

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 | 456.0635, F.S.; revising grounds for refusing to issue
43 | or renew a license, certificate, or registration in a
44 | health care profession; providing applicability;
45 | amending s. 464.003, F.S.; revising and providing
46 | definitions; redesignating advanced registered nurse
47 | practitioners as advanced practice registered nurses;
48 | providing for independent advanced practice registered
49 | nurses to practice advanced or specialized nursing and
50 | without the supervision of a physician or protocol;

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

76 advanced practice registered nurses, and certified
77 nurse practitioners; creating s. 464.0155, F.S.;
78 requiring independent advanced practice registered
79 nurses to report adverse incidents to the Department
80 of Health in a certain manner; providing report
81 requirements; defining the term "adverse incident";
82 providing for department review of adverse incidents;
83 authorizing the department to take disciplinary action
84 in cases of adverse incidents; amending s. 464.016,
85 F.S.; providing penalties for illegally using certain
86 titles; amending s. 464.018, F.S.; adding grounds for
87 disciplinary actions against independent advanced
88 practice registered nurses; amending s. 465.003, F.S.;
89 revising the definition of "practice of the profession
90 of pharmacy" to include ordering and evaluation of
91 tests for influenza; amending s. 465.189, F.S.;
92 authorizing certain pharmacists to order and evaluate
93 tests for influenza; amending s. 39.303, F.S.;
94 revising requirements relating to review of certain
95 cases of abuse or neglect and standards for face-to-
96 face medical evaluations by a child protection team;
97 amending s. 39.304, F.S.; authorizing a physician
98 assistant and an independent advanced practice
99 registered nurse to perform or order an examination
100 and diagnose a child without parental consent under

101 certain circumstances; amending s. 90.503, F.S.;

102 redefining the term "psychotherapist" to include an

103 independent advanced practice registered nurse with a

104 specified scope of practice; amending s. 112.0455,

105 F.S.; authorizing an independent advanced practice

106 registered nurse to collect specimens for drug

107 testing; amending s. 121.0515, F.S.; designating an

108 advanced practice registered nurse as a special risk

109 member under certain conditions; amending ss. 310.071,

110 310.073, and 310.081, F.S.; authorizing a physician

111 assistant and an independent advanced practice

112 registered nurse to administer the physical

113 examination required for deputy pilot certification

114 and state pilot licensure; broadening an exception to

115 the prohibition against the use of controlled

116 substances by an applicant for a deputy pilot

117 certificate or a state pilot license to allow the use

118 of controlled substances prescribed by a physician

119 assistant, an independent advanced practice registered

120 nurse, or an advanced practice registered nurse;

121 requiring a physician assistant or an independent

122 advanced practice registered nurse performing the

123 physical examination to know the minimum licensure

124 standards and certify that such standards are met;

125 amending s. 320.0848, F.S.; authorizing an independent

126 advanced practice registered nurse to certify that a
127 person is disabled; amending s. 381.00315, F.S.;

128 authorizing the reactivation of an independent
129 advanced practice registered nurse license in a public
130 health emergency; amending s. 381.00593, F.S.;

131 redefining the term "health care practitioner" to
132 include a physician assistant and an independent
133 advanced practice registered nurse; amending s.
134 381.026, F.S.; revising the definition of the term
135 "health care provider" to include a physician
136 assistant and an independent advanced practice
137 registered nurse; amending s. 382.008, F.S.;

138 authorizing a physician assistant, an independent
139 advanced practice registered nurse, or an advanced
140 practice registered nurse to file a certificate of
141 death or fetal death under certain circumstances;

142 authorizing a certified nurse midwife to provide
143 certain information to a funeral director within a
144 specified time period; revising the definition of the
145 term "primary or attending physician"; amending s.
146 383.14, F.S.; authorizing the release of certain
147 newborn tests and screening results to an independent
148 advanced practice registered nurse; amending ss.
149 383.141, 627.357, and 766.1115, F.S.; revising the
150 definition of the term "health care provider" to

151 include an independent advanced practice registered
152 nurse; amending s. 384.27, F.S., authorizing an
153 independent advanced practice registered nurse to
154 provide expedited partner therapy; amending s.
155 390.0111, F.S.; including an independent advanced
156 practice registered nurse in a list of health care
157 practitioners authorized to review an ultrasound with
158 a woman prior to an abortion procedure; amending s.
159 390.012, F.S.; including an independent advanced
160 practice registered nurse in a list of health care
161 practitioners authorized to provide postoperative
162 monitoring and required to be available throughout an
163 abortion procedure, remain at the abortion clinic
164 until all patients are discharged, and attempt to
165 assess the patient's recovery within a specified time;
166 amending s. 394.455, F.S.; revising the definition of
167 the term "psychiatric nurse" to include an independent
168 advanced practice registered nurse certified in a
169 specified specialty; amending s. 394.463, F.S.;

170 authorizing a physician assistant, an independent
171 advanced practice registered nurse, or an advanced
172 practice registered nurse to initiate an involuntary
173 examination for mental illness under certain
174 circumstances; providing for examination of a patient
175 by a physician assistant or psychiatric nurse;

176 | authorizing a psychiatric nurse to approve the release
177 | of a patient under certain conditions; amending s.
178 | 395.0191, F.S.; authorizing an independent advanced
179 | practice registered nurse to apply for clinical
180 | privileges; providing an exception to the requirement
181 | for onsite medical direction for certain independent
182 | advanced practice registered nurses; amending s.
183 | 395.605, F.S.; including independent advanced practice
184 | registered nurses in a list of health care
185 | practitioners who must supervise the care of a patient
186 | or be on duty for a specified duration in an emergency
187 | care setting; amending s. 397.311, F.S.; revising the
188 | definition of the term "qualified professional" to
189 | include an independent advanced practice registered
190 | nurse; conforming terminology; amending s. 397.405,
191 | F.S.; providing that an independent advanced practice
192 | registered nurse's practice may not be limited under
193 | certain circumstances; amending s. 397.501, F.S.;

194 | prohibiting the denial of certain services to an
195 | individual who takes medication prescribed by a
196 | physician assistant, an independent advanced practice
197 | registered nurse, or an advanced practice registered
198 | nurse; amending ss. 397.679 and 397.6793, F.S.;

199 | revising the list of persons authorized to initiate a
200 | certificate for an emergency admission for a person

201 who is substance abuse impaired; amending s. 400.021,
202 F.S.; revising the definition of the term "geriatric
203 outpatient clinic" to include a site staffed by an
204 independent advanced practice registered nurse;
205 amending s. 400.0255, F.S.; including independent
206 advanced practice registered nurses in a list of
207 health care practitioners who must sign a notice of
208 discharge or transfer, as permitted under federal law;
209 amending s. 400.172, F.S.; including independent
210 advanced practice registered nurses and advanced
211 practice registered nurses in a list of health care
212 practitioners who may provide a prospective respite
213 care resident with certain medical information;
214 amending s. 400.462, F.S.; defining the term
215 "independent advanced practice registered nurse";
216 amending s. 400.487, F.S.; including independent
217 advanced practice registered nurses in a list of
218 health care practitioners who must establish treatment
219 orders for certain patients under certain
220 circumstances; amending s. 400.506, F.S.; applying
221 medical treatment plan requirements to independent
222 advanced practice registered nurses; amending s.
223 400.9905, F.S.; exempting entities where health care
224 services are provided by independent advanced practice
225 registered nurses from clinic licensure requirements;

226 | amending s. 400.9973, F.S.; revising the list of
227 | professionals authorized to prescribe admission to a
228 | transitional living facility; amending s. 400.9974,
229 | F.S.; revising the criteria for the comprehensive
230 | treatment plan; amending s. 400.9976, F.S.; revising
231 | the list of professionals authorized to supervise and
232 | record medications to be administered to a client;
233 | amending s. 400.9979, F.S.; revising the list of
234 | professionals that may order physical or chemical
235 | restraints for a client; amending s. 401.445, F.S.;
236 | prohibiting recovery of damages in court against an
237 | independent advanced practice registered nurse under
238 | certain circumstances; requiring an independent
239 | advanced practice registered nurse to attempt to
240 | obtain a person's consent prior to providing emergency
241 | services; amending ss. 409.905 and 409.908, F.S.;
242 | requiring the agency to reimburse independent advanced
243 | practice registered nurses for providing certain
244 | mandatory Medicaid services; amending s. 409.9081,
245 | F.S.; requiring copayments under the Medicaid program
246 | to be paid for independent advanced practice
247 | registered nurse services; amending s. 409.973, F.S.;
248 | requiring managed care plans to cover independent
249 | advanced practice registered nurse services; amending
250 | s. 429.26, F.S.; prohibiting independent advanced

