 established protocol with a psychiatrist at a facility without
2106 unnecessary delay to determine if the criteria for involuntary
2107 services are met. Emergency treatment may be provided upon the
2108 order of a physician if the physician determines that such
2109 treatment is necessary for the safety of the patient or others.
2110 The patient may not be released by the receiving facility or its
2111 contractor without the documented approval of a psychiatrist or
2112 a clinical psychologist or, if the receiving facility is owned
2113 or operated by a hospital or health system, the release may also
2114 be approved by a psychiatric nurse performing within the
2115 framework of an established protocol with a psychiatrist, or an
2116 attending emergency department physician with experience in the
2117 diagnosis and treatment of mental illness after completion of an
2118 involuntary examination pursuant to this subsection. A
2119 psychiatric nurse may not approve the release of a patient if
2120 the involuntary examination was initiated by a psychiatrist
2121 unless the release is approved by the initiating psychiatrist.

2122 Section 34. Paragraphs (a) and (b) of subsection (2) and
2123 subsection (4) of section 395.0191, Florida Statutes, are
2124 amended to read:

2125 395.0191 Staff membership and clinical privileges.—
 2126 (2) (a) Each licensed facility shall establish rules and
 2127 procedures for consideration of an application for clinical
 2128 privileges submitted by an independent advanced practice
 2129 registered nurse registered or an advanced practice registered
 2130 nurse ~~practitioner licensed and~~ certified under part I of
 2131 chapter 464, in accordance with the provisions of this section.
 2132 A ~~No~~ licensed facility may not ~~shall~~ deny such application
 2133 solely because the applicant is registered or certified ~~licensed~~
 2134 under part I of chapter 464 or because the applicant is not a
 2135 participant in the Florida Birth-Related Neurological Injury
 2136 Compensation Plan.

2137 (b) An advanced practice registered nurse ~~practitioner~~ who
 2138 is a certified ~~as a~~ registered nurse anesthetist ~~licensed~~ under
 2139 part I of chapter 464 shall administer anesthesia under the
 2140 onsite medical direction of a professional licensed under
 2141 chapter 458, chapter 459, or chapter 466, and in accordance with
 2142 an established protocol approved by the medical staff. The
 2143 medical direction shall specifically address the needs of the
 2144 individual patient. This paragraph does not apply to an
 2145 independent advanced practice registered nurse who is a
 2146 certified registered nurse anesthetist under part I of chapter
 2147 464.

2148 (4) Nothing herein shall restrict in any way the authority
 2149 of the medical staff of a licensed facility to review for

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2150 approval or disapproval all applications for appointment and
2151 reappointment to all categories of staff and to make
2152 recommendations on each applicant to the governing board,
2153 including the delineation of privileges to be granted in each
2154 case. In making such recommendations and in the delineation of
2155 privileges, each applicant shall be considered individually
2156 pursuant to criteria for a doctor licensed under chapter 458,
2157 chapter 459, chapter 461, or chapter 466;~~or~~ for an independent
2158 advanced practice registered nurse registered or an advanced
2159 practice registered nurse ~~practitioner licensed and certified~~
2160 under part I of chapter 464;~~or~~ or for a psychologist licensed
2161 under chapter 490, as applicable. The applicant's eligibility
2162 for staff membership or clinical privileges shall be determined
2163 by the applicant's background, experience, health, training, and
2164 demonstrated competency; the applicant's adherence to applicable
2165 professional ethics; the applicant's reputation; and the
2166 applicant's ability to work with others and by such other
2167 elements as determined by the governing board, consistent with
2168 this part.

2169 Section 35. Subsection (3) of section 395.602, Florida
2170 Statutes, is amended to read:

2171 395.602 Rural hospitals.—

2172 (3) USE OF FUNDS.—It is the intent of the Legislature that
2173 funds as appropriated shall be utilized by the department for
2174 the purpose of increasing the number of primary care physicians,

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2175 physician assistants, certified nurse midwives, certified nurse
2176 practitioners, and nurses in rural areas, either through the
2177 Medical Education Reimbursement and Loan Repayment Program as
2178 defined by s. 1009.65 or through a federal loan repayment
2179 program which requires state matching funds. The department may
2180 use funds appropriated for the Medical Education Reimbursement
2181 and Loan Repayment Program as matching funds for federal loan
2182 repayment programs for health care personnel, such as that
2183 authorized in Pub. L. No. 100-177, s. 203. If the department
2184 receives federal matching funds, the department shall only
2185 implement the federal program. Reimbursement through either
2186 program shall be limited to:

2187 (a) Primary care physicians, physician assistants,
2188 certified nurse midwives, certified nurse practitioners, and
2189 nurses employed by or affiliated with rural hospitals, as
2190 defined in this act; and

2191 (b) Primary care physicians, physician assistants,
2192 certified nurse midwives, certified nurse practitioners, and
2193 nurses employed by or affiliated with rural area health
2194 education centers, as defined in this section. These personnel
2195 shall practice:

2196 1. In a county with a population density of no greater
2197 than 100 persons per square mile; or

2198 2. Within the boundaries of a hospital tax district which
2199 encompasses a population of no greater than 100 persons per

2200 square mile.

2201

2202 If the department administers a federal loan repayment program,
 2203 priority shall be given to obligating state and federal matching
 2204 funds pursuant to paragraphs (a) and (b). The department may use
 2205 federal matching funds in other health workforce shortage areas
 2206 and medically underserved areas in the state for loan repayment
 2207 programs for primary care physicians, physician assistants,
 2208 certified nurse midwives, certified nurse practitioners, and
 2209 nurses who are employed by publicly financed health care
 2210 programs that serve medically indigent persons.

2211 Section 36. Paragraphs (b) and (c) of subsection (8) of
 2212 section 395.605, Florida Statutes, are amended to read:

2213 395.605 Emergency care hospitals.—

2214 (8)

2215 (b) All patients shall be under the care of a physician or
 2216 an independent advanced practice registered nurse or under the
 2217 care of an advanced practice registered ~~a nurse practitioner~~ or
 2218 a physician assistant supervised by a physician.

2219 (c) A physician, an independent advanced practice
 2220 registered nurse, an advanced practice registered nurse
 2221 ~~practitioner~~, or a physician assistant shall be on duty at all
 2222 times, or a physician shall be on call and available within 30
 2223 minutes at all times.

2224 Section 37. Subsection (33) of section 397.311, Florida

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2225 Statutes, is amended to read:

2226 397.311 Definitions.—As used in this chapter, except part
2227 VIII, the term:

2228 (33) "Qualified professional" means a physician or a
2229 physician assistant licensed under chapter 458 or chapter 459; a
2230 professional licensed under chapter 490 or chapter 491; an
2231 independent advanced practice registered nurse registered or
2232 advanced practice registered nurse certified practitioner
2233 ~~licensed~~ under part I of chapter 464; or a person who is
2234 certified through a department-recognized certification process
2235 for substance abuse treatment services and who holds, at a
2236 minimum, a bachelor's degree. A person who is certified in
2237 substance abuse treatment services by a state-recognized
2238 certification process in another state at the time of employment
2239 with a licensed substance abuse provider in this state may
2240 perform the functions of a qualified professional as defined in
2241 this chapter but must meet certification requirements contained
2242 in this subsection no later than 1 year after his or her date of
2243 employment.

2244 Section 38. Section 397.405, Florida Statutes, is amended
2245 to read:

2246 397.405 Exemptions from licensure.—The following are
2247 exempt from the licensing provisions of this chapter:

2248 (1) A hospital or hospital-based component licensed under
2249 chapter 395.

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- 2250 (2) A nursing home facility as defined in s. 400.021.
- 2251 (3) A substance abuse education program established
- 2252 pursuant to s. 1003.42.
- 2253 (4) A facility or institution operated by the Federal
- 2254 Government.
- 2255 (5) A physician or physician assistant licensed under
- 2256 chapter 458 or chapter 459.
- 2257 (6) A psychologist licensed under chapter 490.
- 2258 (7) A social worker, marriage and family therapist, or
- 2259 mental health counselor licensed under chapter 491.
- 2260 (8) A legally cognizable church or nonprofit religious
- 2261 organization or denomination providing substance abuse services,
- 2262 including prevention services, which are solely religious,
- 2263 spiritual, or ecclesiastical in nature. A church or nonprofit
- 2264 religious organization or denomination providing any of the
- 2265 licensed service components itemized under s. 397.311(25) is not
- 2266 exempt from substance abuse licensure but retains its exemption
- 2267 with respect to all services which are solely religious,
- 2268 spiritual, or ecclesiastical in nature.
- 2269 (9) Facilities licensed under chapter 393 which, in
- 2270 addition to providing services to persons with developmental
- 2271 disabilities, also provide services to persons developmentally
- 2272 at risk as a consequence of exposure to alcohol or other legal
- 2273 or illegal drugs while in utero.
- 2274 (10) DUI education and screening services provided

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2275 | pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291.
2276 | Persons or entities providing treatment services must be
2277 | licensed under this chapter unless exempted from licensing as
2278 | provided in this section.

2279 | (11) A facility licensed under s. 394.875 as a crisis
2280 | stabilization unit.

2281 |
2282 | The exemptions from licensure in this section do not apply to
2283 | any service provider that receives an appropriation, grant, or
2284 | contract from the state to operate as a service provider as
2285 | defined in this chapter or to any substance abuse program
2286 | regulated pursuant to s. 397.406. Furthermore, this chapter may
2287 | not be construed to limit the practice of a physician or
2288 | physician assistant licensed under chapter 458 or chapter 459, a
2289 | psychologist licensed under chapter 490, a psychotherapist
2290 | licensed under chapter 491, or an independent advanced practice
2291 | registered nurse registered or an advanced practice registered
2292 | nurse certified practitioner licensed under part I of chapter
2293 | 464, who provides substance abuse treatment, unless a
2294 | practitioner represents ~~so long as the physician, physician~~
2295 | ~~assistant, psychologist, psychotherapist, or advanced registered~~
2296 | ~~nurse practitioner does not represent~~ to the public that the
2297 | practitioner ~~he or she~~ is a licensed service provider and
2298 | provides ~~does not provide~~ services to individuals pursuant to
2299 | part V of this chapter. Failure to comply with any requirement

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2300 necessary to maintain an exempt status under this section is a
2301 misdemeanor of the first degree, punishable as provided in s.
2302 775.082 or s. 775.083.

2303 Section 39. Subsections (4), (7), and (8) of section
2304 397.427, Florida Statutes, are amended to read:

2305 397.427 Medication-assisted treatment service providers;
2306 rehabilitation program; needs assessment and provision of
2307 services; persons authorized to issue takeout medication;
2308 unlawful operation; penalty.—

2309 (4) Notwithstanding s. 465.019(2), a physician assistant,
2310 a registered nurse, an advanced practice registered nurse
2311 ~~practitioner~~, or a licensed practical nurse working for a
2312 licensed service provider may deliver takeout medication for
2313 opiate treatment to persons enrolled in a maintenance treatment
2314 program for medication-assisted treatment for opiate addiction
2315 if:

2316 (a) The medication-assisted treatment program for opiate
2317 addiction has an appropriate valid permit issued pursuant to
2318 rules adopted by the Board of Pharmacy;

2319 (b) The medication for treatment of opiate addiction has
2320 been delivered pursuant to a valid prescription written by the
2321 program's physician licensed pursuant to chapter 458 or chapter
2322 459;

2323 (c) The medication for treatment of opiate addiction which
2324 is ordered appears on a formulary and is prepackaged and

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2325 | prelabeled with dosage instructions and distributed from a
2326 | source authorized under chapter 499;

2327 | (d) Each licensed provider adopts written protocols which
2328 | provide for supervision of the physician assistant, registered
2329 | nurse, advanced practice registered nurse ~~practitioner~~, or
2330 | licensed practical nurse by a physician licensed pursuant to
2331 | chapter 458 or chapter 459 and for the procedures by which
2332 | patients' medications may be delivered by the physician
2333 | assistant, registered nurse, advanced practice registered nurse
2334 | ~~practitioner~~, or licensed practical nurse. Such protocols shall
2335 | be signed by the supervising physician and either the
2336 | administering registered nurse, the advanced practice registered
2337 | nurse ~~practitioner~~, or the licensed practical nurse.

2338 | (e) Each licensed service provider maintains and has
2339 | available for inspection by representatives of the Board of
2340 | Pharmacy all medical records and patient care protocols,
2341 | including records of medications delivered to patients, in
2342 | accordance with the board.

2343 | (7) A physician assistant, a registered nurse, an advanced
2344 | practice registered nurse ~~practitioner~~, or a licensed practical
2345 | nurse working for a licensed service provider may deliver
2346 | medication as prescribed by rule if:

2347 | (a) The service provider is authorized to provide
2348 | medication-assisted treatment;

2349 | (b) The medication has been administered pursuant to a

2350 valid prescription written by the program's physician who is
 2351 licensed under chapter 458 or chapter 459; and

2352 (c) The medication ordered appears on a formulary or meets
 2353 federal requirements for medication-assisted treatment.

2354 (8) Each licensed service provider that provides
 2355 medication-assisted treatment must adopt written protocols as
 2356 specified by the department and in accordance with federally
 2357 required rules, regulations, or procedures. The protocol shall
 2358 provide for the supervision of the physician assistant,
 2359 registered nurse, advanced practice registered nurse
 2360 ~~practitioner~~, or licensed practical nurse working under the
 2361 supervision of a physician who is licensed under chapter 458 or
 2362 chapter 459. The protocol must specify how the medication will
 2363 be used in conjunction with counseling or psychosocial treatment
 2364 and that the services provided will be included on the treatment
 2365 plan. The protocol must specify the procedures by which
 2366 medication-assisted treatment may be administered by the
 2367 supervised ~~physician assistant, registered nurse, advanced~~
 2368 ~~registered nurse practitioner, or licensed practical nurse~~.
 2369 These protocols shall be signed by the supervising physician and
 2370 the supervised ~~administering physician assistant, registered~~
 2371 ~~nurse, advanced registered nurse practitioner, or licensed~~
 2372 ~~practical nurse~~.

2373 Section 40. Paragraph (a) of subsection (2) of section
 2374 397.501, Florida Statutes, is amended to read:

2375 | 397.501 Rights of individuals.—Individuals receiving
 2376 | substance abuse services from any service provider are
 2377 | guaranteed protection of the rights specified in this section,
 2378 | unless otherwise expressly provided, and service providers must
 2379 | ensure the protection of such rights.

2380 | (2) RIGHT TO NONDISCRIMINATORY SERVICES.—

2381 | (a) Service providers may not deny an individual access to
 2382 | substance abuse services solely on the basis of race, gender,
 2383 | ethnicity, age, sexual preference, human immunodeficiency virus
 2384 | status, prior service departures against medical advice,
 2385 | disability, or number of relapse episodes. Service providers may
 2386 | not deny an individual who takes medication prescribed by a
 2387 | physician, a physician assistant, an independent advanced
 2388 | practice registered nurse, or an advanced practice registered
 2389 | nurse access to substance abuse services solely on that basis.
 2390 | Service providers who receive state funds to provide substance
 2391 | abuse services may not, if space and sufficient state resources
 2392 | are available, deny access to services based solely on inability
 2393 | to pay.

2394 | Section 41. Section 397.679, Florida Statutes, is amended
 2395 | to read:

2396 | 397.679 Emergency admission; circumstances justifying.—A
 2397 | person who meets the criteria for involuntary admission in s.
 2398 | 397.675 may be admitted to a hospital or to a licensed
 2399 | detoxification facility or addictions receiving facility for

2400 emergency assessment and stabilization, or to a less intensive
 2401 component of a licensed service provider for assessment only,
 2402 upon receipt by the facility of a certificate by a physician, an
 2403 independent advanced practice registered nurse, an advanced
 2404 practice registered nurse ~~practitioner~~, a psychiatric nurse, a
 2405 clinical psychologist, a clinical social worker, a marriage and
 2406 family therapist, a mental health counselor, a physician
 2407 assistant working under the scope of practice of the supervising
 2408 physician, or a master's-level-certified addictions professional
 2409 for substance abuse services, if the certificate is specific to
 2410 substance abuse impairment, and the completion of an application
 2411 for emergency admission.

2412 Section 42. Subsection (1) of section 397.6793, Florida
 2413 Statutes, is amended to read:

2414 397.6793 Professional's certificate for emergency
 2415 admission.—

2416 (1) A physician, a clinical psychologist, a physician
 2417 assistant working under the scope of practice of the supervising
 2418 physician, a psychiatric nurse, an independent advanced practice
 2419 registered nurse, an advanced practice registered nurse
 2420 ~~practitioner~~, a mental health counselor, a marriage and family
 2421 therapist, a master's-level-certified addictions professional
 2422 for substance abuse services, or a clinical social worker may
 2423 execute a professional's certificate for emergency admission.
 2424 The professional's certificate must include the name of the

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2425 person to be admitted, the relationship between the person and
2426 the professional executing the certificate, the relationship
2427 between the applicant and the professional, any relationship
2428 between the professional and the licensed service provider, a
2429 statement that the person has been examined and assessed within
2430 the preceding 5 days after the application date, and factual
2431 allegations with respect to the need for emergency admission,
2432 including:

2433 (a) The reason for the belief that the person is substance
2434 abuse impaired;

2435 (b) The reason for the belief that because of such
2436 impairment the person has lost the power of self-control with
2437 respect to substance abuse; and

2438 (c)1. The reason for the belief that, without care or
2439 treatment, the person is likely to suffer from neglect or refuse
2440 to care for himself or herself; that such neglect or refusal
2441 poses a real and present threat of substantial harm to his or
2442 her well-being; and that it is not apparent that such harm may
2443 be avoided through the help of willing family members or friends
2444 or the provision of other services, or there is substantial
2445 likelihood that the person has inflicted or, unless admitted, is
2446 likely to inflict, physical harm on himself, herself, or
2447 another; or

2448 2. The reason for the belief that the person's refusal to
2449 voluntarily receive care is based on judgment so impaired by

2450 | reason of substance abuse that the person is incapable of
 2451 | appreciating his or her need for care and of making a rational
 2452 | decision regarding his or her need for care.

2453 | Section 43. Subsection (8) of section 400.021, Florida
 2454 | Statutes, is amended to read:

2455 | 400.021 Definitions.—When used in this part, unless the
 2456 | context otherwise requires, the term:

2457 | (8) "Geriatric outpatient clinic" means a site for
 2458 | providing outpatient health care to persons 60 years of age or
 2459 | older, which is staffed by a registered nurse, a physician
 2460 | assistant, or a licensed practical nurse under the direct
 2461 | supervision of a registered nurse, an independent advanced
 2462 | practice registered nurse, an advanced practice registered nurse
 2463 | ~~practitioner~~, a physician assistant, or a physician.

2464 | Section 44. Subsection (3) of section 400.0255, Florida
 2465 | Statutes, is amended to read:

2466 | 400.0255 Resident transfer or discharge; requirements and
 2467 | procedures; hearings.—

2468 | (3) When a discharge or transfer is initiated by the
 2469 | nursing home, the nursing home administrator employed by the
 2470 | nursing home that is discharging or transferring the resident,
 2471 | or an individual employed by the nursing home who is designated
 2472 | by the nursing home administrator to act on behalf of the
 2473 | administration, must sign the notice of discharge or transfer.
 2474 | Any notice indicating a medical reason for transfer or discharge

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2475 must either be signed by the resident's attending physician or
2476 the medical director of the facility, or include an attached
2477 written order for the discharge or transfer. The notice or the
2478 order must be signed by the resident's physician, medical
2479 director, treating physician, independent advanced practice
2480 registered nurse, advanced practice registered nurse
2481 ~~practitioner~~, or physician assistant.

2482 Section 45. Subsection (3) of section 400.172, Florida
2483 Statutes, is amended to read:

2484 400.172 Respite care provided in nursing home facilities.—

2485 (3) A prospective respite care resident must provide
2486 medical information from a physician, a physician assistant, an
2487 independent advanced practice registered nurse, or an advanced
2488 practice registered nurse practitioner and any other information
2489 provided by the primary caregiver required by the facility
2490 before or when the person is admitted to receive respite care.
2491 The medical information must include a physician's or an
2492 independent advanced practice registered nurse's order for
2493 respite care and proof of a physical examination by a licensed
2494 physician, a physician assistant, an independent advanced
2495 practice registered nurse, or an advanced practice registered
2496 nurse practitioner. The ~~physician's~~ order and physical
2497 examination may be used to provide intermittent respite care for
2498 up to 12 months after the date the order is written.

2499 Section 46. Subsections (20) through (30) of section

2500 400.462, Florida Statutes, are renumbered as subsections (21)
 2501 through (31), respectively, subsection (3) is amended, and a new
 2502 subsection (20) is added to that section, to read:

2503 400.462 Definitions.—As used in this part, the term:

2504 (3) "Advanced practice registered nurse ~~practitioner~~"
 2505 means a person licensed in this state to practice professional
 2506 nursing and certified in advanced or specialized nursing
 2507 practice, as defined in s. 464.003.

2508 (20) "Independent advanced practice registered nurse"
 2509 means a person licensed in this state to practice professional
 2510 nursing as defined in s. 464.003 and registered to practice
 2511 advanced or specialized nursing independently and without
 2512 physician supervision or a protocol.

2513 Section 47. Subsection (2) of section 400.487, Florida
 2514 Statutes, is amended to read:

2515 400.487 Home health service agreements; physician's,
 2516 physician assistant's, independent advanced practice registered
 2517 nurse's and advanced practice registered nurse's ~~nurse~~
 2518 ~~practitioner's~~ treatment orders; patient assessment;
 2519 establishment and review of plan of care; provision of services;
 2520 orders not to resuscitate.—

2521 (2) When required by the provisions of chapter 464; part
 2522 I, part III, or part V of chapter 468; or chapter 486, the
 2523 attending physician, physician assistant, independent advanced
 2524 practice registered nurse, or advanced practice registered nurse

2525 ~~practitioner~~, acting within his or her respective scope of
 2526 practice, shall establish treatment orders for a patient who is
 2527 to receive skilled care. The treatment orders must be signed by
 2528 the physician, physician assistant, independent advanced
 2529 practice registered nurse, or advanced practice registered nurse
 2530 ~~practitioner~~ before a claim for payment for the skilled services
 2531 is submitted by the home health agency. If the claim is
 2532 submitted to a managed care organization, the treatment orders
 2533 must be signed within the time allowed under the provider
 2534 agreement. The treatment orders shall be reviewed, as frequently
 2535 as the patient's illness requires, by the physician, physician
 2536 assistant, independent advanced practice registered nurse, or
 2537 advanced practice registered nurse ~~practitioner~~ in consultation
 2538 with the home health agency.

2539 Section 48. Paragraph (a) of subsection (13) of section
 2540 400.506, Florida Statutes, is amended to read:

2541 400.506 Licensure of nurse registries; requirements;
 2542 penalties.—

2543 (13) All persons referred for contract in private
 2544 residences by a nurse registry must comply with the following
 2545 requirements for a plan of treatment:

2546 (a) When, in accordance with the privileges and
 2547 restrictions imposed upon a nurse under part I of chapter 464,
 2548 the delivery of care to a patient is under the direction or
 2549 supervision of a physician or when a physician is responsible

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2550 for the medical care of the patient, a medical plan of treatment
2551 must be established for each patient receiving care or treatment
2552 provided by a licensed nurse in the home. The original medical
2553 plan of treatment must be timely signed by the physician,
2554 physician assistant, independent advanced practice registered
2555 nurse, or advanced practice registered nurse ~~practitioner~~,
2556 acting within his or her respective scope of practice, and
2557 reviewed in consultation with the licensed nurse at least every
2558 2 months. Any additional order or change in orders must be
2559 obtained from, reduced to writing by, and timely signed by the
2560 physician, physician assistant, independent advanced practice
2561 registered nurse, or advanced practice registered nurse
2562 ~~practitioner and reduced to writing and timely signed by the~~
2563 ~~physician, physician assistant, or advanced registered nurse~~
2564 ~~practitioner~~. The delivery of care under a medical plan of
2565 treatment must be substantiated by the appropriate nursing notes
2566 or documentation made by the nurse in compliance with nursing
2567 practices established under part I of chapter 464.

2568 Section 49. Paragraph (g) of subsection (4) of section
2569 400.9905, Florida Statutes, is amended to read:

2570 400.9905 Definitions.—

2571 (4) "Clinic" means an entity where health care services
2572 are provided to individuals and which tenders charges for
2573 reimbursement for such services, including a mobile clinic and a
2574 portable equipment provider. As used in this part, the term does

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2575 | not include and the licensure requirements of this part do not
2576 | apply to:

2577 | (g) A sole proprietorship, group practice, partnership, or
2578 | corporation that provides health care services by ~~licensed~~
2579 | health care practitioners licensed, certified, or registered
2580 | under chapter 457, chapter 458, chapter 459, chapter 460,
2581 | chapter 461, chapter 462, chapter 463, chapter 466, chapter 467,
2582 | chapter 480, chapter 484, chapter 486, chapter 490, chapter 491,
2583 | or part I, part III, part X, part XIII, or part XIV of chapter
2584 | 468, ~~or~~ s. 464.012, or s. 464.0125, and that is wholly owned by
2585 | one or more ~~licensed~~, certified, or registered health care
2586 | practitioners, or the ~~licensed~~ health care practitioners set
2587 | forth in this paragraph and the spouse, parent, child, or
2588 | sibling of such a ~~licensed~~ health care practitioner if one of
2589 | the owners who is a licensed, certified, or registered health
2590 | care practitioner is supervising the business activities and is
2591 | legally responsible for the entity's compliance with all federal
2592 | and state laws. However, a health care practitioner may not
2593 | supervise services beyond the scope of the practitioner's
2594 | license, certification, or registration, except that, for the
2595 | purposes of this part, a clinic owned by a licensee in s.
2596 | 456.053(3)(b) which provides only services authorized pursuant
2597 | to s. 456.053(3)(b) may be supervised by a licensee specified in
2598 | s. 456.053(3)(b).

2599 |

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2600 Notwithstanding this subsection, an entity shall be deemed a
2601 clinic and must be licensed under this part in order to receive
2602 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
2603 627.730-627.7405, unless exempted under s. 627.736(5)(h).

2604 Section 50. Subsection (5) and paragraph (b) of subsection
2605 (7) of section 400.9973, Florida Statutes, are amended to read:

2606 400.9973 Client admission, transfer, and discharge.—

2607 (5) A client admitted to a transitional living facility
2608 must be admitted upon prescription by a licensed physician,
2609 physician assistant, independent advanced practice registered
2610 nurse, or advanced practice registered nurse ~~practitioner~~ and
2611 must remain under the care of a licensed physician, physician
2612 assistant, independent advanced practice registered nurse, or
2613 advanced practice registered nurse ~~practitioner~~ for the duration
2614 of the client's stay in the facility.

2615 (7) A person may not be admitted to a transitional living
2616 facility if the person:

2617 (b) Is a danger to himself or herself or others as
2618 determined by a physician, physician assistant, independent
2619 advanced practice registered nurse, or advanced practice
2620 registered nurse ~~practitioner~~ or a mental health practitioner
2621 licensed under chapter 490 or chapter 491, unless the facility
2622 provides adequate staffing and support to ensure patient safety;

2623 Section 51. Subsection (1) and paragraphs (a) and (b) of
2624 subsection (2) of section 400.9974, Florida Statutes, are

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2625 amended to read:

2626 400.9974 Client comprehensive treatment plans; client
2627 services.—

2628 (1) A transitional living facility shall develop a
2629 comprehensive treatment plan for each client as soon as
2630 practicable but no later than 30 days after the initial
2631 comprehensive treatment plan is developed. The comprehensive
2632 treatment plan must be developed by an interdisciplinary team
2633 consisting of the case manager, the program director, the
2634 advanced practice registered nurse ~~practitioner~~, and appropriate
2635 therapists. The client or, if appropriate, the client's
2636 representative must be included in developing the comprehensive
2637 treatment plan. The comprehensive treatment plan must be
2638 reviewed and updated if the client fails to meet projected
2639 improvements outlined in the plan or if a significant change in
2640 the client's condition occurs. The comprehensive treatment plan
2641 must be reviewed and updated at least once monthly.

2642 (2) The comprehensive treatment plan must include:

2643 (a) Orders obtained from the physician, physician
2644 assistant, independent advanced practice registered nurse, or
2645 advanced practice registered nurse ~~practitioner~~ and the client's
2646 diagnosis, medical history, physical examination, and
2647 rehabilitative or restorative needs.

2648 (b) A preliminary nursing evaluation, including orders for
2649 immediate care provided by the physician, physician assistant,

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2650 independent advanced practice registered nurse, or advanced
2651 practice registered nurse ~~practitioner,~~ which shall be completed
2652 when the client is admitted.

2653 Section 52. Section 400.9976, Florida Statutes, is amended
2654 to read:

2655 400.9976 Administration of medication.—

2656 (1) An individual medication administration record must be
2657 maintained for each client. A dose of medication, including a
2658 self-administered dose, shall be properly recorded in the
2659 client's record. A client who self-administers medication shall
2660 be given a pill organizer. Medication must be placed in the pill
2661 organizer by a nurse. A nurse shall document the date and time
2662 that medication is placed into each client's pill organizer. All
2663 medications must be administered in compliance with orders of a
2664 physician, physician assistant, independent advanced practice
2665 registered nurse, or advanced practice registered nurse
2666 ~~practitioner.~~

2667 (2) If an interdisciplinary team determines that self-
2668 administration of medication is an appropriate objective, and if
2669 the physician, physician assistant, independent advanced
2670 practice registered nurse, or advanced practice registered nurse
2671 ~~practitioner~~ does not specify otherwise, the client must be
2672 instructed by the physician, physician assistant, independent
2673 advanced practice registered nurse, or advanced practice
2674 registered nurse ~~practitioner~~ to self-administer his or her

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2675 medication without the assistance of a staff person. All forms
2676 of self-administration of medication, including administration
2677 orally, by injection, and by suppository, shall be included in
2678 the training. The client's physician, physician assistant,
2679 independent advanced practice registered nurse, or advanced
2680 practice registered nurse ~~practitioner~~ must be informed of the
2681 interdisciplinary team's decision that self-administration of
2682 medication is an objective for the client. A client may not
2683 self-administer medication until he or she demonstrates the
2684 competency to take the correct medication in the correct dosage
2685 at the correct time, to respond to missed doses, and to contact
2686 the appropriate person with questions.

2687 (3) Medication administration discrepancies and adverse
2688 drug reactions must be recorded and reported immediately to a
2689 physician, physician assistant, independent advanced practice
2690 registered nurse, or advanced practice registered nurse
2691 ~~practitioner~~.

2692 Section 53. Subsections (2) through (5) of section
2693 400.9979, Florida Statutes, are amended to read:

2694 400.9979 Restraint and seclusion; client safety.—

2695 (2) The use of physical restraints must be ordered and
2696 documented by a physician, physician assistant, independent
2697 advanced practice registered nurse, or advanced practice
2698 registered nurse ~~practitioner~~ and must be consistent with the
2699 policies and procedures adopted by the facility. The client or,

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2700 if applicable, the client's representative shall be informed of
2701 the facility's physical restraint policies and procedures when
2702 the client is admitted.

2703 (3) The use of chemical restraints shall be limited to
2704 prescribed dosages of medications as ordered by a physician,
2705 physician assistant, independent advanced practice registered
2706 nurse, or advanced practice registered nurse ~~practitioner~~ and
2707 must be consistent with the client's diagnosis and the policies
2708 and procedures adopted by the facility. The client and, if
2709 applicable, the client's representative shall be informed of the
2710 facility's chemical restraint policies and procedures when the
2711 client is admitted.

2712 (4) Based on the assessment by a physician, physician
2713 assistant, independent advanced practice registered nurse, or
2714 advanced practice registered nurse ~~practitioner~~, if a client
2715 exhibits symptoms that present an immediate risk of injury or
2716 death to himself or herself or others, a physician, physician
2717 assistant, independent advanced practice registered nurse, or
2718 advanced practice registered nurse ~~practitioner~~ may issue an
2719 emergency treatment order to immediately administer rapid-
2720 response psychotropic medications or other chemical restraints.
2721 Each emergency treatment order must be documented and maintained
2722 in the client's record.

2723 (a) An emergency treatment order is not effective for more
2724 than 24 hours.

2725 (b) Whenever a client is medicated under this subsection,
 2726 the client's representative or a responsible party and the
 2727 client's physician, physician assistant, independent advanced
 2728 practice registered nurse, or advanced practice registered nurse
 2729 ~~practitioner~~ shall be notified as soon as practicable.

2730 (5) A client who is prescribed and receives a medication
 2731 that can serve as a chemical restraint for a purpose other than
 2732 an emergency treatment order must be evaluated by his or her
 2733 physician, physician assistant, independent advanced practice
 2734 registered nurse, or advanced practice registered nurse
 2735 ~~practitioner~~ at least monthly to assess:

- 2736 (a) The continued need for the medication.
- 2737 (b) The level of the medication in the client's blood.
- 2738 (c) The need for adjustments to the prescription.