251 practice registered nurses from having a financial
252 interest in the assisted living facility that employs
253 them; including independent advanced practice
254 registered nurses in a list of health care
255 practitioners from whom an assisted living facility
256 resident may obtain an examination prior to admission;
257 amending s. 429.918, F.S.; revising the definition of
258 the term "ADRD participant" to include participants
259 who have a documented diagnosis of Alzheimer's disease
260 or a dementia-related disorder from an independent
261 advanced practice registered nurse; including
262 independent advanced practice registered nurses in a
263 list of health care practitioners from whom an ADRD
264 participant may obtain signed medical documentation;
265 amending s. 440.102, F.S.; authorizing, for the
266 purpose of drug-free workforce program requirements,
267 an independent advanced practice registered nurse to
268 collect a specimen for a drug test; amending s.
269 456.048, F.S.; requiring independent advanced practice
270 registered nurses to maintain medical malpractice
271 insurance or provide proof of financial
272 responsibility; exempting independent advanced
273 practice registered nurses from such requirements
274 under certain circumstances; amending s. 456.053,
275 F.S.; revising the definition of the term "board" to

276 include the Board of Nursing; revising the definitions
277 of the terms "health care provider" and "sole
278 provider" to include independent advanced practice
279 registered nurses; authorizing an independent advanced
280 practice registered nurse to make referrals under
281 certain circumstances; conforming a reference;
282 amending s. 456.072, F.S.; requiring the suspension
283 and fining of an independent advanced practice
284 registered nurse or an advanced practice registered
285 nurse for prescribing or dispensing a controlled
286 substance in a certain manner; amending s. 456.44,
287 F.S.; providing certain requirements for independent
288 advanced practice registered nurses and advanced
289 practice registered nurses who prescribe controlled
290 substances for the treatment of chronic nonmalignant
291 pain; amending ss. 458.3265 and 459.0137, F.S.;
292 requiring an independent advanced practice registered
293 nurse to perform a physical examination of a patient
294 at a pain-management clinic under certain
295 circumstances; amending ss. 458.348 and 459.025, F.S.;
296 deleting obsolete provisions; conforming provisions;
297 amending s. 464.0205, F.S.; authorizing an independent
298 advanced practice registered nurse to directly
299 supervise a certified retired volunteer nurse;
300 amending s. 480.0475, F.S.; authorizing the operation

301 of a massage establishment during specified times if a
302 massage is prescribed by an independent advanced
303 practice registered nurse; amending s. 483.041, F.S.;
304 revising the definition of the term "licensed
305 practitioner" to include a physician assistant and an
306 independent advanced practice registered nurse;
307 amending s. 483.181, F.S.; requiring clinical
308 laboratories to accept a human specimen submitted by
309 an independent advanced practice registered nurse;
310 amending s. 486.021, F.S.; authorizing a physical
311 therapist to implement a plan of treatment provided by
312 an independent advanced practice registered nurse;
313 amending s. 490.012, F.S.; allowing certain qualified
314 independent advanced practice registered nurses to use
315 the word, or a form of the word, "psychotherapy";
316 amending s. 491.0057, F.S.; authorizing certain
317 qualified independent advanced practice registered
318 nurses to be licensed as marriage and family
319 therapists; amending s. 491.012, F.S.; authorizing
320 certain qualified independent advanced practice
321 registered nurses to use specified terms; amending s.
322 493.6108, F.S.; authorizing an independent advanced
323 practice registered nurse to certify the physical
324 fitness of a certain class of applicants to bear a
325 weapon or firearm; amending s. 626.9707, F.S.;

326 including independent advanced practice registered
327 nurses in a list of entities and individuals that are
328 protected from insurer discrimination when providing
329 services to a person with the sickle-cell trait;
330 amending s. 627.6471, F.S.; requiring insurers to
331 provide eligibility criteria for certain qualified
332 independent advanced practice registered nurses under
333 certain circumstances; amending s. 627.6472, F.S.;
334 requiring insurers to provide eligibility criteria for
335 certain qualified independent advanced practice
336 registered nurses under certain circumstances;
337 prohibiting an exclusive provider organization from
338 discriminating against participation by an independent
339 advanced practice registered nurse; amending s.
340 627.736, F.S.; requiring personal injury protection
341 insurance to cover a certain percentage of medical
342 services and care provided by an independent advanced
343 practice registered nurse, a practitioner supervised
344 by an independent advanced practice registered nurse,
345 or an entity wholly owned by one or more independent
346 advanced practice registered nurses; providing for
347 reimbursement of independent advanced practice
348 registered nurses up to a specified amount for
349 providing medical services and care; amending s.
350 633.412, F.S.; authorizing an independent advanced

351 practice registered nurse to medically examine an
352 applicant for firefighter certification; amending s.
353 641.3923, F.S.; prohibiting a health maintenance
354 organization from discriminating against the
355 participation of a physician assistant or an
356 independent advanced practice registered nurse;
357 amending s. 641.495, F.S.; requiring a health
358 maintenance organization to disclose in certain
359 documents that certain services may be provided by
360 independent advanced practice registered nurses;
361 amending s. 744.2006, F.S.; adding independent
362 advanced practice registered nurses to a list of
363 authorized professionals with whom a public guardian
364 may contract to carry out guardianship functions;
365 amending s. 744.331, F.S.; including a physician
366 assistant as an eligible member of an examining
367 committee; conforming terminology; amending s.
368 766.102, F.S.; providing requirements for
369 qualification as an expert witness in a medical
370 negligence case concerning the standard of care for an
371 independent advanced practice registered nurse and an
372 advanced practice registered nurse; amending s.
373 766.103, F.S.; prohibiting recovery of damages against
374 an independent advanced practice registered nurse
375 under certain conditions; amending s. 766.1116, F.S.;

376 revising the definition of the term "health care
377 practitioner" to include an independent advanced
378 practice registered nurse; amending s. 766.118, F.S.;
379 revising the definition of the term "practitioner" to
380 include an independent advanced practice registered
381 nurse; amending s. 768.135, F.S.; providing immunity
382 from liability for an independent advanced practice
383 registered nurse who provides volunteer services under
384 certain circumstances; amending s. 782.071, F.S.;
385 allowing an independent advanced practice registered
386 nurse or an advanced practice registered nurse to
387 supervise a person who is completing community service
388 hours in a trauma center or hospital; amending s.
389 794.08, F.S.; providing that the section does not
390 apply to medical procedures conducted by an
391 independent advanced practice registered nurse under
392 certain circumstances; amending s. 893.02, F.S.;
393 revising the definition of the term "practitioner" to
394 include an independent advanced practice registered
395 nurse and an advanced practice registered nurse;
396 amending s. 943.13, F.S.; authorizing a law
397 enforcement officer or correctional officer to satisfy
398 qualifications for employment or appointment by
399 passing a physical examination conducted by an
400 independent advanced practice registered nurse;

401 amending s. 945.603, F.S.; authorizing the
 402 Correctional Medical Authority to review and make
 403 recommendations relating to the use of advanced
 404 practice registered nurses as physician extenders;
 405 amending s. 948.03, F.S.; revising the list of persons
 406 who may prescribe drugs or narcotics to a probationer
 407 to include an independent advanced practice registered
 408 nurse; amending ss. 1002.20 and 1002.42, F.S.;
 409 including independent advanced practice registered
 410 nurses in a list of individuals who have immunity
 411 relating to the use of epinephrine auto-injectors in
 412 public and private schools; amending s. 1006.062,
 413 F.S.; authorizing nonmedical assistive personnel to
 414 perform health services if trained by an independent
 415 advanced practice registered nurse; requiring the
 416 monitoring of such personnel by an independent
 417 advanced practice registered nurse; including
 418 independent advanced practice registered nurses in a
 419 list of practitioners who must determine whether such
 420 personnel may perform certain invasive medical
 421 services; amending s. 1006.20, F.S.; authorizing an
 422 independent advanced practice registered nurse to
 423 medically evaluate a student athlete; amending ss.
 424 110.12315, 252.515, 395.602, 397.427, 456.0391,
 425 456.0392, 456.041, 458.331, 459.015, 464.004,

426 464.0205, 467.003, 483.801, 893.05, 960.28, 1009.65,
 427 1009.66, and 1009.67, F.S.; conforming terminology and
 428 cross-references; providing effective dates.

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

432 Section 1. Effective upon this act becoming a law, section
 433 220.197, Florida Statutes, is created to read:

434 220.197 Telehealth tax credit.—

435 (1) For tax years beginning on or after January 1, 2018,
 436 for taxpayers eligible to receive the tax credit provided in s.
 437 624.509(9) (a), but with insufficient tax liability under s.
 438 624.509 to use such tax credit, a credit against the tax imposed
 439 by this chapter equal to the credit amount provided in s.
 440 624.509(9) (a) is allowed.