2739 Section 54. Subsections (1) and (2) of section 401.445,
 2740 Florida Statutes, are amended to read:

2741 401.445 Emergency examination and treatment of
 2742 incapacitated persons.—

2743 (1) ~~No Recovery is not shall be~~ allowed in any court in
 2744 this state against any emergency medical technician, paramedic,
 2745 or physician as defined in this chapter; ~~;~~ any advanced practice
 2746 registered nurse practitioner certified under s. 464.012; any
 2747 independent advanced practice registered nurse registered under
 2748 s. 464.0125; ~~;~~ or any physician assistant licensed under s.
 2749 458.347 or s. 459.022, or any person acting under the direct

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2750 | medical supervision of a physician, in an action brought for
 2751 | examining or treating a patient without his or her informed
 2752 | consent if:

2753 | (a) The patient at the time of examination or treatment is
 2754 | intoxicated, under the influence of drugs, or otherwise
 2755 | incapable of providing informed consent as provided in s.
 2756 | 766.103;

2757 | (b) The patient at the time of examination or treatment is
 2758 | experiencing an emergency medical condition; and

2759 | (c) The patient would reasonably, under all the
 2760 | surrounding circumstances, undergo such examination, treatment,
 2761 | or procedure if the patient ~~he or she~~ were advised by the
 2762 | emergency medical technician, paramedic, physician, independent
 2763 | advanced practice registered nurse, advanced practice registered
 2764 | nurse ~~practitioner~~, or physician assistant in accordance with s.
 2765 | 766.103(3).

2766 |
 2767 | Examination and treatment provided under this subsection shall
 2768 | be limited to reasonable examination of the patient to determine
 2769 | the medical condition of the patient and treatment reasonably
 2770 | necessary to alleviate the emergency medical condition or to
 2771 | stabilize the patient.

2772 | (2) In examining and treating a person who is apparently
 2773 | intoxicated, under the influence of drugs, or otherwise
 2774 | incapable of providing informed consent, the emergency medical

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2775 technician, paramedic, physician, independent advanced practice
2776 registered nurse practitioner, advanced practice registered
2777 nurse ~~practitioner~~, or physician assistant, or any person acting
2778 under the direct medical supervision of a physician, shall
2779 proceed wherever possible with the consent of the person. If the
2780 person reasonably appears to be incapacitated and refuses his or
2781 her consent, the person may be examined, treated, or taken to a
2782 hospital or other appropriate treatment resource if he or she is
2783 in need of emergency attention, without his or her consent, but
2784 unreasonable force shall not be used.

2785 Section 55. Subsections (1) and (11) of section 409.905,
2786 Florida Statutes, are amended to read:

2787 409.905 Mandatory Medicaid services.—The agency may make
2788 payments for the following services, which are required of the
2789 state by Title XIX of the Social Security Act, furnished by
2790 Medicaid providers to recipients who are determined to be
2791 eligible on the dates on which the services were provided. Any
2792 service under this section shall be provided only when medically
2793 necessary and in accordance with state and federal law.

2794 Mandatory services rendered by providers in mobile units to
2795 Medicaid recipients may be restricted by the agency. Nothing in
2796 this section shall be construed to prevent or limit the agency
2797 from adjusting fees, reimbursement rates, lengths of stay,
2798 number of visits, number of services, or any other adjustments
2799 necessary to comply with the availability of moneys and any

2800 limitations or directions provided for in the General
 2801 Appropriations Act or chapter 216.

2802 (1) INDEPENDENT ADVANCED PRACTICE REGISTERED NURSE AND
 2803 ADVANCED PRACTICE REGISTERED NURSE ~~PRACTITIONER~~ SERVICES.—The
 2804 agency shall pay for services provided to a recipient by a
 2805 registered independent advanced practice registered nurse, a
 2806 certified ~~licensed~~ advanced practice registered nurse
 2807 ~~practitioner~~ who has a valid collaboration agreement with a
 2808 licensed physician on file with the Department of Health, or a
 2809 certified registered nurse anesthetist who provides anesthesia
 2810 services in accordance with established protocol required by
 2811 state law and approved by the medical staff of the facility in
 2812 which the anesthetic service is performed. Reimbursement for
 2813 such services must be provided in an amount that equals at least
 2814 ~~not less than~~ 80 percent of the reimbursement to a physician who
 2815 provides the same services, unless otherwise provided for in the
 2816 General Appropriations Act.

2817 (11) RURAL HEALTH CLINIC SERVICES.—The agency shall pay
 2818 for outpatient primary health care services for a recipient
 2819 provided by a clinic certified by and participating in the
 2820 Medicare program which is located in a federally designated,
 2821 rural, medically underserved area and has on its staff one or
 2822 more certified ~~licensed primary care~~ nurse practitioners or
 2823 physician assistants, and a licensed staff supervising
 2824 physician, ~~or~~ a consulting supervising physician, or an

2825 independent advanced practice registered nurse.

2826 Section 56. Paragraph (a) of subsection (3) and subsection
2827 (8) of section 409.908, Florida Statutes, is amended to read:

2828 409.908 Reimbursement of Medicaid providers.—Subject to
2829 specific appropriations, the agency shall reimburse Medicaid
2830 providers, in accordance with state and federal law, according
2831 to methodologies set forth in the rules of the agency and in
2832 policy manuals and handbooks incorporated by reference therein.
2833 These methodologies may include fee schedules, reimbursement
2834 methods based on cost reporting, negotiated fees, competitive
2835 bidding pursuant to s. 287.057, and other mechanisms the agency
2836 considers efficient and effective for purchasing services or
2837 goods on behalf of recipients. If a provider is reimbursed based
2838 on cost reporting and submits a cost report late and that cost
2839 report would have been used to set a lower reimbursement rate
2840 for a rate semester, then the provider's rate for that semester
2841 shall be retroactively calculated using the new cost report, and
2842 full payment at the recalculated rate shall be effected
2843 retroactively. Medicare-granted extensions for filing cost
2844 reports, if applicable, shall also apply to Medicaid cost
2845 reports. Payment for Medicaid compensable services made on
2846 behalf of Medicaid eligible persons is subject to the
2847 availability of moneys and any limitations or directions
2848 provided for in the General Appropriations Act or chapter 216.
2849 Further, nothing in this section shall be construed to prevent

2850 or limit the agency from adjusting fees, reimbursement rates,
 2851 lengths of stay, number of visits, or number of services, or
 2852 making any other adjustments necessary to comply with the
 2853 availability of moneys and any limitations or directions
 2854 provided for in the General Appropriations Act, provided the
 2855 adjustment is consistent with legislative intent.

2856 (3) Subject to any limitations or directions provided for
 2857 in the General Appropriations Act, the following Medicaid
 2858 services and goods may be reimbursed on a fee-for-service basis.
 2859 For each allowable service or goods furnished in accordance with
 2860 Medicaid rules, policy manuals, handbooks, and state and federal
 2861 law, the payment shall be the amount billed by the provider, the
 2862 provider's usual and customary charge, or the maximum allowable
 2863 fee established by the agency, whichever amount is less, with
 2864 the exception of those services or goods for which the agency
 2865 makes payment using a methodology based on capitation rates,
 2866 average costs, or negotiated fees.

2867 (a) Independent advanced practice registered nurse or
 2868 advanced practice registered nurse ~~practitioner~~ services.

2869 (8) A provider of family planning services shall be
 2870 reimbursed the lesser of the amount billed by the provider or an
 2871 all-inclusive amount per type of visit for physicians,
 2872 independent advanced practice registered nurses, and advanced
 2873 practice registered nurses ~~nurse practitioners,~~ as established
 2874 by the agency in a fee schedule.

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2875 Section 57. Subsection (2) of section 409.9081, Florida
 2876 Statutes, is amended to read:

2877 409.9081 Copayments.—

2878 (2) The agency shall, subject to federal regulations and
 2879 any directions or limitations provided for in the General
 2880 Appropriations Act, require copayments for the following
 2881 additional services: hospital inpatient, laboratory and X-ray
 2882 services, transportation services, home health care services,
 2883 community mental health services, rural health services,
 2884 federally qualified health clinic services, and independent
 2885 advanced practice registered nurse or advanced practice
 2886 registered nurse ~~practitioner~~ services. The agency may only
 2887 establish copayments for prescribed drugs or for any other
 2888 federally authorized service if such copayment is specifically
 2889 provided for in the General Appropriations Act or other law.

2890 Section 58. Paragraph (a) of subsection (1) of section
 2891 409.973, Florida Statutes, is amended to read:

2892 409.973 Benefits.—

2893 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
 2894 minimum, the following services:

2895 (a) Independent advanced practice registered nurse and
 2896 advanced practice registered nurse ~~practitioner~~ services.

2897 Section 59. Subsections (2), (4), and (5) of section
 2898 429.26, Florida Statutes, are amended to read:

2899 429.26 Appropriateness of placements; examinations of

2900 residents.—

2901 (2) A physician, a physician assistant, an independent
 2902 advanced practice registered nurse, or an advanced practice
 2903 registered nurse practitioner who is employed by an assisted
 2904 living facility to provide an initial examination for admission
 2905 purposes may not have financial interest in the facility.

2906 (4) If possible, each resident shall have been examined by
 2907 a licensed physician, a licensed physician assistant, a
 2908 registered independent advanced practice registered nurse, or a
 2909 certified advanced practice registered licensed nurse
 2910 practitioner within 60 days before admission to the facility.

2911 The signed and completed medical examination report shall be
 2912 submitted to the owner or administrator of the facility who
 2913 shall use the information contained therein to assist in the
 2914 determination of the appropriateness of the resident's admission
 2915 and continued stay in the facility. The medical examination
 2916 report shall become a permanent part of the record of the
 2917 resident at the facility and shall be made available to the
 2918 agency during inspection or upon request. An assessment that has
 2919 been completed through the Comprehensive Assessment and Review
 2920 for Long-Term Care Services (CARES) Program fulfills the
 2921 requirements for a medical examination under this subsection and
 2922 s. 429.07(3)(b)6.

2923 (5) Except as provided in s. 429.07, if a medical
 2924 examination has not been completed within 60 days before the

2925 admission of the resident to the facility, a licensed physician,
 2926 licensed physician assistant, registered independent advanced
 2927 practice registered nurse, or certified advanced practice
 2928 ~~licensed nurse practitioner~~ shall examine the resident and
 2929 complete a medical examination form provided by the agency
 2930 within 30 days following the admission to the facility to enable
 2931 the facility owner or administrator to determine the
 2932 appropriateness of the admission. The medical examination form
 2933 shall become a permanent part of the record of the resident at
 2934 the facility and shall be made available to the agency during
 2935 inspection by the agency or upon request.

2936 Section 60. Paragraph (a) of subsection (2) and paragraph
 2937 (a) of subsection (7) of section 429.918, Florida Statutes, are
 2938 amended to read:

2939 429.918 Licensure designation as a specialized Alzheimer's
 2940 services adult day care center.—

2941 (2) As used in this section, the term:

2942 (a) "ADRD participant" means a participant who has a
 2943 documented diagnosis of Alzheimer's disease or a dementia-
 2944 related disorder (ADRD) from a licensed physician, licensed
 2945 physician assistant, registered independent advanced practice
 2946 registered nurse, or certified ~~a licensed~~ advanced practice
 2947 registered nurse ~~practitioner~~.

2948 (7) (a) An ADRD participant admitted to an adult day care
 2949 center having a license designated under this section, or the

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2950 caregiver when applicable, must:

2951 1. Require ongoing supervision to maintain the highest
2952 level of medical or custodial functioning and have a
2953 demonstrated need for a responsible party to oversee his or her
2954 care.

2955 2. Not actively demonstrate aggressive behavior that
2956 places himself, herself, or others at risk of harm.

2957 3. Provide the following medical documentation signed by a
2958 licensed physician, licensed physician assistant, registered
2959 independent advanced practice registered nurse, or certified a
2960 licensed advanced practice registered nurse practitioner:

2961 a. Any physical, health, or emotional conditions that
2962 require medical care.

2963 b. A listing of the ADRD participant's current prescribed
2964 and over-the-counter medications and dosages, diet restrictions,
2965 mobility restrictions, and other physical limitations.

2966 4. Provide documentation signed by a health care provider
2967 licensed in this state which indicates that the ADRD participant
2968 is free of the communicable form of tuberculosis and free of
2969 signs and symptoms of other communicable diseases.

2970 Section 61. Paragraph (e) of subsection (5) of section
2971 440.102, Florida Statutes, is amended to read:

2972 440.102 Drug-free workplace program requirements.—The
2973 following provisions apply to a drug-free workplace program
2974 implemented pursuant to law or to rules adopted by the Agency

2975 | for Health Care Administration:

2976 | (5) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen
2977 | collection and testing for drugs under this section shall be
2978 | performed in accordance with the following procedures:

2979 | (e) A specimen for a drug test may be taken or collected
2980 | by any of the following persons:

2981 | 1. A physician, a physician assistant, an independent
2982 | advanced practice registered nurse, an advanced practice
2983 | registered nurse, a registered ~~professional~~ nurse, a licensed
2984 | practical nurse, ~~or a nurse practitioner~~ or a certified
2985 | paramedic who is present at the scene of an accident for the
2986 | purpose of rendering emergency medical service or treatment.

2987 | 2. A qualified person employed by a licensed or certified
2988 | laboratory as described in subsection (9).

2989 | Section 62. Subsection (2) and paragraph (d) of subsection
2990 | (4) of section 456.0391, Florida Statutes, are amended to read:

2991 | 456.0391 Advanced practice registered nurses ~~nurse~~
2992 | ~~practitioners;~~ information required for certification.—

2993 | (2) The Department of Health shall send a notice to each
2994 | person certified under s. 464.012 at the certificateholder's
2995 | last known address of record regarding the requirements for
2996 | information to be submitted by advanced practice registered
2997 | nurses ~~nurse practitioners~~ pursuant to this section in
2998 | conjunction with the renewal of such certificate.

2999 | (4)

3000 (d) Any applicant for initial certification or renewal of
 3001 certification as an advanced practice registered nurse
 3002 ~~practitioner~~ who submits to the Department of Health a set of
 3003 fingerprints and information required for the criminal history
 3004 check required under this section shall not be required to
 3005 provide a subsequent set of fingerprints or other duplicate
 3006 information required for a criminal history check to the Agency
 3007 for Health Care Administration, the Department of Juvenile
 3008 Justice, or the Department of Children and Families for
 3009 employment or licensure with such agency or department, if the
 3010 applicant has undergone a criminal history check as a condition
 3011 of initial certification or renewal of certification as an
 3012 advanced practice registered nurse ~~practitioner~~ with the
 3013 Department of Health, notwithstanding any other provision of law
 3014 to the contrary. In lieu of such duplicate submission, the
 3015 Agency for Health Care Administration, the Department of
 3016 Juvenile Justice, and the Department of Children and Families
 3017 shall obtain criminal history information for employment or
 3018 licensure of persons certified under s. 464.012 by such agency
 3019 or department from the Department of Health's health care
 3020 practitioner credentialing system.

3021 Section 63. Subsection (2) of section 456.0392, Florida
 3022 Statutes, is amended to read:

3023 456.0392 Prescription labeling.—

3024 (2) A prescription for a drug ~~that is not listed as a~~

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3025 ~~controlled substance in chapter 893 which is~~ written by an
3026 advanced practice registered nurse ~~practitioner~~ certified under
3027 s. 464.012 is presumed, subject to rebuttal, to be valid and
3028 within the parameters of the prescriptive authority delegated by
3029 a practitioner licensed under chapter 458, chapter 459, or
3030 chapter 466.

3031 Section 64. Paragraph (a) of subsection (1) and subsection
3032 (6) of section 456.041, Florida Statutes, are amended to read:

3033 456.041 Practitioner profile; creation.—

3034 (1)(a) The Department of Health shall compile the
3035 information submitted pursuant to s. 456.039 into a practitioner
3036 profile of the applicant submitting the information, except that
3037 the Department of Health shall develop a format to compile
3038 uniformly any information submitted under s. 456.039(4)(b).
3039 Beginning July 1, 2001, the Department of Health may compile the
3040 information submitted pursuant to s. 456.0391 into a
3041 practitioner profile of the applicant submitting the
3042 information. The protocol submitted pursuant to s. 464.012(3)
3043 must be included in the practitioner profile of the advanced
3044 practice registered nurse ~~practitioner~~.

3045 (6) The Department of Health shall provide in each
3046 practitioner profile for every physician or advanced practice
3047 registered nurse ~~practitioner~~ terminated for cause from
3048 participating in the Medicaid program, pursuant to s. 409.913,
3049 or sanctioned by the Medicaid program a statement that the

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3050 practitioner has been terminated from participating in the
3051 Florida Medicaid program or sanctioned by the Medicaid program.

3052 Section 65. Subsection (1) and paragraphs (a), (d), and
3053 (e) of subsection (2) of section 456.048, Florida Statutes, are
3054 amended to read:

3055 456.048 Financial responsibility requirements for certain
3056 health care practitioners.—

3057 (1) As a prerequisite for licensure or license renewal,
3058 the Board of Acupuncture, the Board of Chiropractic Medicine,
3059 the Board of Podiatric Medicine, and the Board of Dentistry
3060 shall, by rule, require that all health care practitioners
3061 licensed under the respective board, and the Board of Medicine
3062 and the Board of Osteopathic Medicine shall, by rule, require
3063 that all anesthesiologist assistants licensed pursuant to s.
3064 458.3475 or s. 459.023, and the Board of Nursing shall, by rule,
3065 require that independent advanced practice registered nurses
3066 registered under s. 464.0125 and advanced practice registered
3067 nurses ~~nurse-practitioners~~ certified under s. 464.012, and the
3068 department shall, by rule, require that midwives maintain
3069 medical malpractice insurance or provide proof of financial
3070 responsibility in an amount and in a manner determined by the
3071 board or department to be sufficient to cover claims arising out
3072 of the rendering of or failure to render professional care and
3073 services in this state.

3074 (2) The board or department may grant exemptions upon

3075 application by practitioners meeting any of the following
3076 criteria:

3077 (a) Any person licensed, certified, or registered under
3078 chapter 457, s. 458.3475, s. 459.023, chapter 460, chapter 461,
3079 s. 464.012, s. 464.0125, chapter 466, or chapter 467 who
3080 practices exclusively as an officer, employee, or agent of the
3081 Federal Government or of the state or its agencies or its
3082 subdivisions. For the purposes of this subsection, an agent of
3083 the state, its agencies, or its subdivisions is a person who is
3084 eligible for coverage under any self-insurance or insurance
3085 program authorized by the provisions of s. 768.28(16) or who is
3086 a volunteer under s. 110.501(1).

3087 (d) Any person licensed, ~~or certified,~~ or registered under
3088 chapter 457, s. 458.3475, s. 459.023, chapter 460, chapter 461,
3089 s. 464.012, s. 464.0125, chapter 466, or chapter 467 who
3090 practices only in conjunction with his or her teaching duties at
3091 an accredited school or in its main teaching hospitals. Such
3092 person may engage in the practice of medicine to the extent that
3093 such practice is incidental to and a necessary part of duties in
3094 connection with the teaching position in the school.

3095 (e) Any person holding an active license, ~~or~~
3096 certification, or registration under chapter 457, s. 458.3475,
3097 s. 459.023, chapter 460, chapter 461, s. 464.012, s. 464.0125,
3098 chapter 466, or chapter 467 who is not practicing in this state.
3099 If such person initiates or resumes practice in this state, he

3100 or she must notify the department of such activity.

3101 Section 66. Paragraphs (a), (i), (o), and (r) of
 3102 subsection (3) and paragraph (g) of subsection (5) of section
 3103 456.053, Florida Statutes, are amended to read:

3104 456.053 Financial arrangements between referring health
 3105 care providers and providers of health care services.—

3106 (3) DEFINITIONS.—For the purpose of this section, the
 3107 word, phrase, or term:

3108 (a) "Board" means any of the following boards relating to
 3109 the respective professions: the Board of Medicine as created in
 3110 s. 458.307; the Board of Osteopathic Medicine as created in s.
 3111 459.004; the Board of Chiropractic Medicine as created in s.
 3112 460.404; the Board of Podiatric Medicine as created in s.
 3113 461.004; the Board of Optometry as created in s. 463.003; the
 3114 Board of Nursing as created in s. 464.004; the Board of Pharmacy
 3115 as created in s. 465.004; and the Board of Dentistry as created
 3116 in s. 466.004.

3117 (i) "Health care provider" means a ~~any~~ physician licensed
 3118 under chapter 458, chapter 459, chapter 460, or chapter 461; an
 3119 independent advanced practice registered nurse registered under
 3120 s. 464.0125; or ~~a~~, ~~or~~ ~~any~~ health care provider licensed under
 3121 chapter 463 or chapter 466.

3122 (o) "Referral" means any referral of a patient by a health
 3123 care provider for health care services, including, without
 3124 limitation:

3125 1. The forwarding of a patient by a health care provider
 3126 to another health care provider or to an entity which provides
 3127 or supplies designated health services or any other health care
 3128 item or service; or

3129 2. The request or establishment of a plan of care by a
 3130 health care provider, which includes the provision of designated
 3131 health services or other health care item or service.

3132 3. The following orders, recommendations, or plans of care
 3133 shall not constitute a referral by a health care provider:

3134 a. By a radiologist for diagnostic-imaging services.

3135 b. By a physician specializing in the provision of
 3136 radiation therapy services for such services.

3137 c. By a medical oncologist for drugs and solutions to be
 3138 prepared and administered intravenously to such oncologist's
 3139 patient, as well as for the supplies and equipment used in
 3140 connection therewith to treat such patient for cancer and the
 3141 complications thereof.

3142 d. By a cardiologist for cardiac catheterization services.

3143 e. By a pathologist for diagnostic clinical laboratory
 3144 tests and pathological examination services, if furnished by or
 3145 under the supervision of such pathologist pursuant to a
 3146 consultation requested by another physician.

3147 f. By a health care provider who is the sole provider or
 3148 member of a group practice for designated health services or
 3149 other health care items or services that are prescribed or

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3150 provided solely for such referring health care provider's or
3151 group practice's own patients, and that are provided or
3152 performed by or under the direct supervision of such referring
3153 health care provider or group practice; provided, however, ~~that~~
3154 ~~effective July 1, 1999,~~ a physician licensed pursuant to chapter
3155 458, chapter 459, chapter 460, or chapter 461 or an independent
3156 advanced practice registered nurse registered under s. 464.0125
3157 may refer a patient to a sole provider or group practice for
3158 diagnostic imaging services, excluding radiation therapy
3159 services, for which the sole provider or group practice billed
3160 both the technical and the professional fee for or on behalf of
3161 the patient, if the referring physician or independent advanced
3162 practice registered nurse has no investment interest in the
3163 practice. The diagnostic imaging service referred to a group
3164 practice or sole provider must be a diagnostic imaging service
3165 normally provided within the scope of practice to the patients
3166 of the group practice or sole provider. The group practice or
3167 sole provider may accept no more than 15 percent of their
3168 patients receiving diagnostic imaging services from outside
3169 referrals, excluding radiation therapy services.

3170 g. By a health care provider for services provided by an
3171 ambulatory surgical center licensed under chapter 395.

3172 h. By a urologist for lithotripsy services.

3173 i. By a dentist for dental services performed by an
3174 employee of or health care provider who is an independent

3175 contractor with the dentist or group practice of which the
 3176 dentist is a member.

3177 j. By a physician for infusion therapy services to a
 3178 patient of that physician or a member of that physician's group
 3179 practice.

3180 k. By a nephrologist for renal dialysis services and
 3181 supplies, except laboratory services.

3182 l. By a health care provider whose principal professional
 3183 practice consists of treating patients in their private
 3184 residences for services to be rendered in such private
 3185 residences, except for services rendered by a home health agency
 3186 licensed under chapter 400. For purposes of this sub-
 3187 subparagraph, the term "private residences" includes patients'
 3188 private homes, independent living centers, and assisted living
 3189 facilities, but does not include skilled nursing facilities.

3190 m. By a health care provider for sleep-related testing.

3191 (r) "Sole provider" means one health care provider
 3192 licensed under chapter 458, chapter 459, chapter 460, ~~or~~ chapter
 3193 461, or s. 464.0125, who maintains a separate medical office and
 3194 a medical practice separate from any other health care provider
 3195 and who bills for his or her services separately from the
 3196 services provided by any other health care provider. A sole
 3197 provider shall not share overhead expenses or professional
 3198 income with any other person or group practice.

3199 (5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as

3200 provided in this section:

3201 (g) A violation of this section by a health care provider
 3202 shall constitute grounds for disciplinary action to be taken by
 3203 the applicable board pursuant to s. 458.331(2), s. 459.015(2),
 3204 s. 460.413(2), s. 461.013(2), s. 463.016(2), s. 464.018, or s.
 3205 466.028(2). Any hospital licensed under chapter 395 found in
 3206 violation of this section shall be subject to s. 395.0185(2).

3207 Section 67. Subsection (7) of section 456.072, Florida
 3208 Statutes, is amended to read:

3209 456.072 Grounds for discipline; penalties; enforcement.—

3210 (7) Notwithstanding subsection (2), upon a finding that a
 3211 physician has prescribed or dispensed a controlled substance, or
 3212 caused a controlled substance to be prescribed or dispensed, in
 3213 a manner that violates the standard of practice set forth in s.
 3214 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)
 3215 or (s), or s. 466.028(1)(p) or (x), or that an independent
 3216 advanced practice registered nurse or an advanced practice
 3217 registered nurse practitioner has prescribed or dispensed a
 3218 controlled substance, or caused a controlled substance to be
 3219 prescribed or dispensed, in a manner that violates the standard
 3220 of practice set forth in s. 464.018(1)(n) or (p)6., the
 3221 ~~physician or advanced registered nurse practitioner~~ shall be
 3222 suspended for a period of at least ~~not less than~~ 6 months and
 3223 pay a fine of at least ~~not less than~~ \$10,000 per count. Repeated
 3224 violations shall result in increased penalties.

3225 Section 68. Subsection (2) of section 456.44, Florida
 3226 Statutes, is amended to read:

3227 456.44 Controlled substance prescribing.—

3228 (2) REGISTRATION.—A physician licensed under chapter 458,
 3229 chapter 459, chapter 461, or chapter 466;~~;~~ a physician assistant
 3230 licensed under chapter 458 or chapter 459;~~;~~ or an independent
 3231 advanced practice registered nurse registered or an advanced
 3232 practice registered nurse practitioner certified under part I of
 3233 chapter 464 who prescribes any controlled substance, listed in
 3234 Schedule II, Schedule III, or Schedule IV as defined in s.
 3235 893.03, for the treatment of chronic nonmalignant pain, must:

3236 (a) Designate himself or herself as a controlled substance
 3237 prescribing practitioner on the ~~his or her~~ practitioner profile.

3238 (b) Comply with the requirements of this section and
 3239 applicable board rules.

3240 Section 69. Paragraph (c) of subsection (2) of section
 3241 458.3265, Florida Statutes, is amended to read:

3242 458.3265 Pain-management clinics.—

3243 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 3244 apply to any physician who provides professional services in a
 3245 pain-management clinic that is required to be registered in
 3246 subsection (1).

3247 (c) A physician, a physician assistant, an independent
 3248 advanced practice registered nurse, or an advanced practice
 3249 registered nurse ~~practitioner~~ must perform a physical

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3250 examination of a patient on the same day that the physician
3251 prescribes a controlled substance to a patient at a pain-
3252 management clinic. If the physician prescribes more than a 72-
3253 hour dose of controlled substances for the treatment of chronic
3254 nonmalignant pain, the physician must document in the patient's
3255 record the reason for prescribing that quantity.

3256 Section 70. Paragraph (dd) of subsection (1) of section
3257 458.331, Florida Statutes, is amended to read:

3258 458.331 Grounds for disciplinary action; action by the
3259 board and department.—

3260 (1) The following acts constitute grounds for denial of a
3261 license or disciplinary action, as specified in s. 456.072(2):

3262 (dd) Failing to supervise adequately the activities of
3263 those physician assistants, paramedics, emergency medical
3264 technicians, advanced practice registered nurses ~~nurse~~
3265 ~~practitioners~~, or anesthesiologist assistants acting under the
3266 supervision of the physician.

3267 Section 71. Paragraph (a) of subsection (1) and
3268 subsections (2) and (4) of section 458.348, Florida Statutes,
3269 are amended to read:

3270 458.348 Formal supervisory relationships, standing orders,
3271 and established protocols; notice; standards.—

3272 (1) NOTICE.—

3273 (a) When a physician enters into a formal supervisory
3274 relationship or standing orders with an emergency medical

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3275 technician or paramedic licensed pursuant to s. 401.27, which
3276 relationship or orders contemplate the performance of medical
3277 acts, or when a physician enters into an established protocol
3278 with an advanced practice registered nurse ~~practitioner~~, which
3279 protocol contemplates the performance of medical acts set forth
3280 in s. 464.012(3) and (4), the physician shall submit notice to
3281 the board. The notice shall contain a statement in substantially
3282 the following form:

3283 I, ...(name and professional license number of
3284 physician)..., of ...(address of physician)... have hereby
3285 entered into a formal supervisory relationship, standing orders,
3286 or an established protocol with ...(number of persons)...
3287 emergency medical technician(s), ...(number of persons)...
3288 paramedic(s), or ...(number of persons)... advanced practice
3289 registered nurse(s) ~~nurse practitioner(s)~~.

3290 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The
3291 joint committee shall determine minimum standards for the
3292 content of established protocols pursuant to which an advanced
3293 practice registered nurse ~~practitioner~~ may perform medical acts
3294 or acts set forth in s. 464.012(3) and (4) and shall determine
3295 minimum standards for supervision of such acts by the physician,
3296 unless the joint committee determines that any act set forth in
3297 s. 464.012(3) or (4) is not a medical act. Such standards shall
3298 be based on risk to the patient and acceptable standards of
3299 medical care and shall take into account the special problems of

3300 medically underserved areas. The standards developed by the
 3301 joint committee shall be adopted as rules by the Board of
 3302 Nursing and the Board of Medicine for purposes of carrying out
 3303 their responsibilities pursuant to part I of chapter 464 and
 3304 this chapter, respectively, but neither board shall have
 3305 disciplinary powers over the licensees of the other board.

3306 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

3307 A physician who supervises an advanced practice registered nurse
 3308 ~~practitioner~~ or physician assistant at a medical office other
 3309 than the physician's primary practice location, where the
 3310 advanced practice registered nurse ~~practitioner~~ or physician
 3311 assistant is not under the onsite supervision of a supervising
 3312 physician, must comply with the standards set forth in this
 3313 subsection. For the purpose of this subsection, a physician's
 3314 "primary practice location" means the address reflected on the
 3315 physician's profile published pursuant to s. 456.041.

3316 (a) A physician who is engaged in providing primary health
 3317 care services may not supervise more than four offices in
 3318 addition to the physician's primary practice location. For the
 3319 purpose of this subsection, "primary health care" means health
 3320 care services that are commonly provided to patients without
 3321 referral from another practitioner, including obstetrical and
 3322 gynecological services, and excludes practices providing
 3323 primarily dermatologic and skin care services, which include
 3324 aesthetic skin care services.

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3325 (b) A physician who is engaged in providing specialty
3326 health care services may not supervise more than two offices in
3327 addition to the physician's primary practice location. For the
3328 purpose of this subsection, "specialty health care" means health
3329 care services that are commonly provided to patients with a
3330 referral from another practitioner and excludes practices
3331 providing primarily dermatologic and skin care services, which
3332 include aesthetic skin care services.

3333 (c) A physician who supervises an advanced practice
3334 registered nurse ~~practitioner~~ or physician assistant at a
3335 medical office other than the physician's primary practice
3336 location, where the advanced practice registered nurse
3337 ~~practitioner~~ or physician assistant is not under the onsite
3338 supervision of a supervising physician and the services offered
3339 at the office are primarily dermatologic or skin care services,
3340 which include aesthetic skin care services other than plastic
3341 surgery, must comply with the standards listed in subparagraphs
3342 1.-4. Notwithstanding s. 458.347(4)(e)6., a physician
3343 supervising a physician assistant pursuant to this paragraph may
3344 not be required to review and cosign charts or medical records
3345 prepared by such physician assistant.

3346 1. The physician shall submit to the board the addresses
3347 of all offices where he or she is supervising an advanced
3348 practice registered nurse ~~practitioner~~ or a physician
3349 ~~physician's~~ assistant which are not the physician's primary

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3350 practice location.

3351 2. The physician must be board certified or board eligible
3352 in dermatology or plastic surgery as recognized by the board
3353 pursuant to s. 458.3312.

3354 3. All such offices that are not the physician's primary
3355 place of practice must be within 25 miles of the physician's
3356 primary place of practice or in a county that is contiguous to
3357 the county of the physician's primary place of practice.
3358 However, the distance between any of the offices may not exceed
3359 75 miles.

3360 4. The physician may supervise only one office other than
3361 the physician's primary place of practice ~~except that until July~~
3362 ~~1, 2011, the physician may supervise up to two medical offices~~
3363 ~~other than the physician's primary place of practice if the~~
3364 ~~addresses of the offices are submitted to the board before July~~
3365 ~~1, 2006. Effective July 1, 2011, the physician may supervise~~
3366 ~~only one office other than the physician's primary place of~~
3367 ~~practice, regardless of when the addresses of the offices were~~
3368 ~~submitted to the board.~~

3369 (d) A physician who supervises an office in addition to
3370 the physician's primary practice location must conspicuously
3371 post in each of the physician's offices a current schedule of
3372 the regular hours when the physician is present in that office
3373 and the hours when the office is open while the physician is not
3374 present.