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

445 (3) (a) In addition to its existing audit and investigation
 446 authority, the department may perform any additional financial
 447 and technical audits and investigations, including examining the
 448 accounts, books, and records of the taxpayer, which are
 449 necessary to verify eligibility for the credit authorized by
 450 this section and to ensure compliance with this section. The

451 Office of Insurance Regulation shall provide technical
452 assistance when requested by the department on any audits or
453 examinations performed pursuant to this paragraph.

454 (b) If the department determines, as a result of an audit
455 or examination or from information received from the Office of
456 Insurance Regulation, that a taxpayer received a tax credit
457 pursuant to this subsection to which it was not entitled, the
458 department shall pursue recovery of such funds pursuant to the
459 laws and rules governing the assessment of taxes.

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

473 (5) The department and the Office of Insurance Regulation
474 may adopt rules to administer this section, including rules
475 relating to:

476 (a) The forms, if any, necessary to claim a tax credit
477 under this section, the requirements and basis for establishing
478 an entitlement to a credit, and the examination and audit
479 procedures required to administer this section.

480 (b) The implementation and administration of the
481 provisions allowing a transfer of a tax credit, including rules
482 prescribing forms, reporting requirements, and specific
483 procedures, guidelines, and requirements necessary to transfer a
484 tax credit.

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

489 624.509 Premium tax; rate and computation.—

490 (9) (a) For tax years beginning on or after January 1,
491 2018, any health insurer or health maintenance organization that
492 covers services provided by telehealth shall be allowed a credit
493 against the tax imposed by this section equal to 0.001 percent
494 of total insurance premiums received on accident and health
495 insurance policies or plans delivered or issued in this state in
496 the previous calendar year that provide medical, major medical,
497 or similar comprehensive coverage. The office shall confirm such
498 coverage to the Department of Revenue following its annual rate
499 and form review for each health insurance policy or plan.

500 (b) If the credit allowed pursuant to this subsection is

501 not fully used in any single year because of insufficient tax
502 liability on the part of a health insurer or health maintenance
503 organization and the same health insurer or health maintenance
504 organization does not use the credit available pursuant to s.
505 220.197, the unused amount may be carried forward for a period
506 not to exceed 5 years.

507 (c)1. In addition to its existing audit and investigation
508 authority, the Department of Revenue may perform any additional
509 financial and technical audits and investigations, including
510 examining the accounts, books, and records of the health insurer
511 or health maintenance organization, which are necessary to
512 verify eligibility for the credit authorized by this subsection
513 and to ensure compliance with this subsection. The office shall
514 provide technical assistance when requested by the Department of
515 Revenue on any audits or examinations performed pursuant to this
516 subparagraph.

517 2. If the Department of Revenue determines, as a result of
518 an audit or examination or from information received from the
519 office, that a taxpayer received a tax credit pursuant to this
520 subsection to which it was not entitled, the Department of
521 Revenue shall pursue recovery of such funds pursuant to the laws
522 and rules governing the assessment of taxes.

523 (d) A health insurer or health maintenance organization
524 may transfer a credit for which it qualifies under paragraph
525 (a), in whole or in part, to any insurer by written agreement.

526 In order to perfect the transfer, the transferor shall provide
527 the Department of Revenue with a written transfer statement
528 stating the transferor's intent to transfer the tax credit to
529 the transferee; the date that the transfer is effective; the
530 transferee's name, address, and federal taxpayer identification
531 number; the tax period; and the amount of tax credit to be
532 transferred. Upon receipt of the transfer statement, the
533 Department of Revenue shall provide the transferee and the
534 office with a certificate reflecting the transferred tax credit
535 amount. A copy of the certificate must be attached to each tax
536 return for which the transferee seeks to apply the credit.

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

539 1. The forms, if any, necessary to claim a tax credit
540 under this section, the requirements and basis for establishing
541 an entitlement to a credit, and the examination and audit
542 procedures required to administer this section.

543 2. The implementation and administration of the provisions
544 allowing a transfer of a tax credit, including rules prescribing
545 forms, reporting requirements, and specific procedures,
546 guidelines, and requirements necessary to transfer a tax credit.

547 (f) An insurer that claims a credit against tax liability
548 under this subsection is not required to pay any additional
549 retaliatory tax levied under s. 624.5091 as a result of claiming
550 such a credit. Section 624.5091 does not limit such a credit in

551 any manner.

552 (10)~~(9)~~ As used in this section, the term:

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

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

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

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

567 Section 3. Section 456.47, Florida Statutes, is created to
 568 read:

569 456.47 Use of telehealth to provide services.—

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

571 (a) "Telehealth" means the use of synchronous or
 572 asynchronous telecommunications technology by a telehealth
 573 provider to provide health care services, including, but not
 574 limited to, patient assessment, diagnosis, consultation,
 575 treatment, and monitoring; transfer of medical data; patient and

576 professional health-related education; public health services;
577 and health administration. The term does not include audio-only
578 telephone calls, e-mail messages, or facsimile transmissions.

579 (b) "Telehealth provider" means any individual who
580 provides health care and related services using telehealth and
581 who is licensed or certified under s. 393.17; part III of
582 chapter 401; chapter 457; chapter 458; chapter 459; chapter 460;
583 chapter 461; chapter 463; chapter 464; chapter 465; chapter 466;
584 chapter 467; part I, part III, part IV, part V, part X, part
585 XIII, or part XIV of chapter 468; chapter 478; chapter 480; part
586 III of chapter 483; chapter 484; chapter 486; chapter 490; or
587 chapter 491; or who is registered under and complies with
588 subsection (4).

589 (2) PRACTICE STANDARD.—

590 (a) The standard of care for telehealth providers who
591 provide health care services is the same as the standard of care
592 for health care professionals who provide in-person health care
593 services to patients in this state. If the telehealth provider
594 conducts a patient evaluation sufficient to diagnose and treat
595 the patient, the telehealth provider is not required to research
596 a patient's medical history or conduct a physical examination of
597 the patient before using telehealth to provide services to the
598 patient. The evaluation may be performed using telehealth.

599 (b) A telehealth provider may not use telehealth to
600 prescribe a controlled substance to treat chronic nonmalignant

601 pain, as defined under s. 456.44, unless the controlled
602 substance is ordered for inpatient treatment at a hospital
603 licensed under chapter 395, is prescribed for a patient
604 receiving hospice services, as defined under s. 400.601, or is
605 prescribed for a resident of a nursing home facility as defined
606 under s. 400.021(12).

607 (c) A telehealth provider and a patient may be in separate
608 locations when telehealth is used to provide health care
609 services to a patient.

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

614 (3) RECORDS.—A telehealth provider shall document in the
615 patient's medical record the health care services rendered using
616 telehealth according to the same standard as used for in-person
617 services. Medical records, including video, audio, electronic,
618 or other records generated as a result of providing such
619 services, are confidential pursuant to ss. 395.3025(4) and
620 456.057.

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

622 (a) A health care professional not licensed in this state
623 may provide health care services to a patient located in this
624 state using telehealth if the telehealth provider registers with
625 the applicable board, or the department if there is no board,

626 and provides health care services within the relevant scope of
627 practice established by Florida law or rule.

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

631 1. Completes an application in the format prescribed by
632 the department;

633 2. Pays a \$150 registration fee; and

634 3. Holds an active, unencumbered license for a profession
635 listed in paragraph (1)(b) which is issued by another state, the
636 District of Columbia, or a possession or territory of the United
637 States and against whom no disciplinary action has been taken
638 during the 5 years before submission of the application. The
639 department shall use the National Practitioner Data Bank to
640 verify information submitted by an applicant.

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

644 (c) A telehealth provider registered pursuant to paragraph
645 (b) must:

646 1. Prominently display a hyperlink on the homepage of the
647 telehealth provider's website to the webpages on the
648 department's website which contain the information required
649 pursuant to paragraph (g).

650 2. As a condition of biennial registration renewal,

651 complete a renewal application and pay a renewal registration
652 fee of \$150.

653 (d) A health care professional may not register under this
654 subsection if his or her license to provide health care services
655 is subject to a pending disciplinary investigation or action, or
656 has been revoked in any state or jurisdiction. A health care
657 professional registered under this section must notify the
658 appropriate board, or the department if there is no board, of
659 restrictions placed on the health care professional's license to
660 practice, or disciplinary action taken or pending against the
661 health care professional, in any state or jurisdiction. The
662 notification must be provided within 5 business days after the
663 restriction is placed or disciplinary action is initiated or
664 taken.