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3375 (e) This subsection does not apply to health care services
3376 provided in facilities licensed under chapter 395 or in
3377 conjunction with a college of medicine, a college of nursing, an
3378 accredited graduate medical program, or a nursing education
3379 program; not-for-profit, family-planning clinics that are not
3380 licensed pursuant to chapter 390; rural and federally qualified
3381 health centers; health care services provided in a nursing home
3382 licensed under part II of chapter 400, an assisted living
3383 facility licensed under part I of chapter 429, a continuing care
3384 facility licensed under chapter 651, or a retirement community
3385 consisting of independent living units and a licensed nursing
3386 home or assisted living facility; anesthesia services provided
3387 in accordance with law; health care services provided in a
3388 designated rural health clinic; health care services provided to
3389 persons enrolled in a program designed to maintain elderly
3390 persons and persons with disabilities in a home or community-
3391 based setting; university primary care student health centers;
3392 school health clinics; or health care services provided in
3393 federal, state, or local government facilities. Subsection (3)
3394 and this subsection do not apply to offices at which the
3395 exclusive service being performed is laser hair removal by an
3396 advanced practice registered nurse ~~practitioner~~ or physician
3397 assistant.

3398 Section 72. Paragraph (c) of subsection (2) of section
3399 459.0137, Florida Statutes, is amended to read:

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3400 459.0137 Pain-management clinics.—

3401 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 3402 apply to any osteopathic physician who provides professional
 3403 services in a pain-management clinic that is required to be
 3404 registered in subsection (1).

3405 (c) An osteopathic physician, a physician assistant, or an
 3406 independent advanced practice registered nurse, or an advanced
 3407 practice registered nurse ~~practitioner~~ must perform a physical
 3408 examination of a patient on the same day that the physician
 3409 prescribes a controlled substance to a patient at a pain-
 3410 management clinic. If the osteopathic physician prescribes more
 3411 than a 72-hour dose of controlled substances for the treatment
 3412 of chronic nonmalignant pain, the osteopathic physician must
 3413 document in the patient's record the reason for prescribing that
 3414 quantity.

3415 Section 73. Paragraph (hh) of subsection (1) of section
 3416 459.015, Florida Statutes, is amended to read:

3417 459.015 Grounds for disciplinary action; action by the
 3418 board and department.—

3419 (1) The following acts constitute grounds for denial of a
 3420 license or disciplinary action, as specified in s. 456.072(2):

3421 (hh) Failing to supervise adequately the activities of
 3422 those physician assistants, paramedics, emergency medical
 3423 technicians, advanced practice registered nurses ~~nurse~~
 3424 ~~practitioners~~, anesthesiologist assistants, or other persons

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3425 acting under the supervision of the osteopathic physician.

3426 Section 74. Paragraph (a) of subsection (1) and subsection
3427 (3) of section 459.025, Florida Statutes, are amended to read:

3428 459.025 Formal supervisory relationships, standing orders,
3429 and established protocols; notice; standards.—

3430 (1) NOTICE.—

3431 (a) When an osteopathic physician enters into a formal
3432 supervisory relationship or standing orders with an emergency
3433 medical technician or paramedic licensed pursuant to s. 401.27,
3434 which relationship or orders contemplate the performance of
3435 medical acts, or when an osteopathic physician enters into an
3436 established protocol with an advanced practice registered nurse
3437 ~~practitioner~~, which protocol contemplates the performance of
3438 medical acts or acts set forth in s. 464.012(3) and (4), the
3439 osteopathic physician shall submit notice to the board. The
3440 notice must contain a statement in substantially the following
3441 form:

3442 I, ...(name and professional license number of osteopathic
3443 physician)..., of ...(address of osteopathic physician)... have
3444 hereby entered into a formal supervisory relationship, standing
3445 orders, or an established protocol with ...(number of
3446 persons)... emergency medical technician(s), ...(number of
3447 persons)... paramedic(s), or ...(number of persons)... advanced
3448 practice registered nurse(s) ~~nurse practitioner(s)~~.

3449 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

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3450 An osteopathic physician who supervises an advanced practice
3451 registered nurse ~~practitioner~~ or physician assistant at a
3452 medical office other than the osteopathic physician's primary
3453 practice location, where the advanced practice registered nurse
3454 ~~practitioner~~ or physician assistant is not under the onsite
3455 supervision of a supervising osteopathic physician, must comply
3456 with the standards set forth in this subsection. For the purpose
3457 of this subsection, an osteopathic physician's "primary practice
3458 location" means the address reflected on the physician's profile
3459 published pursuant to s. 456.041.

3460 (a) An osteopathic physician who is engaged in providing
3461 primary health care services may not supervise more than four
3462 offices in addition to the osteopathic physician's primary
3463 practice location. For the purpose of this subsection, "primary
3464 health care" means health care services that are commonly
3465 provided to patients without referral from another practitioner,
3466 including obstetrical and gynecological services, and excludes
3467 practices providing primarily dermatologic and skin care
3468 services, which include aesthetic skin care services.

3469 (b) An osteopathic physician who is engaged in providing
3470 specialty health care services may not supervise more than two
3471 offices in addition to the osteopathic physician's primary
3472 practice location. For the purpose of this subsection,
3473 "specialty health care" means health care services that are
3474 commonly provided to patients with a referral from another

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3475 practitioner and excludes practices providing primarily
3476 dermatologic and skin care services, which include aesthetic
3477 skin care services.

3478 (c) An osteopathic physician who supervises an advanced
3479 practice registered nurse ~~practitioner~~ or physician assistant at
3480 a medical office other than the osteopathic physician's primary
3481 practice location, where the advanced practice registered nurse
3482 ~~practitioner~~ or physician assistant is not under the onsite
3483 supervision of a supervising osteopathic physician and the
3484 services offered at the office are primarily dermatologic or
3485 skin care services, which include aesthetic skin care services
3486 other than plastic surgery, must comply with the standards
3487 listed in subparagraphs 1.-4. Notwithstanding s.
3488 459.022(4)(e)6., an osteopathic physician supervising a
3489 physician assistant pursuant to this paragraph may not be
3490 required to review and cosign charts or medical records prepared
3491 by such physician assistant.

3492 1. The osteopathic physician shall submit to the Board of
3493 Osteopathic Medicine the addresses of all offices where the
3494 osteopathic physician ~~he or she~~ is supervising or has a protocol
3495 with an advanced practice registered nurse ~~practitioner~~ or a
3496 physician ~~physician's~~ assistant which are not the osteopathic
3497 physician's primary practice location.

3498 2. The osteopathic physician must be board certified or
3499 board eligible in dermatology or plastic surgery as recognized

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3500 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

3501 3. All such offices that are not the osteopathic
3502 physician's primary place of practice must be within 25 miles of
3503 the osteopathic physician's primary place of practice or in a
3504 county that is contiguous to the county of the osteopathic
3505 physician's primary place of practice. However, the distance
3506 between any of the offices may not exceed 75 miles.

3507 4. The osteopathic physician may supervise only one office
3508 other than the osteopathic physician's primary place of practice
3509 ~~except that until July 1, 2011, the osteopathic physician may~~
3510 ~~supervise up to two medical offices other than the osteopathic~~
3511 ~~physician's primary place of practice if the addresses of the~~
3512 ~~offices are submitted to the Board of Osteopathic Medicine~~
3513 ~~before July 1, 2006. Effective July 1, 2011, the osteopathic~~
3514 ~~physician may supervise only one office other than the~~
3515 ~~osteopathic physician's primary place of practice, regardless of~~
3516 ~~when the addresses of the offices were submitted to the Board of~~
3517 ~~Osteopathic Medicine.~~

3518 (d) An osteopathic physician who supervises an office in
3519 addition to the osteopathic physician's primary practice
3520 location must conspicuously post in each of the osteopathic
3521 physician's offices a current schedule of the regular hours when
3522 the osteopathic physician is present in that office and the
3523 hours when the office is open while the osteopathic physician is
3524 not present.

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3525 (e) This subsection does not apply to health care services
3526 provided in facilities licensed under chapter 395 or in
3527 conjunction with a college of medicine or college of nursing or
3528 an accredited graduate medical or nursing education program;
3529 offices where the only service being performed is hair removal
3530 by an advanced practice registered nurse ~~practitioner~~ or
3531 physician assistant; not-for-profit, family-planning clinics
3532 that are not licensed pursuant to chapter 390; rural and
3533 federally qualified health centers; health care services
3534 provided in a nursing home licensed under part II of chapter
3535 400, an assisted living facility licensed under part I of
3536 chapter 429, a continuing care facility licensed under chapter
3537 651, or a retirement community consisting of independent living
3538 units and either a licensed nursing home or assisted living
3539 facility; anesthesia services provided in accordance with law;
3540 health care services provided in a designated rural health
3541 clinic; health care services provided to persons enrolled in a
3542 program designed to maintain elderly persons and persons with
3543 disabilities in a home or community-based setting; university
3544 primary care student health centers; school health clinics; or
3545 health care services provided in federal, state, or local
3546 government facilities.

3547 Section 75. Subsection (2) of section 464.004, Florida
3548 Statutes, is amended to read:

3549 464.004 Board of Nursing; membership; appointment; terms.—

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3550 (2) Seven members of the board must be registered nurses
3551 who are residents of this state and who have been engaged in the
3552 practice of professional nursing for at least 4 years, including
3553 at least one advanced practice registered nurse ~~practitioner~~,
3554 one nurse educator member of an approved program, and one nurse
3555 executive. These seven board members should be representative of
3556 the diverse areas of practice within the nursing profession. In
3557 addition, three members of the board must be licensed practical
3558 nurses who are residents of this state and who have been
3559 actively engaged in the practice of practical nursing for at
3560 least 4 years prior to their appointment. The remaining three
3561 members must be residents of the state who have never been
3562 licensed as nurses and who are in no way connected with the
3563 practice of nursing. No person may be appointed as a lay member
3564 who is in any way connected with, or has any financial interest
3565 in, any health care facility, agency, or insurer. At least one
3566 member of the board must be 60 years of age or older.

3567 Section 76. Paragraph (a) of subsection (4) of section
3568 464.0205, Florida Statutes, is amended to read:

3569 464.0205 Retired volunteer nurse certificate.—

3570 (4) A retired volunteer nurse receiving certification from
3571 the board shall:

3572 (a) Work under the direct supervision of the director of a
3573 county health department, a physician working under a limited
3574 license issued pursuant to s. 458.317 or s. 459.0075, a

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3575 | physician licensed under chapter 458 or chapter 459, an
3576 | independent advanced practice registered nurse registered under
3577 | s. 464.0125, an advanced practice registered nurse practitioner
3578 | certified under s. 464.012, or a registered nurse licensed under
3579 | s. 464.008 or s. 464.009.

3580 | Section 77. Subsection (2) of section 467.003, Florida
3581 | Statutes, is amended to read:

3582 | 467.003 Definitions.—As used in this chapter, unless the
3583 | context otherwise requires:

3584 | (2) "Certified nurse midwife" means a person who is
3585 | certified ~~licensed~~ as an advanced practice registered nurse
3586 | ~~practitioner~~ under part I of chapter 464 and who is certified to
3587 | practice midwifery by the American College of Nurse Midwives.

3588 | Section 78. Paragraph (b) of subsection (1) of section
3589 | 480.0475, Florida Statutes, is amended to read:

3590 | 480.0475 Massage establishments; prohibited practices.—

3591 | (1) A person may not operate a massage establishment
3592 | between the hours of midnight and 5 a.m. This subsection does
3593 | not apply to a massage establishment:

3594 | (b) In which every massage performed between the hours of
3595 | midnight and 5 a.m. is performed by a massage therapist acting
3596 | under the prescription of a physician or physician assistant
3597 | licensed under chapter 458, an osteopathic physician or
3598 | physician assistant licensed under chapter 459, a chiropractic
3599 | physician licensed under chapter 460, a podiatric physician

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3600 licensed under chapter 461, an independent advanced practice
 3601 registered nurse registered or an advanced practice registered
 3602 nurse certified practitioner~~licensed~~ under part I of chapter
 3603 464, or a dentist licensed under chapter 466; or

3604 Section 79. Subsection (7) of section 483.041, Florida
 3605 Statutes, is amended to read:

3606 483.041 Definitions.—As used in this part, the term:

3607 (7) "Licensed practitioner" means a physician licensed
 3608 under chapter 458, chapter 459, chapter 460, or chapter 461; a
 3609 physician assistant licensed under chapter 458 or chapter 459; a
 3610 certified optometrist licensed under chapter 463; a dentist
 3611 licensed under chapter 466; a person licensed under chapter 462;
 3612 a consultant pharmacist or doctor of pharmacy licensed under
 3613 chapter 465; an independent advanced practice registered nurse
 3614 registered or an advanced practice registered nurse certified
 3615 ~~practitioner licensed~~ under part I of chapter 464; or a duly
 3616 licensed practitioner from another state licensed under similar
 3617 statutes who orders examinations on materials or specimens for
 3618 nonresidents of the State of Florida, but who reside in the same
 3619 state as the requesting licensed practitioner.

3620 Section 80. Subsection (5) of section 483.181, Florida
 3621 Statutes, is amended to read:

3622 483.181 Acceptance, collection, identification, and
 3623 examination of specimens.—

3624 (5) A clinical laboratory licensed under this part must

3625 | make its services available to a practitioner licensed,
 3626 | certified, or registered under chapter 458, chapter 459, chapter
 3627 | 460, chapter 461, chapter 462, chapter 463, s. 464.012, s.
 3628 | 464.0125, or chapter 466, or to a consultant pharmacist or
 3629 | doctor of pharmacy licensed under chapter 465. A clinical
 3630 | laboratory shall not charge different prices for its services
 3631 | based upon the chapter under which a practitioner is licensed.

3632 | Section 81. Subsection (5) of section 483.801, Florida
 3633 | Statutes, is amended to read:

3634 | 483.801 Exemptions.—This part applies to all clinical
 3635 | laboratories and clinical laboratory personnel within this
 3636 | state, except:

3637 | (5) Advanced practice registered nurses certified nurse
 3638 | ~~practitioners licensed~~ under part I of chapter 464 who perform
 3639 | provider-performed microscopy procedures (PPMP) in an exclusive-
 3640 | use laboratory setting.

3641 | Section 82. Paragraph (a) of subsection (11) of section
 3642 | 486.021, Florida Statutes, is amended to read:

3643 | 486.021 Definitions.—In this chapter, unless the context
 3644 | otherwise requires, the term:

3645 | (11) "Practice of physical therapy" means the performance
 3646 | of physical therapy assessments and the treatment of any
 3647 | disability, injury, disease, or other health condition of human
 3648 | beings, or the prevention of such disability, injury, disease,
 3649 | or other condition of health, and rehabilitation as related

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3650 thereto by the use of the physical, chemical, and other
3651 properties of air; electricity; exercise; massage; the
3652 performance of acupuncture only upon compliance with the
3653 criteria set forth by the Board of Medicine, when no penetration
3654 of the skin occurs; the use of radiant energy, including
3655 ultraviolet, visible, and infrared rays; ultrasound; water; the
3656 use of apparatus and equipment in the application of the
3657 foregoing or related thereto; the performance of tests of
3658 neuromuscular functions as an aid to the diagnosis or treatment
3659 of any human condition; or the performance of electromyography
3660 as an aid to the diagnosis of any human condition only upon
3661 compliance with the criteria set forth by the Board of Medicine.

3662 (a) A physical therapist may implement a plan of treatment
3663 developed by the physical therapist for a patient or provided
3664 for a patient by a practitioner of record, ~~or by an~~ independent
3665 advanced practice registered nurse registered under s. 464.0125,
3666 or an advanced practice registered nurse certified practitioner
3667 ~~licensed~~ under s. 464.012. The physical therapist shall refer
3668 the patient to or consult with a practitioner of record if the
3669 patient's condition is found to be outside the scope of physical
3670 therapy. If physical therapy treatment for a patient is required
3671 beyond 30 days for a condition not previously assessed by a
3672 practitioner of record, the physical therapist shall have a
3673 practitioner of record review and sign the plan. The requirement
3674 that a physical therapist have a practitioner of record review

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3675 and sign a plan of treatment does not apply when a patient has
 3676 been physically examined by a physician licensed in another
 3677 state, the patient has been diagnosed by the physician as having
 3678 a condition for which physical therapy is required, and the
 3679 physical therapist is treating the condition. For purposes of
 3680 this paragraph, a health care practitioner licensed under
 3681 chapter 458, chapter 459, chapter 460, chapter 461, or chapter
 3682 466 and engaged in active practice is eligible to serve as a
 3683 practitioner of record.