665 (e) A health care professional registered under this
666 subsection may not open an office in this state and may not
667 provide in-person health care services to patients located in
668 this state.

669 (f) A pharmacist registered under this subsection may only
670 use a pharmacy permitted under chapter 465, a nonresident
671 pharmacy registered under s. 465.0156, or a nonresident pharmacy
672 or outsourcing facility holding an active permit pursuant to s.
673 465.0158 to dispense medicinal drugs to patients located in this
674 state.

675 (g) The department shall publish on its website a list of

676 | all registrants and include, to the extent applicable, each
677 | registrant's:

- 678 | 1. Name.
- 679 | 2. Health care occupation.
- 680 | 3. Completed health care training and education, including
681 | completion dates and any certificates or degrees obtained.
- 682 | 4. Out-of-state health care license with the license
683 | number.
- 684 | 5. Florida telehealth provider registration number.
- 685 | 6. Specialty.
- 686 | 7. Board certification.
- 687 | 8. Five-year disciplinary history, including sanctions and
688 | board actions.
- 689 | 9. Medical malpractice insurance provider and policy
690 | limits, including whether the policy covers claims which arise
691 | in this state.
- 692 | 10. The name and address of the registered agent
693 | designated for the service of process in this state.

694 | (h) The board, or the department if there is no board, may
695 | revoke an out-of-state telehealth provider's registration if the
696 | registrant:

- 697 | 1. Fails to notify the applicable board, or the
698 | department, of any adverse actions taken against his or her
699 | license as required under paragraph (d).
- 700 | 2. Has restrictions placed on or disciplinary action taken

701 against his or her license in any state or jurisdiction.

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

703 (5) VENUE.—For the purposes of this section, any act that
704 constitutes the delivery of health care services is deemed to
705 occur at the place where the patient is located at the time the
706 act is performed.

707 (6) EXEMPTIONS.—A health care professional who is not
708 licensed to provide health care services in this state but who
709 holds an active license to provide health care services in
710 another state or jurisdiction, and who provides health care
711 services using telehealth to a patient located in this state, is
712 not subject to the registration requirement under this section
713 if the services are provided:

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

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

719 (7) RULEMAKING.—The applicable board, or the department if
720 there is no board, may adopt rules to administer this section.

721 Section 4. For the 2017-2018 fiscal year, the sums of
722 \$261,389 in recurring funds and \$15,528 in nonrecurring funds
723 from the Medical Quality Assurance Trust Fund are appropriated
724 to the Department of Health, and four full-time equivalent
725 positions with associated salary rate of 145,870 are authorized,

726 for the purpose of implementing s. 456.47, Florida Statutes, as
727 created by this act.

728 Section 5. Subsections (2) and (3) of section 456.0635,
729 Florida Statutes, are amended to read:

730 456.0635 Health care fraud; disqualification for license,
731 certificate, or registration.—

732 (2) Each board within the jurisdiction of the department,
733 or the department if there is no board, shall refuse to admit a
734 candidate to any examination and refuse to issue a license,
735 certificate, or registration to any applicant if the candidate
736 or applicant or any principal, officer, agent, managing
737 employee, or affiliated person of the candidate or applicant:

738 (a) Has been convicted of, or entered a plea of guilty or
739 nolo contendere to, regardless of adjudication, a felony under
740 chapter 409, chapter 817, or chapter 893, or a similar felony
741 offense committed in another state or jurisdiction, unless the
742 candidate or applicant has successfully completed a pretrial
743 diversion or drug court program for that felony and provides
744 proof that the plea has been withdrawn or the charges have been
745 dismissed. Any such conviction or plea shall exclude the
746 applicant or candidate from licensure, examination,
747 certification, or registration unless the sentence and any
748 subsequent period of probation for such conviction or plea
749 ended:

750 1. For felonies of the first or second degree, more than

751 15 years before the date of application.

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

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

757 (b) Has been convicted of, or entered a plea of guilty or
758 nolo contendere to, regardless of adjudication, a felony under
759 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the
760 sentence and any subsequent period of probation for such
761 conviction or plea ended more than 15 years before the date of
762 the application;

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

767 (d) Has been terminated for cause, pursuant to the appeals
768 procedures established by the state, from any other state
769 Medicaid program, unless the candidate or applicant has been in
770 good standing with a state Medicaid program for the most recent
771 5 years and the termination occurred at least 20 years before
772 the date of the application; or

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

776
777 This subsection does not apply to an applicant for initial
778 licensure, certification, or registration who was arrested or
779 charged with a felony specified in paragraph (a) or paragraph
780 (b) before July 1, 2009.

781 (3) The department shall refuse to renew a license,
782 certificate, or registration of any applicant if the applicant
783 or any principal, officer, agent, managing employee, or
784 affiliated person of the applicant:

785 (a) Has been convicted of, or entered a plea of guilty or
786 nolo contendere to, regardless of adjudication, a felony under
787 chapter 409, chapter 817, or chapter 893, or a similar felony
788 offense committed in another state or jurisdiction, unless the
789 applicant is currently enrolled in a pretrial diversion or drug
790 court program that allows the withdrawal of the plea for that
791 felony upon successful completion of that program. Any such
792 conviction or plea excludes the applicant from licensure renewal
793 unless the sentence and any subsequent period of probation for
794 such conviction or plea ended:

795 1. For felonies of the first or second degree, more than
796 15 years before the date of application.

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

800 3. For felonies of the third degree under s. 893.13(6)(a),

801 more than 5 years before the date of application.

802 (b) Has been convicted of, or entered a plea of guilty or
803 nolo contendere to, regardless of adjudication, a felony under
804 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1,
805 2009, unless the sentence and any subsequent period of probation
806 for such conviction or plea ended more than 15 years before the
807 date of the application.

808 (c) Has been terminated for cause from the Florida
809 Medicaid program pursuant to s. 409.913, unless the applicant
810 has been in good standing with the Florida Medicaid program for
811 the most recent 5 years.

812 (d) Has been terminated for cause, pursuant to the appeals
813 procedures established by the state, from any other state
814 Medicaid program, unless the applicant has been in good standing
815 with a state Medicaid program for the most recent 5 years and
816 the termination occurred at least 20 years before the date of
817 the application.

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

821

822 This subsection does not apply to an applicant for renewal of
823 licensure, certification, or registration who was arrested or
824 charged with a felony specified in paragraph (a) or paragraph
825 (b) before July 1, 2009.

826 Section 6. Subsections (2) and (3) of section 464.003,
827 Florida Statutes, are amended, subsections (16) through (23) are
828 renumbered as subsections (17) through (24), respectively,
829 present subsections (20) and (22) are amended, and a new
830 subsection (16) is added to that section, to read:

831 464.003 Definitions.—As used in this part, the term:

832 (2) "Advanced or specialized nursing practice" or "to
833 practice advanced or specialized nursing" means, in addition to
834 the practice of professional nursing, the performance of
835 advanced-level nursing acts approved by the board which, by
836 virtue of postbasic specialized education, training, and
837 experience, are appropriately performed by an independent
838 advanced practice registered nurse or an advanced practice
839 registered nurse practitioner. Within the context of advanced or
840 specialized nursing practice, the independent advanced practice
841 registered nurse and the advanced practice registered nurse
842 practitioner may perform acts of nursing diagnosis and nursing
843 treatment of alterations of the health status. The advanced
844 practice registered nurse practitioner may also perform acts of
845 medical diagnosis and treatment, prescription, and operation as
846 authorized within the framework of an established supervisory
847 protocol. The department may, by rule, require that a copy of
848 the protocol be filed with the department along with the notice
849 required by s. 458.348 or s. 459.025. The Board of Nursing may
850 establish an advisory committee to make evidence-based

851 recommendations about medical acts that an independent advanced
852 practice registered nurse may perform. The committee must
853 consist of three advanced registered nurse practitioners
854 licensed under this section, recommended by the Board of
855 Nursing; three physicians licensed under chapter 458 or chapter
856 459 who have work experience with advanced registered nurse
857 practitioners, recommended by the Board of Medicine; and the
858 State Surgeon General or the State Surgeon General's designee.
859 Each committee member appointed by a board shall be appointed to
860 a term of 4 years unless a shorter term is required to establish
861 or maintain staggered terms. The Board of Nursing shall act upon
862 recommendations from the committee within 90 days after their
863 submission.

864 (3) "Advanced practice registered nurse ~~practitioner~~"
865 means any person licensed in this state to practice professional
866 nursing and certified in advanced or specialized nursing
867 practice, including certified registered nurse anesthetists,
868 certified nurse midwives, and certified nurse practitioners.

869 (16) "Independent advanced practice registered nurse"
870 means an advanced practice registered nurse who maintains an
871 active and unencumbered certification under s. 464.012(2) and
872 registration under s. 464.0125 to practice advanced or
873 specialized nursing independently and without the supervision of
874 a physician or a protocol.

875 (21)-(20) "Practice of professional nursing" means the

876 performance of those acts requiring substantial specialized
 877 knowledge, judgment, and nursing skill based upon applied
 878 principles of psychological, biological, physical, and social
 879 sciences which shall include, but not be limited to:

880 (a) The observation, assessment, nursing diagnosis,
 881 planning, intervention, and evaluation of care; health teaching
 882 and counseling of the ill, injured, or infirm; and the promotion
 883 of wellness, maintenance of health, and prevention of illness of
 884 others.

885 (b) The prescribing and administration of medications and
 886 treatments as ~~prescribed or~~ authorized by a ~~duly licensed~~
 887 ~~practitioner authorized by~~ the laws of this state ~~to prescribe~~
 888 ~~such medications and treatments.~~

889 (c) The supervision and teaching of other personnel in the
 890 theory and performance of any of the acts described in this
 891 subsection.

892
 893 A professional nurse is responsible and accountable for making
 894 decisions that are based upon the individual's educational
 895 preparation and experience in nursing.

896 ~~(23)(22)~~ "Registered nurse" means any person licensed in
 897 this state to practice professional nursing, except such
 898 licensed person may only administer medications and treatments
 899 authorized by a duly licensed practitioner authorized by the
 900 laws of this state to prescribe such medications and treatments.

901 Section 7. Section 464.012, Florida Statutes, is amended
 902 to read:

903 464.012 Certification of advanced practice registered
 904 nurses ~~nurse practitioners~~; fees; controlled substance
 905 prescribing.-

906 (1) Any nurse desiring to be certified as an advanced
 907 practice registered nurse ~~practitioner~~ shall apply to the board
 908 ~~department~~ and submit proof that the nurse ~~he or she~~ holds a
 909 current license to practice professional nursing and that the
 910 nurse ~~he or she~~ meets ~~one or more of~~ the following requirements
 911 ~~as determined by the board:~~

912 ~~(a) Satisfactory completion of a formal postbasic~~
 913 ~~educational program of at least one academic year, the primary~~
 914 ~~purpose of which is to prepare nurses for advanced or~~
 915 ~~specialized practice.~~

916 (a) ~~(b)~~ Certification by an appropriate specialty board.
 917 Such certification shall be required for initial state
 918 certification and any recertification as a registered nurse
 919 anesthetist, psychiatric nurse, or nurse midwife. The board may
 920 by rule provide for provisional state certification of graduate
 921 nurse practitioners, nurse anesthetists, psychiatric nurses, and
 922 nurse midwives for a period of time determined to be appropriate
 923 for preparing for and passing the national certification
 924 examination.

925 (b) ~~(c)~~ Graduation from a ~~program leading to a~~ master's

926 | degree program in a nursing clinical specialty area with
927 | preparation in specialized practitioner skills. ~~For applicants~~
928 | ~~graduating on or after October 1, 1998, graduation from a~~
929 | ~~master's degree program shall be required for initial~~
930 | ~~certification as a nurse practitioner under paragraph (4)(c).~~
931 | ~~For applicants graduating on or after October 1, 2001,~~
932 | ~~graduation from a master's degree program shall be required for~~
933 | ~~initial certification as a registered nurse anesthetist under~~
934 | ~~paragraph (4)(a).~~

935 | (2) The board shall provide by rule the appropriate
936 | requirements for advanced practice registered nurses ~~nurse~~
937 | ~~practitioners~~ in the categories of certified registered nurse
938 | anesthetist, certified nurse midwife, and certified nurse
939 | practitioner.

940 | (3) An advanced practice registered nurse ~~practitioner~~
941 | shall perform those functions authorized in this section within
942 | the framework of an established protocol that is filed with the
943 | board upon biennial license renewal and within 30 days after
944 | entering into a supervisory relationship with a physician or
945 | changes to the protocol. The board shall review the protocol to
946 | ensure compliance with applicable regulatory standards for
947 | protocols. The board shall refer to the department licensees
948 | submitting protocols that are not compliant with the regulatory
949 | standards for protocols. A practitioner currently licensed under
950 | chapter 458, chapter 459, or chapter 466 shall maintain

951 supervision for directing the specific course of medical
952 treatment. Within the established framework, an advanced
953 practice registered nurse ~~practitioner~~ may:

954 (a) Prescribe, dispense, administer, or order any drug;
955 however, an advanced practice registered nurse ~~practitioner~~ may
956 prescribe or dispense a controlled substance as defined in s.
957 893.03 only if the advanced practice registered nurse
958 ~~practitioner~~ has graduated from a program leading to a master's
959 or doctoral degree in a clinical nursing specialty area with
960 training in specialized practitioner skills.

961 (b) Initiate appropriate therapies for certain conditions.

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

964 (d) Order diagnostic tests and physical and occupational
965 therapy.

966 (e) Order any medication for administration to a patient
967 in a facility licensed under chapter 395 or part II of chapter
968 400, notwithstanding any provisions in chapter 465 or chapter
969 893.

970 (4) In addition to the general functions specified in
971 subsection (3), an advanced practice registered nurse
972 ~~practitioner~~ may perform the following acts within his or her
973 specialty:

974 (a) The certified registered nurse anesthetist may, to the
975 extent authorized by established protocol approved by the

976 | medical staff of the facility in which the anesthetic service is
977 | performed, perform any or all of the following:

978 | 1. Determine the health status of the patient as it
979 | relates to the risk factors and to the anesthetic management of
980 | the patient through the performance of the general functions.

981 | 2. Based on history, physical assessment, and supplemental
982 | laboratory results, determine, with the consent of the
983 | responsible physician, the appropriate type of anesthesia within
984 | the framework of the protocol.

985 | 3. Order under the protocol preanesthetic medication.

986 | 4. Perform under the protocol procedures commonly used to
987 | render the patient insensible to pain during the performance of
988 | surgical, obstetrical, therapeutic, or diagnostic clinical
989 | procedures. These procedures include ordering and administering
990 | regional, spinal, and general anesthesia; inhalation agents and
991 | techniques; intravenous agents and techniques; and techniques of
992 | hypnosis.

993 | 5. Order or perform monitoring procedures indicated as
994 | pertinent to the anesthetic health care management of the
995 | patient.

996 | 6. Support life functions during anesthesia health care,
997 | including induction and intubation procedures, the use of
998 | appropriate mechanical supportive devices, and the management of
999 | fluid, electrolyte, and blood component balances.

1000 | 7. Recognize and take appropriate corrective action for

1001 abnormal patient responses to anesthesia, adjunctive medication,
 1002 or other forms of therapy.

1003 8. Recognize and treat a cardiac arrhythmia while the
 1004 patient is under anesthetic care.

1005 9. Participate in management of the patient while in the
 1006 postanesthesia recovery area, including ordering the
 1007 administration of fluids and drugs.

1008 10. Place special peripheral and central venous and
 1009 arterial lines for blood sampling and monitoring as appropriate.

1010 (b) The certified nurse midwife may, to the extent
 1011 authorized by an established protocol which has been approved by
 1012 the medical staff of the health care facility in which the
 1013 midwifery services are performed, or approved by the nurse
 1014 midwife's physician backup when the delivery is performed in a
 1015 patient's home, perform any or all of the following:

1016 1. Perform superficial minor surgical procedures.

1017 2. Manage the patient during labor and delivery to include
 1018 amniotomy, episiotomy, and repair.

1019 3. Order, initiate, and perform appropriate anesthetic
 1020 procedures.

1021 4. Perform postpartum examination.

1022 5. Order appropriate medications.

1023 6. Provide family-planning services and well-woman care.

1024 7. Manage the medical care of the normal obstetrical
 1025 patient and the initial care of a newborn patient.

1026 (c) The certified nurse practitioner may perform any or
 1027 all of the following acts within the framework of established
 1028 protocol:

- 1029 1. Manage selected medical problems.
- 1030 2. Order physical and occupational therapy.
- 1031 3. Initiate, monitor, or alter therapies for certain
 1032 uncomplicated acute illnesses.
- 1033 4. Monitor and manage patients with stable chronic
 1034 diseases.
- 1035 5. Establish behavioral problems and diagnosis and make
 1036 treatment recommendations.

1037 (5) A psychiatric nurse, as defined in s. 394.455, within
 1038 the framework of an established protocol with a psychiatrist,
 1039 may prescribe psychotropic controlled substances for the
 1040 treatment of mental disorders.