3684 Section 83. Paragraph (d) of subsection (1) of section
 3685 490.012, Florida Statutes, is amended to read:

3686 490.012 Violations; penalties; injunction.—

3687 (1)

3688 (d) No person shall hold herself or himself out by any
 3689 title or description incorporating the word, or a permutation of
 3690 the word, "psychotherapy" unless such person holds a valid,
 3691 active license under chapter 458, chapter 459, chapter 490, or
 3692 chapter 491, or such person is registered as an independent
 3693 advanced practice registered nurse under s. 464.0125 or
 3694 certified as an advanced practice registered nurse under
 3695 practitioner, pursuant to s. 464.012, and who has been
 3696 determined by the Board of Nursing to be ~~as~~ a specialist in
 3697 psychiatric mental health.

3698 Section 84. Subsection (1) of section 491.0057, Florida
 3699 Statutes, is amended to read:

3700 491.0057 Dual licensure as a marriage and family
 3701 therapist.—The department shall license as a marriage and family
 3702 therapist any person who demonstrates to the board that he or
 3703 she:

3704 (1) Holds a valid, active license as a psychologist under
 3705 chapter 490 or as a clinical social worker or mental health
 3706 counselor under this chapter, or is registered under s. 464.0125
 3707 as an independent advanced practice registered nurse or
 3708 certified under s. 464.012 as an advanced practice registered
 3709 nurse and ~~practitioner who~~ has been determined by the Board of
 3710 Nursing to be ~~as~~ a specialist in psychiatric mental health.

3711 Section 85. Paragraph (d) of subsection (1) and subsection
 3712 (2) of section 491.012, Florida Statutes, are amended to read:

3713 491.012 Violations; penalty; injunction.—

3714 (1) It is unlawful and a violation of this chapter for any
 3715 person to:

3716 (d) Use the terms psychotherapist, sex therapist, or
 3717 juvenile sexual offender therapist unless such person is
 3718 licensed pursuant to this chapter or chapter 490, or is
 3719 registered under s. 464.0125 as an independent advanced practice
 3720 registered nurse or certified under s. 464.012 as an advanced
 3721 practice registered nurse and ~~practitioner who~~ has been
 3722 determined by the Board of Nursing to be ~~as~~ a specialist in
 3723 psychiatric mental health and the use of such terms is within
 3724 the scope of her or his practice based on education, training,

3725 | and licensure.

3726 | (2) It is unlawful and a violation of this chapter for any
 3727 | person to describe her or his services using the following terms
 3728 | or any derivative thereof, unless such person holds a valid,
 3729 | active license under this chapter or chapter 490, or is
 3730 | registered under s. 464.0125 as an independent advanced practice
 3731 | registered nurse or certified under s. 464.012 as an advanced
 3732 | practice registered nurse and ~~practitioner who~~ has been
 3733 | determined by the Board of Nursing to be ~~as~~ a specialist in
 3734 | psychiatric mental health and the use of such terms is within
 3735 | the scope of her or his practice based on education, training,
 3736 | and licensure:

- 3737 | (a) "Psychotherapy."
- 3738 | (b) "Sex therapy."
- 3739 | (c) "Sex counseling."
- 3740 | (d) "Clinical social work."
- 3741 | (e) "Psychiatric social work."
- 3742 | (f) "Marriage and family therapy."
- 3743 | (g) "Marriage and family counseling."
- 3744 | (h) "Marriage counseling."
- 3745 | (i) "Family counseling."
- 3746 | (j) "Mental health counseling."

3747 | Section 86. Subsection (2) of section 493.6108, Florida
 3748 | Statutes, is amended to read:

3749 | 493.6108 Investigation of applicants by Department of

3750 Agriculture and Consumer Services.—

3751 (2) In addition to subsection (1), the department shall
 3752 make an investigation of the general physical fitness of the
 3753 Class "G" applicant to bear a weapon or firearm. Determination
 3754 of physical fitness shall be certified by a physician or
 3755 physician assistant currently licensed pursuant to chapter 458,
 3756 chapter 459, or any similar law of another state or authorized
 3757 to act as a licensed physician by a federal agency or
 3758 department, or by an independent advanced practice registered
 3759 nurse registered or an advanced practice registered nurse
 3760 certified under part I of practitioner currently licensed
 3761 pursuant to chapter 464. Such certification shall be submitted
 3762 on a form provided by the department.

3763 Section 87. Subsection (1) of section 626.9707, Florida
 3764 Statutes, is amended to read:

3765 626.9707 Disability insurance; discrimination on basis of
 3766 sickle-cell trait prohibited.—

3767 (1) An ~~No~~ insurer authorized to transact insurance in this
 3768 state may not shall refuse to issue and deliver in this state
 3769 any policy of disability insurance, whether such policy is
 3770 defined as individual, group, blanket, franchise, industrial, or
 3771 otherwise, which is currently being issued for delivery in this
 3772 state and which affords benefits and coverage for any medical
 3773 treatment or service authorized and permitted to be furnished by
 3774 a hospital, a clinic, a health clinic, a neighborhood health

3775 | clinic, a health maintenance organization, a physician, a
 3776 | physician ~~physician's~~ assistant, an independent advanced
 3777 | practice registered nurse, an advanced practice registered nurse
 3778 | ~~practitioner~~, or a medical service facility or personnel solely
 3779 | because the person to be insured has the sickle-cell trait.

3780 | Section 88. Paragraph (b) of subsection (1) of section
 3781 | 627.357, Florida Statutes, is amended to read:

3782 | 627.357 Medical malpractice self-insurance.—

3783 | (1) DEFINITIONS.—As used in this section, the term:

3784 | (b) "Health care provider" means any:

3785 | 1. Hospital licensed under chapter 395.

3786 | 2. Physician licensed, or physician assistant licensed,
 3787 | under chapter 458.

3788 | 3. Osteopathic physician or physician assistant licensed
 3789 | under chapter 459.

3790 | 4. Podiatric physician licensed under chapter 461.

3791 | 5. Health maintenance organization certificated under part
 3792 | I of chapter 641.

3793 | 6. Ambulatory surgical center licensed under chapter 395.

3794 | 7. Chiropractic physician licensed under chapter 460.

3795 | 8. Psychologist licensed under chapter 490.

3796 | 9. Optometrist licensed under chapter 463.

3797 | 10. Dentist licensed under chapter 466.

3798 | 11. Pharmacist licensed under chapter 465.

3799 | 12. Registered nurse, licensed practical nurse,

3800 independent advanced practice registered nurse, or advanced
 3801 practice registered nurse ~~practitioner~~ licensed, ~~or~~ registered,
 3802 or certified under part I of chapter 464.

3803 13. Other medical facility.

3804 14. Professional association, partnership, corporation,
 3805 joint venture, or other association established by the
 3806 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,
 3807 10., 11., and 12. for professional activity.

3808 Section 89. Subsection (6) of section 627.6471, Florida
 3809 Statutes, is amended to read:

3810 627.6471 Contracts for reduced rates of payment;
 3811 limitations; coinsurance and deductibles.—

3812 (6) If psychotherapeutic services are covered by a policy
 3813 issued by the insurer, the insurer shall provide eligibility
 3814 criteria for each group of health care providers licensed under
 3815 chapter 458, chapter 459, chapter 490, or chapter 491, which
 3816 include psychotherapy within the scope of their practice as
 3817 provided by law, or for any person who is registered as an
 3818 independent advanced practice registered nurse under s. 464.0125
 3819 or certified as an advanced practice registered nurse
 3820 practitioner in psychiatric mental health under s. 464.012 and
 3821 who specializes in psychiatric mental health. When
 3822 psychotherapeutic services are covered, eligibility criteria
 3823 shall be established by the insurer to be included in the
 3824 insurer's criteria for selection of network providers. The

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3825 insurer may not discriminate against a health care provider by
3826 excluding such practitioner from its provider network solely on
3827 the basis of the practitioner's license.

3828 Section 90. Subsections (15) and (17) of section 627.6472,
3829 Florida Statutes, are amended to read:

3830 627.6472 Exclusive provider organizations.—

3831 (15) If psychotherapeutic services are covered by a policy
3832 issued by the insurer, the insurer shall provide eligibility
3833 criteria for all groups of health care providers licensed under
3834 chapter 458, chapter 459, chapter 490, or chapter 491, which
3835 include psychotherapy within the scope of their practice as
3836 provided by law, or for any person who is registered as an
3837 independent advanced practice registered nurse under s. 464.0125
3838 or certified as an advanced practice registered nurse
3839 practitioner in psychiatric mental health under s. 464.012 and
3840 who specializes in psychiatric mental health. When
3841 psychotherapeutic services are covered, eligibility criteria
3842 shall be established by the insurer to be included in the
3843 insurer's criteria for selection of network providers. The
3844 insurer may not discriminate against a health care provider by
3845 excluding such practitioner from its provider network solely on
3846 the basis of the practitioner's license.

3847 (17) An exclusive provider organization may ~~shall~~ not
3848 discriminate with respect to participation as to any independent
3849 advanced practice registered nurse registered pursuant to s.

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3850 464.0125 or advanced practice registered nurse ~~practitioner~~
3851 ~~licensed and~~ certified pursuant to s. 464.012, who is acting
3852 within the scope of such registration or license and
3853 certification, solely on the basis of such registration ~~license~~
3854 or certification. This subsection may ~~shall~~ not be construed to
3855 prohibit a plan from including providers only to the extent
3856 necessary to meet the needs of the plan's enrollees or from
3857 establishing any measure designed to maintain quality and
3858 control costs consistent with the responsibilities of the plan.

3859 Section 91. Paragraph (a) of subsection (1) of section
3860 627.736, Florida Statutes, is amended to read:

3861 627.736 Required personal injury protection benefits;
3862 exclusions; priority; claims.—

3863 (1) REQUIRED BENEFITS.—An insurance policy complying with
3864 the security requirements of s. 627.733 must provide personal
3865 injury protection to the named insured, relatives residing in
3866 the same household, persons operating the insured motor vehicle,
3867 passengers in the motor vehicle, and other persons struck by the
3868 motor vehicle and suffering bodily injury while not an occupant
3869 of a self-propelled vehicle, subject to subsection (2) and
3870 paragraph (4) (e), to a limit of \$10,000 in medical and
3871 disability benefits and \$5,000 in death benefits resulting from
3872 bodily injury, sickness, disease, or death arising out of the
3873 ownership, maintenance, or use of a motor vehicle as follows:

3874 (a) Medical benefits.—Eighty percent of all reasonable

3875 expenses for medically necessary medical, surgical, X-ray,
3876 dental, and rehabilitative services, including prosthetic
3877 devices and medically necessary ambulance, hospital, and nursing
3878 services if the individual receives initial services and care
3879 pursuant to subparagraph 1. within 14 days after the motor
3880 vehicle accident. The medical benefits provide reimbursement
3881 only for:

3882 1. Initial services and care that are lawfully provided,
3883 supervised, ordered, or prescribed by a physician licensed under
3884 chapter 458 or chapter 459, a dentist licensed under chapter
3885 466, ~~or~~ a chiropractic physician licensed under chapter 460, or
3886 an independent advance practice registered nurse registered
3887 under s. 464.0125, or that are provided in a hospital or in a
3888 facility that owns, or is wholly owned by, a hospital. Initial
3889 services and care may also be provided by a person or entity
3890 licensed under part III of chapter 401 which provides emergency
3891 transportation and treatment.

3892 2. Upon referral by a provider described in subparagraph
3893 1., followup services and care consistent with the underlying
3894 medical diagnosis rendered pursuant to subparagraph 1. which may
3895 be provided, supervised, ordered, or prescribed only by a
3896 physician licensed under chapter 458 or chapter 459, a
3897 chiropractic physician licensed under chapter 460, a dentist
3898 licensed under chapter 466, an independent advance practice
3899 registered nurse registered under s. 464.0125, or, to the extent

3900 permitted by applicable law and under the supervision of such
 3901 physician, osteopathic physician, chiropractic physician, ~~or~~
 3902 dentist, or independent advanced practice registered nurse, by a
 3903 physician assistant licensed under chapter 458 or chapter 459 or
 3904 an advanced practice registered nurse certified ~~practitioner~~
 3905 ~~licensed~~ under s. 464.012 ~~chapter 464~~. Followup services and
 3906 care may also be provided by the following persons or entities:
 3907 a. A hospital or ambulatory surgical center licensed under
 3908 chapter 395.
 3909 b. An entity wholly owned by one or more physicians
 3910 licensed under chapter 458 or chapter 459, chiropractic
 3911 physicians licensed under chapter 460, independent advanced
 3912 practice registered nurses registered under s. 464.0125, or
 3913 dentists licensed under chapter 466 or by such practitioners and
 3914 the spouse, parent, child, or sibling of such practitioners.
 3915 c. An entity that owns or is wholly owned, directly or
 3916 indirectly, by a hospital or hospitals.
 3917 d. A physical therapist licensed under chapter 486, based
 3918 upon a referral by a provider described in this subparagraph.
 3919 e. A health care clinic licensed under part X of chapter
 3920 400 which is accredited by an accrediting organization whose
 3921 standards incorporate comparable regulations required by this
 3922 state, or
 3923 (I) Has a medical director licensed under chapter 458,
 3924 chapter 459, or chapter 460;

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3925 (II) Has been continuously licensed for more than 3 years
 3926 or is a publicly traded corporation that issues securities
 3927 traded on an exchange registered with the United States
 3928 Securities and Exchange Commission as a national securities
 3929 exchange; and

3930 (III) Provides at least four of the following medical
 3931 specialties:

3932 (A) General medicine.

3933 (B) Radiography.

3934 (C) Orthopedic medicine.

3935 (D) Physical medicine.

3936 (E) Physical therapy.

3937 (F) Physical rehabilitation.

3938 (G) Prescribing or dispensing outpatient prescription
 3939 medication.

3940 (H) Laboratory services.

3941 3. Reimbursement for services and care provided in
 3942 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
 3943 licensed under chapter 458 or chapter 459, a dentist licensed
 3944 under chapter 466, a physician assistant licensed under chapter
 3945 458 or chapter 459, an independent advanced practice registered
 3946 nurse registered under s. 464.0125, or an advanced practice
 3947 registered nurse certified practitioner ~~licensed~~ under s.
 3948 464.012 ~~chapter 464~~ has determined that the injured person had
 3949 an emergency medical condition.

3950 4. Reimbursement for services and care provided in
 3951 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
 3952 provider listed in subparagraph 1. or subparagraph 2. determines
 3953 that the injured person did not have an emergency medical
 3954 condition.

3955 5. Medical benefits do not include massage as defined in
 3956 s. 480.033 or acupuncture as defined in s. 457.102, regardless
 3957 of the person, entity, or licensee providing massage or
 3958 acupuncture, and a licensed massage therapist or licensed
 3959 acupuncturist may not be reimbursed for medical benefits under
 3960 this section.

3961 6. The Financial Services Commission shall adopt by rule
 3962 the form that must be used by an insurer and a health care
 3963 provider specified in sub-subparagraph 2.b., sub-subparagraph
 3964 2.c., or sub-subparagraph 2.e. to document that the health care
 3965 provider meets the criteria of this paragraph. Such rule must
 3966 include a requirement for a sworn statement or affidavit.

3967
 3968 Only insurers writing motor vehicle liability insurance in this
 3969 state may provide the required benefits of this section, and
 3970 such insurer may not require the purchase of any other motor
 3971 vehicle coverage other than the purchase of property damage
 3972 liability coverage as required by s. 627.7275 as a condition for
 3973 providing such benefits. Insurers may not require that property
 3974 damage liability insurance in an amount greater than \$10,000 be

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3975 purchased in conjunction with personal injury protection. Such
3976 insurers shall make benefits and required property damage
3977 liability insurance coverage available through normal marketing
3978 channels. An insurer writing motor vehicle liability insurance
3979 in this state who fails to comply with such availability
3980 requirement as a general business practice violates part IX of
3981 chapter 626, and such violation constitutes an unfair method of
3982 competition or an unfair or deceptive act or practice involving
3983 the business of insurance. An insurer committing such violation
3984 is subject to the penalties provided under that part, as well as
3985 those provided elsewhere in the insurance code.