1041 (6) The board shall certify, and the department shall
 1042 issue a certificate to, any nurse meeting the qualifications in
 1043 this section. The board shall establish an application fee not
 1044 to exceed \$100 and a biennial renewal fee not to exceed \$50. The
 1045 board is authorized to adopt such other rules as are necessary
 1046 to implement the provisions of this section.

1047 (7) (a) The board shall establish a committee to recommend
 1048 a formulary of controlled substances that an advanced practice
 1049 registered nurse ~~practitioner~~ may not prescribe or may prescribe
 1050 only for specific uses or in limited quantities. The committee

1051 must consist of three advanced practice registered nurses ~~nurse~~
1052 ~~practitioners~~ licensed under this section, recommended by the
1053 board; three physicians licensed under chapter 458 or chapter
1054 459 who have work experience with advanced practice registered
1055 nurses ~~nurse-practitioners~~, recommended by the Board of
1056 Medicine; and a pharmacist licensed under chapter 465 who is a
1057 doctor of pharmacy, recommended by the Board of Pharmacy. The
1058 committee may recommend an evidence-based formulary applicable
1059 to all advanced practice registered nurses ~~nurse-practitioners~~
1060 which is limited by specialty certification, is limited to
1061 approved uses of controlled substances, or is subject to other
1062 similar restrictions the committee finds are necessary to
1063 protect the health, safety, and welfare of the public. The
1064 formulary must restrict the prescribing of psychiatric mental
1065 health controlled substances for children younger than 18 years
1066 of age to advanced practice registered nurses ~~nurse~~
1067 ~~practitioners~~ who also are psychiatric nurses as defined in s.
1068 394.455. The formulary must also limit the prescribing of
1069 Schedule II controlled substances as listed in s. 893.03 to a 7-
1070 day supply, except that such restriction does not apply to
1071 controlled substances that are psychiatric medications
1072 prescribed by psychiatric nurses as defined in s. 394.455.

1073 (b) The board shall adopt by rule the recommended
1074 formulary and any revision to the formulary which it finds is
1075 supported by evidence-based clinical findings presented by the

1076 Board of Medicine, the Board of Osteopathic Medicine, or the
 1077 Board of Dentistry.

1078 (c) The formulary required under this subsection does not
 1079 apply to a controlled substance that is dispensed for
 1080 administration pursuant to an order, including an order for
 1081 medication authorized by subparagraph (4)(a)3., subparagraph
 1082 (4)(a)4., or subparagraph (4)(a)9.

1083 (d) The board shall adopt the committee's initial
 1084 recommendation no later than October 31, 2017 ~~2016~~.

1085 (8) This section shall be known as "The Barbara Lumpkin
 1086 Prescribing Act."

1087 Section 8. Section 464.0125, Florida Statutes, is created
 1088 to read:

1089 464.0125 Registration of independent advanced practice
 1090 registered nurses; fees.—

1091 (1) To be registered as an independent advanced practice
 1092 registered nurse, an applicant must hold an active and
 1093 unencumbered certificate under s. 464.012, and must have:

1094 (a) Completed, in any jurisdiction of the United States,
 1095 at least 4,000 clinical practice hours while practicing as an
 1096 advanced practice registered nurse under the supervision of an
 1097 allopathic or osteopathic physician holding an active,
 1098 unencumbered license issued by any state, the District of
 1099 Columbia, or a possession or territory of the United States
 1100 during the period of supervision.

1101 (b) Completed at least 2,000 clinical practice hours
1102 within a 3-year period immediately preceding the submission of
1103 the application, which shall, if supervised pursuant to
1104 paragraph (a), be counted as part of the requirement of that
1105 paragraph.

1106 (c) Not been subject to any disciplinary action under s.
1107 464.018 or s. 456.072, or any similar disciplinary action in any
1108 other jurisdiction, during the 5 years immediately preceding the
1109 submission of the application.

1110 (d) Completed a graduate-level course in pharmacology.

1111 (2) The board may provide by rule additional requirements
1112 appropriate for each applicant practicing in a specialty under
1113 s. 464.012(4).

1114 (3) An independent advanced practice registered nurse may
1115 perform, without physician supervision or a protocol, the
1116 functions authorized in s. 464.012(3), the acts within his or
1117 her specialty as described in s. 464.012(4), and any of the
1118 following:

1119 (a) For a patient who requires the services of a health
1120 care facility, as defined in s. 408.032(8):

1121 1. Admit the patient to the facility.

1122 2. Manage the care that the patient receives in the
1123 facility.

1124 3. Discharge the patient from the facility, unless
1125 prohibited by federal law or rule.

1126 (b) Provide a signature, certification, stamp,
1127 verification, affidavit, or other endorsement that is otherwise
1128 required by law to be provided by a physician.

1129 (4) An independent advanced practice registered nurse
1130 registered under this section must submit to the department
1131 proof of registration along with the information required under
1132 s. 456.0391, and the department shall include the registration
1133 in the independent advanced practice registered nurse's
1134 practitioner profile created pursuant to s. 456.041.

1135 (5) To be eligible for biennial renewal of registration,
1136 an independent advanced practice registered nurse must complete
1137 at least 10 hours of continuing education approved by the board
1138 in pharmacology in addition to completing the continuing
1139 education requirements established by board rule pursuant to s.
1140 464.013. The biennial renewal for registration shall coincide
1141 with the independent advanced practice registered nurse's
1142 biennial renewal period for advanced practice registered nurse
1143 certification. If the initial renewal period occurs before
1144 January 1, 2018, an independent advanced practice registered
1145 nurse is not required to complete the continuing education
1146 requirement under this subsection until the following biennial
1147 renewal period.

1148 (6) The board shall register any nurse meeting the
1149 qualifications in this section. The board shall establish an
1150 application fee not to exceed \$100 and a biennial renewal fee

1151 not to exceed \$50. The board is authorized to adopt rules as
 1152 necessary to implement this section.

1153 Section 9. Subsections (8) and (9) of section 464.015,
 1154 Florida Statutes, are amended to read:

1155 464.015 Titles and abbreviations; restrictions; penalty.—

1156 (8) Only a person certified under s. 464.012 ~~persons who~~
 1157 ~~hold valid certificates~~ to practice as an advanced practice
 1158 ~~registered nurse practitioners~~ in this state may use the title
 1159 "Advanced Practice Registered Nurse ~~Practitioner~~" and the
 1160 abbreviation "A.P.R.N." Only a person registered under s.
 1161 464.0125 to practice as an independent advanced practice
 1162 registered nurse in this state may use the title "Independent
 1163 Advanced Practice Registered Nurse" and the abbreviation
 1164 "I.A.P.R.N." "A.R.N.P."

1165 (9) A person may not practice or advertise as, or assume
 1166 the title of, registered nurse, licensed practical nurse,
 1167 clinical nurse specialist, certified registered nurse
 1168 anesthetist, certified nurse midwife, certified nurse
 1169 practitioner, ~~or~~ advanced practice registered nurse, or
 1170 independent advanced practice registered nurse practitioner or
 1171 use the abbreviation "R.N.," "L.P.N.," "C.N.S.," "C.R.N.A.,"
 1172 "C.N.M.," "C.N.P.," "A.P.R.N.," or "I.A.P.R.N."~~"A.R.N.P."~~ or
 1173 take any other action that would lead the public to believe that
 1174 person was certified or registered as such or is performing
 1175 nursing services pursuant to the exception set forth in s.

1176 464.022(8), unless that person is licensed, ~~or~~ certified,
 1177 registered to practice as such.

1178 Section 10. Effective January 1, 2018, section 464.0155,
 1179 Florida Statutes, is created to read:

1180 464.0155 Reports of adverse incidents by independent
 1181 advanced practice registered nurses.-

1182 (1) An independent advanced practice registered nurse must
 1183 report an adverse incident to the department in accordance with
 1184 this section.

1185 (2) The report must be in writing, sent to the department
 1186 by certified mail, and postmarked within 15 days after the
 1187 adverse incident if the adverse incident occurs when the patient
 1188 is at the office of the independent advanced practice registered
 1189 nurse. If the adverse incident occurs when the patient is not at
 1190 the office of the independent advanced practice registered
 1191 nurse, the report must be postmarked within 15 days after the
 1192 independent advanced practice registered nurse discovers, or
 1193 reasonably should have discovered, the occurrence of the adverse
 1194 incident.

1195 (3) For the purpose of this section, the term "adverse
 1196 incident" means any of the following events when it is
 1197 reasonable to believe that the event is attributable to the
 1198 prescription of a controlled substance by the independent
 1199 advanced practice registered nurse:

1200 (a) A condition that requires the transfer of a patient to

1201 a hospital licensed under chapter 395.
 1202 (b) Permanent physical injury to the patient.
 1203 (c) Death of the patient.
 1204 (4) The department shall review each adverse incident and
 1205 determine whether the independent advanced practice registered
 1206 nurse caused the adverse incident. The board may take
 1207 disciplinary action upon such a finding, in which case s.
 1208 456.073 applies.