3986 Section 92. Subsection (5) of section 633.412, Florida
3987 Statutes, is amended to read:

3988 633.412 Firefighters; qualifications for certification.—A
3989 person applying for certification as a firefighter must:

3990 (5) Be in good physical condition as determined by a
3991 medical examination given by a physician, surgeon, or physician
3992 assistant licensed to practice in the state under ~~pursuant to~~
3993 chapter 458; an osteopathic physician, surgeon, or physician
3994 assistant licensed to practice in the state under ~~pursuant to~~
3995 chapter 459; or an independent advanced practice registered
3996 nurse registered or an advanced practice registered nurse
3997 certified practitioner ~~licensed~~ to practice in the state under
3998 part I of ~~pursuant to~~ chapter 464. Such examination may include,
3999 but need not be limited to, the National Fire Protection

4000 Association Standard 1582. A medical examination evidencing good
 4001 physical condition shall be submitted to the division, on a form
 4002 as provided by rule, before an individual is eligible for
 4003 admission into a course under s. 633.408.

4004 Section 93. Section 641.3923, Florida Statutes, is amended
 4005 to read:

4006 641.3923 Discrimination against providers prohibited.—A
 4007 health maintenance organization may ~~shall~~ not discriminate with
 4008 respect to participation as to any independent advanced practice
 4009 registered nurse registered under s. 464.0125, advanced practice
 4010 registered nurse practitioner licensed and certified under
 4011 pursuant to s. 464.012, or physician assistant licensed under
 4012 chapter 458 or chapter 459, who is acting within the scope of
 4013 such registration, license and certification, or license, solely
 4014 on the basis of such registration, license or certification, or
 4015 license. This section may ~~shall~~ not be construed to prohibit a
 4016 plan from including providers only to the extent necessary to
 4017 meet the needs of the plan's enrollees or from establishing any
 4018 measure designed to maintain quality and control costs
 4019 consistent with the responsibilities of the plan.

4020 Section 94. Subsection (8) of section 641.495, Florida
 4021 Statutes, is amended to read:

4022 641.495 Requirements for issuance and maintenance of
 4023 certificate.—

4024 (8) Each organization's contracts, certificates, and

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4025 subscriber handbooks shall contain a provision, if applicable,
4026 disclosing that, for certain types of described medical
4027 procedures, services may be provided by physician assistants,
4028 independent advanced practice registered nurses, advanced
4029 practice registered nurses ~~nurse-practitioners~~, or other
4030 individuals who are not licensed physicians.

4031 Section 95. Subsection (1) of section 744.2006, Florida
4032 Statutes, is amended to read:

4033 744.2006 Office of Public and Professional Guardians;
4034 appointment, notification.—

4035 (1) The executive director of the Office of Public and
4036 Professional Guardians, after consultation with the chief judge
4037 and other circuit judges within the judicial circuit and with
4038 appropriate advocacy groups and individuals and organizations
4039 who are knowledgeable about the needs of incapacitated persons,
4040 may establish, within a county in the judicial circuit or within
4041 the judicial circuit, one or more offices of public guardian and
4042 if so established, shall create a list of persons best qualified
4043 to serve as the public guardian, who have been investigated
4044 pursuant to s. 744.3135. The public guardian must have knowledge
4045 of the legal process and knowledge of social services available
4046 to meet the needs of incapacitated persons. The public guardian
4047 shall maintain a staff or contract with professionally qualified
4048 individuals to carry out the guardianship functions, including
4049 an attorney who has experience in probate areas and another

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4050 person who has a master's degree in social work, or a
4051 gerontologist, a psychologist, a registered nurse, an
4052 independent advanced practice registered nurse, or an advanced
4053 practice registered nurse ~~practitioner~~. A public guardian that
4054 is a nonprofit corporate guardian under s. 744.309(5) must
4055 receive tax-exempt status from the United States Internal
4056 Revenue Service.

4057 Section 96. Paragraph (a) of subsection (3) of section
4058 744.331, Florida Statutes, is amended to read:

4059 744.331 Procedures to determine incapacity.—

4060 (3) EXAMINING COMMITTEE.—

4061 (a) Within 5 days after a petition for determination of
4062 incapacity has been filed, the court shall appoint an examining
4063 committee consisting of three members. One member must be a
4064 psychiatrist or other physician. The remaining members must be
4065 either a psychologist, a gerontologist, a ~~another~~ psychiatrist,
4066 a ~~or other~~ physician, a registered nurse, an advanced practice
4067 registered nurse ~~practitioner~~, a physician assistant, a licensed
4068 social worker, a person with an advanced degree in gerontology
4069 from an accredited institution of higher education, or another
4070 ~~other~~ person who by knowledge, skill, experience, training, or
4071 education may, in the court's discretion, advise the court in
4072 the form of an expert opinion. One of three members of the
4073 committee must have knowledge of the type of incapacity alleged
4074 in the petition. Unless good cause is shown, the attending or

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4075 family physician may not be appointed to the committee. If the
4076 attending or family physician is available for consultation, the
4077 committee must consult with the physician. Members of the
4078 examining committee may not be related to or associated with one
4079 another, with the petitioner, with counsel for the petitioner or
4080 the proposed guardian, or with the person alleged to be totally
4081 or partially incapacitated. A member may not be employed by any
4082 private or governmental agency that has custody of, or
4083 furnishes, services or subsidies, directly or indirectly, to the
4084 person or the family of the person alleged to be incapacitated
4085 or for whom a guardianship is sought. A petitioner may not serve
4086 as a member of the examining committee. Members of the examining
4087 committee must be able to communicate, either directly or
4088 through an interpreter, in the language that the alleged
4089 incapacitated person speaks or to communicate in a medium
4090 understandable to the alleged incapacitated person if she or he
4091 is able to communicate. The clerk of the court shall send notice
4092 of the appointment to each person appointed no later than 3 days
4093 after the court's appointment.

4094 Section 97. Subsection (6) of section 766.102, Florida
4095 Statutes, is amended to read:

4096 766.102 Medical negligence; standards of recovery; expert
4097 witness.—

4098 (6) A physician licensed under chapter 458 or chapter 459
4099 who qualifies as an expert witness under subsection (5) and who,

4100 by reason of active clinical practice or instruction of
 4101 students, has knowledge of the applicable standard of care for
 4102 nurses, independent advanced practice registered nurses,
 4103 advanced practice registered nurses ~~nurse practitioners,~~
 4104 ~~certified registered nurse anesthetists, certified registered~~
 4105 ~~nurse midwives,~~ physician assistants, or other medical support
 4106 staff may give expert testimony in a medical negligence action
 4107 with respect to the standard of care of such medical support
 4108 staff.

4109 Section 98. Subsection (3) of section 766.103, Florida
 4110 Statutes, is amended to read:

4111 766.103 Florida Medical Consent Law.—

4112 (3) ~~No~~ Recovery is not ~~shall be~~ allowed in any court in
 4113 this state against any physician licensed under chapter 458,
 4114 osteopathic physician licensed under chapter 459, chiropractic
 4115 physician licensed under chapter 460, podiatric physician
 4116 licensed under chapter 461, dentist licensed under chapter 466,
 4117 independent advanced practice registered nurse registered under
 4118 s. 464.0125, advanced practice registered nurse practitioner
 4119 certified under s. 464.012, or physician assistant licensed
 4120 under s. 458.347 or s. 459.022 in an action brought for
 4121 treating, examining, or operating on a patient without his or
 4122 her informed consent when:

4123 (a)1. The action of the physician, osteopathic physician,
 4124 chiropractic physician, podiatric physician, dentist,

4125 independent advanced practice registered nurse, advanced
4126 practice registered nurse ~~practitioner,~~ or physician assistant
4127 in obtaining the consent of the patient or another person
4128 authorized to give consent for the patient was in accordance
4129 with an accepted standard of medical practice among members of
4130 the medical profession with similar training and experience in
4131 the same or similar medical community as that of the person
4132 treating, examining, or operating on the patient for whom the
4133 consent is obtained; and

4134 2. A reasonable individual, from the information provided
4135 by the physician, osteopathic physician, chiropractic physician,
4136 podiatric physician, dentist, independent advanced practice
4137 registered nurse, advanced practice registered nurse
4138 ~~practitioner,~~ or physician assistant, under the circumstances,
4139 would have a general understanding of the procedure, the
4140 medically acceptable alternative procedures or treatments, and
4141 the substantial risks and hazards inherent in the proposed
4142 treatment or procedures, which are recognized among other
4143 physicians, osteopathic physicians, chiropractic physicians,
4144 podiatric physicians, or dentists in the same or similar
4145 community who perform similar treatments or procedures; or

4146 (b) The patient would reasonably, under all the
4147 surrounding circumstances, have undergone such treatment or
4148 procedure had he or she been advised by the physician,
4149 osteopathic physician, chiropractic physician, podiatric

4150 physician, dentist, independent advanced practice registered
 4151 nurse, advanced practice registered nurse ~~practitioner~~, or
 4152 physician assistant in accordance with the provisions of
 4153 paragraph (a).

4154 Section 99. Paragraph (d) of subsection (3) of section
 4155 766.1115, Florida Statutes, is amended to read:

4156 766.1115 Health care providers; creation of agency
 4157 relationship with governmental contractors.—

4158 (3) DEFINITIONS.—As used in this section, the term:

4159 (d) "Health care provider" or "provider" means:

- 4160 1. A birth center licensed under chapter 383.
- 4161 2. An ambulatory surgical center licensed under chapter
 4162 395.
- 4163 3. A hospital licensed under chapter 395.
- 4164 4. A physician or physician assistant licensed under
 4165 chapter 458.
- 4166 5. An osteopathic physician or osteopathic physician
 4167 assistant licensed under chapter 459.
- 4168 6. A chiropractic physician licensed under chapter 460.
- 4169 7. A podiatric physician licensed under chapter 461.
- 4170 8. A registered nurse, ~~nurse midwife~~, a licensed practical
 4171 nurse, an independent advanced practice registered nurse, or an
 4172 advanced practice registered nurse ~~practitioner~~ licensed,
 4173 registered, or certified ~~registered~~ under part I of chapter 464
 4174 or any facility which employs nurses licensed or registered

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4175 | under part I of chapter 464 to supply all or part of the care
4176 | delivered under this section.

4177 | 9. A midwife licensed under chapter 467.

4178 | 10. A health maintenance organization certificated under
4179 | part I of chapter 641.

4180 | 11. A health care professional association and its
4181 | employees or a corporate medical group and its employees.

4182 | 12. Any other medical facility the primary purpose of
4183 | which is to deliver human medical diagnostic services or which
4184 | delivers nonsurgical human medical treatment, and which includes
4185 | an office maintained by a provider.

4186 | 13. A dentist or dental hygienist licensed under chapter
4187 | 466.

4188 | 14. A free clinic that delivers only medical diagnostic
4189 | services or nonsurgical medical treatment free of charge to all
4190 | low-income recipients.

4191 | 15. Any other health care professional, practitioner,
4192 | provider, or facility under contract with a governmental
4193 | contractor, including a student enrolled in an accredited
4194 | program that prepares the student for licensure as any one of
4195 | the professionals listed in subparagraphs 4.-9.

4196 |

4197 | The term includes any nonprofit corporation qualified as exempt
4198 | from federal income taxation under s. 501(a) of the Internal
4199 | Revenue Code, and described in s. 501(c) of the Internal Revenue

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4200 Code, which delivers health care services provided by licensed
 4201 professionals listed in this paragraph, any federally funded
 4202 community health center, and any volunteer corporation or
 4203 volunteer health care provider that delivers health care
 4204 services.

4205 Section 100. Subsection (1) of section 766.1116, Florida
 4206 Statutes, is amended to read:

4207 766.1116 Health care practitioner; waiver of license
 4208 renewal fees and continuing education requirements.—

4209 (1) As used in this section, the term "health care
 4210 practitioner" means a physician or physician assistant licensed
 4211 under chapter 458; an osteopathic physician or physician
 4212 assistant licensed under chapter 459; a chiropractic physician
 4213 licensed under chapter 460; a podiatric physician licensed under
 4214 chapter 461; an independent advanced practice registered nurse,
 4215 an advanced practice registered nurse ~~practitioner~~, a registered
 4216 nurse, or a licensed practical nurse licensed, registered, or
 4217 certified under part I of chapter 464; a dentist or dental
 4218 hygienist licensed under chapter 466; or a midwife licensed
 4219 under chapter 467, who participates as a health care provider
 4220 under s. 766.1115.

4221 Section 101. Paragraph (c) of subsection (1) of section
 4222 766.118, Florida Statutes, is amended to read:

4223 766.118 Determination of noneconomic damages.—

4224 (1) DEFINITIONS.—As used in this section, the term:

4225 (c) "Practitioner" means any person licensed, registered,
 4226 or certified under chapter 458, chapter 459, chapter 460,
 4227 chapter 461, chapter 462, chapter 463, chapter 466, chapter 467,
 4228 or chapter 486; s. 464.0125; or ~~certified under~~ s. 464.012.

4229 "Practitioner" also means any association, corporation, firm,
 4230 partnership, or other business entity under which such
 4231 practitioner practices or any employee of such practitioner or
 4232 entity acting in the scope of his or her employment. For the
 4233 purpose of determining the limitations on noneconomic damages
 4234 set forth in this section, the term "practitioner" includes any
 4235 person or entity for whom a practitioner is vicariously liable
 4236 and any person or entity whose liability is based solely on such
 4237 person or entity being vicariously liable for the actions of a
 4238 practitioner.

4239 Section 102. Subsection (3) of section 768.135, Florida
 4240 Statutes, is amended to read:

4241 768.135 Volunteer team practitioner ~~physicians~~; immunity.—

4242 (3) A practitioner licensed, certified, or registered
 4243 under chapter 458, chapter 459, chapter 460, ~~or~~ s. 464.012, or
 4244 s. 464.0125 who gratuitously and in good faith conducts an
 4245 evaluation pursuant to s. 1006.20(2)(c) is not liable for any
 4246 civil damages arising from that evaluation unless the evaluation
 4247 was conducted in a wrongful manner.

4248 Section 103. Subsection (4) of section 782.071, Florida
 4249 Statutes, is amended to read:

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4250 782.071 Vehicular homicide.—"Vehicular homicide" is the
 4251 killing of a human being, or the killing of an unborn child by
 4252 any injury to the mother, caused by the operation of a motor
 4253 vehicle by another in a reckless manner likely to cause the
 4254 death of, or great bodily harm to, another.

4255 (4) In addition to any other punishment, the court may
 4256 order the person to serve 120 community service hours in a
 4257 trauma center or hospital that regularly receives victims of
 4258 vehicle accidents, under the supervision of an independent
 4259 advanced practice registered nurse, an advanced practice
 4260 registered nurse, a registered nurse, an emergency room
 4261 physician, or an emergency medical technician pursuant to a
 4262 voluntary community service program operated by the trauma
 4263 center or hospital.

4264 Section 104. Subsection (5) of section 794.08, Florida
 4265 Statutes, is amended to read:

4266 794.08 Female genital mutilation.—

4267 (5) This section does not apply to procedures performed by
 4268 or under the direction of a physician licensed under chapter
 4269 458;~~7~~ an osteopathic physician licensed under chapter 459;~~7~~ a
 4270 registered nurse ~~licensed under part I of chapter 464,~~ a
 4271 practical nurse ~~licensed under part I of chapter 464,~~ an
 4272 independent advanced practice registered nurse, or an advanced
 4273 practice registered nurse practitioner licensed, registered, or
 4274 certified under part I of chapter 464;~~7~~ a midwife licensed under

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4275 | chapter 467;~~;~~ or a physician assistant licensed under chapter
4276 | 458 or chapter 459, when necessary to preserve the physical
4277 | health of a female person. This section also does not apply to
4278 | any autopsy or limited dissection conducted pursuant to chapter
4279 | 406.

4280 | Section 105. Subsection (23) of section 893.02, Florida
4281 | Statutes, is amended to read:

4282 | 893.02 Definitions.—The following words and phrases as
4283 | used in this chapter shall have the following meanings, unless
4284 | the context otherwise requires:

4285 | (23) "Practitioner" means a physician licensed under
4286 | chapter 458, a dentist licensed under chapter 466, a
4287 | veterinarian licensed under chapter 474, an osteopathic
4288 | physician licensed under chapter 459, an independent advanced
4289 | practice registered nurse registered under s. 464.0125, an
4290 | advanced practice registered nurse ~~practitioner~~ certified under
4291 | s. 464.012 ~~chapter 464~~, a naturopath licensed under chapter 462,
4292 | a certified optometrist licensed under chapter 463, a
4293 | psychiatric nurse as defined in s. 394.455, a podiatric
4294 | physician licensed under chapter 461, or a physician assistant
4295 | licensed under chapter 458 or chapter 459, provided such
4296 | practitioner holds a valid federal controlled substance registry
4297 | number.