1209 Section 11. Paragraph (a) of subsection (2) of section
 1210 464.016, Florida Statutes, is amended to read:

1211 464.016 Violations and penalties.—

1212 (2) Each of the following acts constitutes a misdemeanor
 1213 of the first degree, punishable as provided in s. 775.082 or s.
 1214 775.083:

1215 (a) Using the name or title "Nurse," "Registered Nurse,"
 1216 "Licensed Practical Nurse," "Clinical Nurse Specialist,"
 1217 "Certified Registered Nurse Anesthetist," "Certified Nurse
 1218 Midwife," "Certified Nurse Practitioner," "Advanced Practice
 1219 Registered Nurse Practitioner," "Independent Advanced Practice
 1220 Registered Nurse," or any other name or title that ~~which~~ implies
 1221 that a person was licensed, ~~or~~ certified, or registered as same,
 1222 unless such person is duly licensed, ~~or~~ certified, or
 1223 registered.

1224 Section 12. Paragraph (p) of subsection (1) of section
 1225 464.018, Florida Statutes, is amended, and paragraph (r) is

1226 | added to that subsection, to read:

1227 | 464.018 Disciplinary actions.—

1228 | (1) The following acts constitute grounds for denial of a
1229 | license or disciplinary action, as specified in s. 456.072(2):

1230 | (p) For an advanced practice registered nurse or an
1231 | independent advanced practice registered nurse ~~practitioner~~:

1232 | 1. Presigning blank prescription forms.

1233 | 2. Prescribing for office use any medicinal drug appearing
1234 | on Schedule II in chapter 893.

1235 | 3. Prescribing, ordering, dispensing, administering,
1236 | supplying, selling, or giving a drug that is an amphetamine, a
1237 | sympathomimetic amine drug, or a compound designated in s.
1238 | 893.03(2) as a Schedule II controlled substance, to or for any
1239 | person except for:

1240 | a. The treatment of narcolepsy; hyperkinesis; behavioral
1241 | syndrome in children characterized by the developmentally
1242 | inappropriate symptoms of moderate to severe distractibility,
1243 | short attention span, hyperactivity, emotional lability, and
1244 | impulsivity; or drug-induced brain dysfunction.

1245 | b. The differential diagnostic psychiatric evaluation of
1246 | depression or the treatment of depression shown to be refractory
1247 | to other therapeutic modalities.

1248 | c. The clinical investigation of the effects of such drugs
1249 | or compounds when an investigative protocol is submitted to,
1250 | reviewed by, and approved by the department before such

1251 investigation is begun.

1252 4. Prescribing, ordering, dispensing, administering,
 1253 supplying, selling, or giving growth hormones, testosterone or
 1254 its analogs, human chorionic gonadotropin (HCG), or other
 1255 hormones for the purpose of muscle building or to enhance
 1256 athletic performance. As used in this subparagraph, the term
 1257 "muscle building" does not include the treatment of injured
 1258 muscle. A prescription written for the drug products identified
 1259 in this subparagraph may be dispensed by a pharmacist with the
 1260 presumption that the prescription is for legitimate medical use.

1261 5. Promoting or advertising on any prescription form a
 1262 community pharmacy unless the form also states: "This
 1263 prescription may be filled at any pharmacy of your choice."

1264 6. Prescribing, dispensing, administering, mixing, or
 1265 otherwise preparing a legend drug, including a controlled
 1266 substance, other than in the course of his or her professional
 1267 practice. For the purposes of this subparagraph, it is legally
 1268 presumed that prescribing, dispensing, administering, mixing, or
 1269 otherwise preparing legend drugs, including all controlled
 1270 substances, inappropriately or in excessive or inappropriate
 1271 quantities is not in the best interest of the patient and is not
 1272 in the course of the advanced practice registered nurse's ~~nurse~~
 1273 ~~practitioner's~~ professional practice, without regard to his or
 1274 her intent.

1275 7. Prescribing, dispensing, or administering a medicinal

1276 drug appearing on any schedule set forth in chapter 893 to
 1277 himself or herself, except a drug prescribed, dispensed, or
 1278 administered to the advanced practice registered nurse or the
 1279 independent advanced practice registered nurse ~~practitioner~~ by
 1280 another practitioner authorized to prescribe, dispense, or
 1281 administer medicinal drugs.

1282 8. Prescribing, ordering, dispensing, administering,
 1283 supplying, selling, or giving amygdalin (laetrile) to any
 1284 person.

1285 9. Dispensing a substance designated in s. 893.03(2) or
 1286 (3) as a substance controlled in Schedule II or Schedule III,
 1287 respectively, in violation of s. 465.0276.

1288 10. Promoting or advertising through any communication
 1289 medium the use, sale, or dispensing of a substance designated in
 1290 s. 893.03 as a controlled substance.

1291 (r) For an independent advanced practice registered nurse
 1292 registered under s. 464.0125:

1293 1. Paying or receiving any commission, bonus, kickback, or
 1294 rebate, or engaging in any split-fee arrangement in any form
 1295 whatsoever with a health care practitioner, organization,
 1296 agency, or person, either directly or indirectly, for patients
 1297 referred to providers of health care goods and services,
 1298 including, but not limited to, hospitals, nursing homes,
 1299 clinical laboratories, ambulatory surgical centers, or
 1300 pharmacies. This subparagraph may not be construed to prevent an

1301 independent advanced practice registered nurse from receiving a
1302 fee for professional consultation services.

1303 2. Exercising influence within a patient-independent
1304 advanced practice registered nurse relationship for purposes of
1305 engaging a patient in sexual activity. A patient shall be
1306 presumed to be incapable of giving free, full, and informed
1307 consent to sexual activity with his or her independent advanced
1308 practice registered nurse.

1309 3. Making deceptive, untrue, or fraudulent representations
1310 in or related to the practice of advanced or specialized nursing
1311 or employing a trick or scheme in the practice of advanced or
1312 specialized nursing.

1313 4. Soliciting patients, either personally or through an
1314 agent, through the use of fraud, intimidation, undue influence,
1315 or a form of overreaching or vexatious conduct. A solicitation
1316 is any communication that directly or implicitly requests an
1317 immediate oral response from the recipient.

1318 5. Failing to keep legible, as defined by department rule
1319 in consultation with the board, medical records that identify
1320 the independent advanced practice registered nurse by name and
1321 professional title who is responsible for rendering, ordering,
1322 supervising, or billing for each diagnostic or treatment
1323 procedure and that justify the course of treatment of the
1324 patient, including, but not limited to, patient histories;
1325 examination results; test results; records of drugs prescribed,

1326 dispensed, or administered; and reports of consultations or
1327 referrals.

1328 6. Exercising influence on a patient or client in a manner
1329 as to exploit the patient or client for the financial gain of
1330 the licensee or of a third party, which shall include, but not
1331 be limited to, the promoting or selling of services, goods,
1332 appliances, or drugs.

1333 7. Performing professional services that have not been
1334 duly authorized by the patient or client, or his or her legal
1335 representative, except as provided in s. 766.103 or s. 768.13.

1336 8. Performing any procedure or prescribing any therapy
1337 that, by the prevailing standards of advanced or specialized
1338 nursing practice in the community, would constitute
1339 experimentation on a human subject, without first obtaining
1340 full, informed, and written consent.

1341 9. Delegating professional responsibilities to a person
1342 when the licensee delegating the responsibilities knows or has
1343 reason to know that the person is not qualified by training,
1344 experience, or licensure to perform such responsibilities.

1345 10. Conspiring with another independent advanced practice
1346 registered nurse or with any other person to commit an act, or
1347 committing an act, which would tend to coerce, intimidate, or
1348 preclude another independent advanced practice registered nurse
1349 from lawfully advertising his or her services.

1350 11. Advertising or holding oneself out as having
 1351 certification in a specialty that the independent advanced
 1352 practice registered nurse has not received.

1353 12. Failing to comply with the requirements of ss. 381.026
 1354 and 381.0261 to provide patients with information about their
 1355 patient rights and how to file a patient complaint.

1356 13. Providing deceptive or fraudulent expert witness
 1357 testimony related to the advanced or specialized practice of
 1358 nursing.