4298 | Section 106. Paragraph (b) of subsection (1) of section
4299 | 893.05, Florida Statutes, is amended to read:

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4300 893.05 Practitioners and persons administering controlled
 4301 substances in their absence.—

4302 (1)

4303 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
 4304 464.012(3), as applicable, a practitioner who supervises a
 4305 licensed physician assistant or certified advanced practice
 4306 registered nurse ~~practitioner~~ may authorize the licensed
 4307 physician assistant or certified advanced practice registered
 4308 nurse ~~practitioner~~ to order controlled substances for
 4309 administration to a patient in a facility licensed under chapter
 4310 395 or part II of chapter 400.

4311 Section 107. Subsection (6) of section 943.13, Florida
 4312 Statutes, is amended to read:

4313 943.13 Officers' minimum qualifications for employment or
 4314 appointment.—On or after October 1, 1984, any person employed or
 4315 appointed as a full-time, part-time, or auxiliary law
 4316 enforcement officer or correctional officer; on or after October
 4317 1, 1986, any person employed as a full-time, part-time, or
 4318 auxiliary correctional probation officer; and on or after
 4319 October 1, 1986, any person employed as a full-time, part-time,
 4320 or auxiliary correctional officer by a private entity under
 4321 contract to the Department of Corrections, to a county
 4322 commission, or to the Department of Management Services shall:

4323 (6) Have passed a physical examination by a licensed
 4324 physician, a physician assistant, a registered independent

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4325 advanced practice registered nurse, or a certified advanced
4326 practice registered nurse ~~practitioner~~, based on specifications
4327 established by the commission. In order to be eligible for the
4328 presumption set forth in s. 112.18 while employed with an
4329 employing agency, a law enforcement officer, correctional
4330 officer, or correctional probation officer must have
4331 successfully passed the physical examination required by this
4332 subsection upon entering into service as a law enforcement
4333 officer, correctional officer, or correctional probation officer
4334 with the employing agency, which examination must have failed to
4335 reveal any evidence of tuberculosis, heart disease, or
4336 hypertension. A law enforcement officer, correctional officer,
4337 or correctional probation officer may not use a physical
4338 examination from a former employing agency for purposes of
4339 claiming the presumption set forth in s. 112.18 against the
4340 current employing agency.

4341 Section 108. Subsection (2) of section 945.603, Florida
4342 Statutes, is amended to read:

4343 945.603 Powers and duties of authority.—The purpose of the
4344 authority is to assist in the delivery of health care services
4345 for inmates in the Department of Corrections by advising the
4346 Secretary of Corrections on the professional conduct of primary,
4347 convalescent, dental, and mental health care and the management
4348 of costs consistent with quality care, by advising the Governor
4349 and the Legislature on the status of the Department of

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4350 Corrections' health care delivery system, and by assuring that
4351 adequate standards of physical and mental health care for
4352 inmates are maintained at all Department of Corrections
4353 institutions. For this purpose, the authority has the authority
4354 to:

4355 (2) Review and make recommendations regarding health care
4356 for the delivery of health care services including, but not
4357 limited to, acute hospital-based services and facilities,
4358 primary and tertiary care services, ancillary and clinical
4359 services, dental services, mental health services, intake and
4360 screening services, medical transportation services, and the use
4361 of advanced practice registered nurses ~~nurse practitioner~~ and
4362 physician assistants ~~assistant personnel~~ to act as physician
4363 extenders as these relate to inmates in the Department of
4364 Corrections.

4365 Section 109. Paragraph (n) of subsection (1) of section
4366 948.03, Florida Statutes, is amended to read:

4367 948.03 Terms and conditions of probation.—

4368 (1) The court shall determine the terms and conditions of
4369 probation. Conditions specified in this section do not require
4370 oral pronouncement at the time of sentencing and may be
4371 considered standard conditions of probation. These conditions
4372 may include among them the following, that the probationer or
4373 offender in community control shall:

4374 (n) Be prohibited from using intoxicants to excess or

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4375 | possessing any drugs or narcotics unless prescribed by a
4376 | physician, an independent advanced practice registered nurse, an
4377 | advanced practice registered nurse ~~practitioner~~, or a physician
4378 | assistant. The probationer or community controllee may not
4379 | knowingly visit places where intoxicants, drugs, or other
4380 | dangerous substances are unlawfully sold, dispensed, or used.

4381 | Section 110. Subsection (2) of section 960.28, Florida
4382 | Statutes, is amended to read:

4383 | 960.28 Payment for victims' initial forensic physical
4384 | examinations.—

4385 | (2) The Crime Victims' Services Office of the department
4386 | shall pay for medical expenses connected with an initial
4387 | forensic physical examination of a victim of sexual battery as
4388 | defined in chapter 794 or a lewd or lascivious offense as
4389 | defined in chapter 800. Such payment shall be made regardless of
4390 | whether the victim is covered by health or disability insurance
4391 | and whether the victim participates in the criminal justice
4392 | system or cooperates with law enforcement. The payment shall be
4393 | made only out of moneys allocated to the Crime Victims' Services
4394 | Office for the purposes of this section, and the payment may not
4395 | exceed \$500 with respect to any violation. The department shall
4396 | develop and maintain separate protocols for the initial forensic
4397 | physical examination of adults and children. Payment under this
4398 | section is limited to medical expenses connected with the
4399 | initial forensic physical examination, and payment may be made

4400 to a medical provider using an examiner qualified under part I
 4401 of chapter 464, excluding s. 464.003(17) ~~464.003(16)~~; chapter
 4402 458; or chapter 459. Payment made to the medical provider by the
 4403 department shall be considered by the provider as payment in
 4404 full for the initial forensic physical examination associated
 4405 with the collection of evidence. The victim may not be required
 4406 to pay, directly or indirectly, the cost of an initial forensic
 4407 physical examination performed in accordance with this section.

4408 Section 111. Paragraph (i) of subsection (3) of section
 4409 1002.20, Florida Statutes, is amended to read:

4410 1002.20 K-12 student and parent rights.—Parents of public
 4411 school students must receive accurate and timely information
 4412 regarding their child's academic progress and must be informed
 4413 of ways they can help their child to succeed in school. K-12
 4414 students and their parents are afforded numerous statutory
 4415 rights including, but not limited to, the following:

4416 (3) HEALTH ISSUES.—

4417 (i) Epinephrine use and supply.—

4418 1. A student who has experienced or is at risk for life-
 4419 threatening allergic reactions may carry an epinephrine auto-
 4420 injector and self-administer epinephrine by auto-injector while
 4421 in school, participating in school-sponsored activities, or in
 4422 transit to or from school or school-sponsored activities if the
 4423 school has been provided with parental and physician
 4424 authorization. The State Board of Education, in cooperation with

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4425 the Department of Health, shall adopt rules for such use of
4426 epinephrine auto-injectors that shall include provisions to
4427 protect the safety of all students from the misuse or abuse of
4428 auto-injectors. A school district, county health department,
4429 public-private partner, and their employees and volunteers shall
4430 be indemnified by the parent of a student authorized to carry an
4431 epinephrine auto-injector for any and all liability with respect
4432 to the student's use of an epinephrine auto-injector pursuant to
4433 this paragraph.

4434 2. A public school may purchase a supply of epinephrine
4435 auto-injectors from a wholesale distributor as defined in s.
4436 499.003 or may enter into an arrangement with a wholesale
4437 distributor or manufacturer as defined in s. 499.003 for the
4438 epinephrine auto-injectors at fair-market, free, or reduced
4439 prices for use in the event a student has an anaphylactic
4440 reaction. The epinephrine auto-injectors must be maintained in a
4441 secure location on the public school's premises. The
4442 participating school district shall adopt a protocol developed
4443 by a licensed physician for the administration by school
4444 personnel who are trained to recognize an anaphylactic reaction
4445 and to administer an epinephrine auto-injection. The supply of
4446 epinephrine auto-injectors may be provided to and used by a
4447 student authorized to self-administer epinephrine by auto-
4448 injector under subparagraph 1. or trained school personnel.

4449 3. The school district and its employees, agents, and the

4450 physician who provides the standing protocol for school
 4451 epinephrine auto-injectors are not liable for any injury arising
 4452 from the use of an epinephrine auto-injector administered by
 4453 trained school personnel who follow the adopted protocol and
 4454 whose professional opinion is that the student is having an
 4455 anaphylactic reaction:

4456 a. Unless the trained school personnel's action is willful
 4457 and wanton;

4458 b. Notwithstanding that the parents or guardians of the
 4459 student to whom the epinephrine is administered have not been
 4460 provided notice or have not signed a statement acknowledging
 4461 that the school district is not liable; and

4462 c. Regardless of whether authorization has been given by
 4463 the student's parents or guardians or by the student's
 4464 physician, a physician ~~physician's~~ assistant, an independent
 4465 advanced practice registered nurse, or an advanced practice
 4466 registered nurse ~~practitioner~~.

4467 Section 112. Paragraph (b) of subsection (17) of section
 4468 1002.42, Florida Statutes, is amended to read:

4469 1002.42 Private schools.—

4470 (17) EPINEPHRINE SUPPLY.—

4471 (b) The private school and its employees, agents, and the
 4472 physician who provides the standing protocol for school
 4473 epinephrine auto-injectors are not liable for any injury arising
 4474 from the use of an epinephrine auto-injector administered by

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4475 trained school personnel who follow the adopted protocol and
4476 whose professional opinion is that the student is having an
4477 anaphylactic reaction:

4478 1. Unless the trained school personnel's action is willful
4479 and wanton;

4480 2. Notwithstanding that the parents or guardians of the
4481 student to whom the epinephrine is administered have not been
4482 provided notice or have not signed a statement acknowledging
4483 that the school district is not liable; and

4484 3. Regardless of whether authorization has been given by
4485 the student's parents or guardians or by the student's
4486 physician, a physician ~~physician's~~ assistant, an independent
4487 advanced practice registered nurse, or an advanced practice
4488 registered nurse ~~practitioner~~.

4489 Section 113. Subsections (4) and (5) of section 1006.062,
4490 Florida Statutes, are amended to read:

4491 1006.062 Administration of medication and provision of
4492 medical services by district school board personnel.—

4493 (4) Nonmedical assistive personnel shall be allowed to
4494 perform health-related services upon successful completion of
4495 child-specific training by a registered nurse, an independent
4496 advanced practice registered nurse, or an advanced practice
4497 registered nurse ~~practitioner~~ licensed, registered, or certified
4498 under part I of chapter 464; ~~;~~ a physician licensed pursuant to
4499 chapter 458 or chapter 459; ~~;~~ or a physician assistant licensed

4500 pursuant to chapter 458 or chapter 459. All procedures shall be
 4501 monitored periodically by a nurse, an independent advanced
 4502 practice registered nurse, an advanced practice registered nurse
 4503 ~~practitioner~~, a physician assistant, or a physician, including,
 4504 but not limited to:

- 4505 (a) Intermittent clean catheterization.
- 4506 (b) Gastrostomy tube feeding.
- 4507 (c) Monitoring blood glucose.
- 4508 (d) Administering emergency injectable medication.
- 4509 (5) For all other invasive medical services not listed in
 4510 this subsection, a registered nurse, an independent advanced
 4511 practice registered nurse, or an advanced practice registered
 4512 nurse practitioner licensed, registered, or certified under part
 4513 I of chapter 464; a physician licensed pursuant to chapter 458
 4514 or chapter 459; or a physician assistant licensed pursuant to
 4515 chapter 458 or chapter 459 shall determine if nonmedical
 4516 district school board personnel shall be allowed to perform such
 4517 service.

4518 Section 114. Paragraph (c) of subsection (2) of section
 4519 1006.20, Florida Statutes, is amended to read:

4520 1006.20 Athletics in public K-12 schools.—

4521 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

4522 (c) The FHSAA shall adopt bylaws that require all students
 4523 participating in interscholastic athletic competition or who are
 4524 candidates for an interscholastic athletic team to

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4525 | satisfactorily pass a medical evaluation each year prior to
4526 | participating in interscholastic athletic competition or
4527 | engaging in any practice, tryout, workout, or other physical
4528 | activity associated with the student's candidacy for an
4529 | interscholastic athletic team. Such medical evaluation may be
4530 | administered only by a practitioner licensed, certified, or
4531 | registered under chapter 458, chapter 459, chapter 460, ~~or~~ s.
4532 | 464.012, or s. 464.0125, and in good standing with the
4533 | practitioner's regulatory board. The bylaws shall establish
4534 | requirements for eliciting a student's medical history and
4535 | performing the medical evaluation required under this paragraph,
4536 | which shall include a physical assessment of the student's
4537 | physical capabilities to participate in interscholastic athletic
4538 | competition as contained in a uniform preparticipation physical
4539 | evaluation and history form. The evaluation form shall
4540 | incorporate the recommendations of the American Heart
4541 | Association for participation cardiovascular screening and shall
4542 | provide a place for the signature of the practitioner performing
4543 | the evaluation with an attestation that each examination
4544 | procedure listed on the form was performed by the practitioner
4545 | or by someone under the direct supervision of the practitioner.
4546 | The form shall also contain a place for the practitioner to
4547 | indicate if a referral to another practitioner was made in lieu
4548 | of completion of a certain examination procedure. The form shall
4549 | provide a place for the practitioner to whom the student was

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4550 referred to complete the remaining sections and attest to that
4551 portion of the examination. The preparticipation physical
4552 evaluation form shall advise students to complete a
4553 cardiovascular assessment and shall include information
4554 concerning alternative cardiovascular evaluation and diagnostic
4555 tests. Results of such medical evaluation must be provided to
4556 the school. A student is not eligible to participate, as
4557 provided in s. 1006.15(3), in any interscholastic athletic
4558 competition or engage in any practice, tryout, workout, or other
4559 physical activity associated with the student's candidacy for an
4560 interscholastic athletic team until the results of the medical
4561 evaluation have been received and approved by the school.

4562 Section 115. Subsection (1) and paragraph (a) of
4563 subsection (2) of section 1009.65, Florida Statutes, are amended
4564 to read:

4565 1009.65 Medical Education Reimbursement and Loan Repayment
4566 Program.—

4567 (1) To encourage qualified medical professionals to
4568 practice in underserved locations where there are shortages of
4569 such personnel, there is established the Medical Education
4570 Reimbursement and Loan Repayment Program. The function of the
4571 program is to make payments that offset loans and educational
4572 expenses incurred by students for studies leading to a medical
4573 or nursing degree, medical or nursing licensure, or advanced
4574 practice registered nurse ~~practitioner~~ certification or

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4575 physician assistant licensure. The following licensed or
4576 certified health care professionals are eligible to participate
4577 in this program: medical doctors with primary care specialties,
4578 doctors of osteopathic medicine with primary care specialties,
4579 physician ~~physician's~~ assistants, licensed practical nurses and
4580 registered nurses, and advanced practice registered nurses ~~nurse~~
4581 ~~practitioners~~ with primary care specialties such as certified
4582 nurse midwives. Primary care medical specialties for physicians
4583 include obstetrics, gynecology, general and family practice,
4584 internal medicine, pediatrics, and other specialties which may
4585 be identified by the Department of Health.

4586 (2) From the funds available, the Department of Health
4587 shall make payments to selected medical professionals as
4588 follows:

4589 (a) Up to \$4,000 per year for licensed practical nurses
4590 and registered nurses, up to \$10,000 per year for advanced
4591 practice registered nurses ~~nurse-practitioners~~ and physician
4592 ~~physician's~~ assistants, and up to \$20,000 per year for
4593 physicians. Penalties for noncompliance shall be the same as
4594 those in the National Health Services Corps Loan Repayment
4595 Program. Educational expenses include costs for tuition,
4596 matriculation, registration, books, laboratory and other fees,
4597 other educational costs, and reasonable living expenses as
4598 determined by the Department of Health.

4599 Section 116. Subsection (2) of section 1009.66, Florida

4600 Statutes, is amended to read:

4601 1009.66 Nursing Student Loan Forgiveness Program.—

4602 (2) To be eligible, a candidate must have graduated from
 4603 an accredited or approved nursing program and have received a
 4604 Florida license as a licensed practical nurse or a registered
 4605 nurse or a Florida certificate as an advanced practice
 4606 registered nurse ~~practitioner~~.

4607 Section 117. Subsection (3) of section 1009.67, Florida
 4608 Statutes, is amended to read:

4609 1009.67 Nursing scholarship program.—

4610 (3) A scholarship may be awarded for no more than 2 years,
 4611 in an amount not to exceed \$8,000 per year. However, registered
 4612 nurses pursuing a graduate degree for a faculty position or to
 4613 practice as an advanced practice registered nurse ~~practitioner~~
 4614 may receive up to \$12,000 per year. These amounts shall be
 4615 adjusted by the amount of increase or decrease in the Consumer
 4616 Price Index for All Urban Consumers published by the United
 4617 States Department of Commerce.

4618 Section 118. Except as otherwise expressly provided in
 4619 this act and except for this section, which shall take effect
 4620 upon this act becoming a law, this act shall take effect July 1,
 4621 2017.