1359 Section 13. Subsection (13) of section 465.003, Florida
 1360 Statutes, is amended to read:

1361 465.003 Definitions.—As used in this chapter, the term:

1362 (13) "Practice of the profession of pharmacy" includes
 1363 compounding, dispensing, and consulting concerning contents,
 1364 therapeutic values, and uses of any medicinal drug; consulting
 1365 concerning therapeutic values and interactions of patent or
 1366 proprietary preparations, whether pursuant to prescriptions or
 1367 in the absence and entirely independent of such prescriptions or
 1368 orders; and other pharmaceutical services. For purposes of this
 1369 subsection, "other pharmaceutical services" means the monitoring
 1370 of the patient's drug therapy and assisting the patient in the
 1371 management of his or her drug therapy, and includes review of
 1372 the patient's drug therapy and communication with the patient's
 1373 prescribing health care provider as licensed under chapter 458,
 1374 chapter 459, chapter 461, or chapter 466, or similar statutory

1375 provision in another jurisdiction, or such provider's agent or
1376 such other persons as specifically authorized by the patient,
1377 regarding the drug therapy. However, nothing in this subsection
1378 may be interpreted to permit an alteration of a prescriber's
1379 directions, the diagnosis or treatment of any disease, the
1380 initiation of any drug therapy, the practice of medicine, or the
1381 practice of osteopathic medicine, unless otherwise permitted by
1382 law. "Practice of the profession of pharmacy" also includes any
1383 other act, service, operation, research, or transaction
1384 incidental to, or forming a part of, any of the foregoing acts,
1385 requiring, involving, or employing the science or art of any
1386 branch of the pharmaceutical profession, study, or training, and
1387 shall expressly permit a pharmacist to transmit information from
1388 persons authorized to prescribe medicinal drugs to their
1389 patients. The practice of the profession of pharmacy also
1390 includes the administration of vaccines to adults and the
1391 ordering and evaluation of tests for influenza pursuant to s.
1392 465.189.

1393 Section 14. Subsections (3) through (8) of section
1394 465.189, Florida Statutes, are renumbered as subsections (4)
1395 through (9), respectively, a new subsection (3) is added to that
1396 section, and present subsections (1) and (4) are amended, to
1397 read:

1398 465.189 Administration of vaccines and epinephrine
1399 autoinjection; test for influenza.—

1400 (1) In accordance with guidelines of the Centers for
 1401 Disease Control and Prevention for each recommended immunization
 1402 or vaccine, a pharmacist, or a registered intern under the
 1403 supervision of a pharmacist who is certified under subsection
 1404 (7) ~~(6)~~, may administer the following vaccines to an adult
 1405 within the framework of an established protocol under a
 1406 supervising physician licensed under chapter 458 or chapter 459:

1407 (a) Immunizations or vaccines listed in the Adult
 1408 Immunization Schedule as of February 1, 2015, by the United
 1409 States Centers for Disease Control and Prevention. The board may
 1410 authorize, by rule, additional immunizations or vaccines as they
 1411 are added to the Adult Immunization Schedule.

1412 (b) Immunizations or vaccines recommended by the United
 1413 States Centers for Disease Control and Prevention for
 1414 international travel as of July 1, 2015. The board may
 1415 authorize, by rule, additional immunizations or vaccines as they
 1416 are recommended by the United States Centers for Disease Control
 1417 and Prevention for international travel.

1418 (c) Immunizations or vaccines approved by the board in
 1419 response to a state of emergency declared by the Governor
 1420 pursuant to s. 252.36.

1421
 1422 A registered intern who administers an immunization or vaccine
 1423 under this subsection must be supervised by a certified
 1424 pharmacist at a ratio of one pharmacist to one registered

1425 intern.

1426 (3) A pharmacist who is certified under subsection (7)
 1427 may, within the framework of an established protocol under a
 1428 supervising physician licensed under chapter 458 or chapter 459,
 1429 order and evaluate a laboratory or clinical test for influenza.

1430 (5)-~~(4)~~ A pharmacist administering vaccines or testing for
 1431 influenza under this section shall maintain and make available
 1432 patient records using the same standards for confidentiality and
 1433 maintenance of such records as those that are imposed on health
 1434 care practitioners under s. 456.057. These records shall be
 1435 maintained for a minimum of 5 years.

1436 Section 15. Paragraph (c) of subsection (5) and paragraph
 1437 (a) of subsection (6) of section 39.303, Florida Statutes, are
 1438 amended to read:

1439 39.303 Child protection teams; services; eligible cases.-

1440 (5) All abuse and neglect cases transmitted for
 1441 investigation to a district by the hotline must be
 1442 simultaneously transmitted to the Department of Health child
 1443 protection team for review. For the purpose of determining
 1444 whether face-to-face medical evaluation by a child protection
 1445 team is necessary, all cases transmitted to the child protection
 1446 team which meet the criteria in subsection (4) must be timely
 1447 reviewed by:

1448 (c) An advanced practice registered nurse certified or an
 1449 independent advanced practice registered nurse registered

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1450 ~~practitioner licensed~~ under chapter 464 who has a specialty in
1451 pediatrics or family medicine and is a member of a child
1452 protection team;

1453 (6) A face-to-face medical evaluation by a child
1454 protection team is not necessary when:

1455 (a) The child was examined for the alleged abuse or
1456 neglect by a physician or an independent advanced practice
1457 registered nurse who is not a member of the child protection
1458 team, and a consultation between the child protection team
1459 board-certified pediatrician, advanced practice registered nurse
1460 ~~practitioner~~, physician assistant working under the supervision
1461 of a child protection team board-certified pediatrician, or
1462 registered nurse working under the direct supervision of a child
1463 protection team board-certified pediatrician, and the examining
1464 practitioner ~~physician~~ concludes that a further medical
1465 evaluation is unnecessary;

1466
1467 Notwithstanding paragraphs (a), (b), and (c), a child protection
1468 team pediatrician, as authorized in subsection (5), may
1469 determine that a face-to-face medical evaluation is necessary.

1470 Section 16. Paragraph (b) of subsection (1) of section
1471 39.304, Florida Statutes, is amended to read:

1472 39.304 Photographs, medical examinations, X rays, and
1473 medical treatment of abused, abandoned, or neglected child.—

1474 (1)

1475 (b) If the areas of trauma visible on a child indicate a
 1476 need for a medical examination, or if the child verbally
 1477 complains or otherwise exhibits distress as a result of injury
 1478 through suspected child abuse, abandonment, or neglect, or is
 1479 alleged to have been sexually abused, the person required to
 1480 investigate may cause the child to be referred for diagnosis to
 1481 a licensed physician, a physician assistant, an independent
 1482 advanced practice registered nurse, or an emergency department
 1483 in a hospital without the consent of the child's parents or
 1484 legal custodian. Such examination may be performed by a ~~any~~
 1485 licensed physician, a physician assistant, a registered
 1486 independent advanced practice registered nurse, or a certified
 1487 ~~an advanced practice registered nurse practitioner licensed~~
 1488 ~~pursuant to part I of chapter 464.~~ Any examining practitioner
 1489 ~~licensed physician, or advanced registered nurse practitioner~~
 1490 ~~licensed pursuant to part I of chapter 464,~~ who has reasonable
 1491 cause to suspect that an injury was the result of child abuse,
 1492 abandonment, or neglect may authorize a radiological examination
 1493 to be performed on the child without the consent of the child's
 1494 parent or legal custodian.

1495 Section 17. Paragraph (a) of subsection (1) of section
 1496 90.503, Florida Statutes, is amended to read:

1497 90.503 Psychotherapist-patient privilege.-

1498 (1) For purposes of this section:

1499 (a) A "psychotherapist" is:

1500 1. A person authorized to practice medicine in any state
 1501 or nation, or reasonably believed by the patient so to be, who
 1502 is engaged in the diagnosis or treatment of a mental or
 1503 emotional condition, including alcoholism and other drug
 1504 addiction;

1505 2. A person licensed or certified as a psychologist under
 1506 the laws of any state or nation, who is engaged primarily in the
 1507 diagnosis or treatment of a mental or emotional condition,
 1508 including alcoholism and other drug addiction;

1509 3. A person licensed or certified as a clinical social
 1510 worker, marriage and family therapist, or mental health
 1511 counselor under the laws of this state, who is engaged primarily
 1512 in the diagnosis or treatment of a mental or emotional
 1513 condition, including alcoholism and other drug addiction;

1514 4. Treatment personnel of facilities licensed by the state
 1515 pursuant to chapter 394, chapter 395, or chapter 397, of
 1516 facilities designated by the Department of Children and Families
 1517 pursuant to chapter 394 as treatment facilities, or of
 1518 facilities defined as community mental health centers pursuant
 1519 to s. 394.907(1), who are engaged primarily in the diagnosis or
 1520 treatment of a mental or emotional condition, including
 1521 alcoholism and other drug addiction; or

1522 5. An independent advanced practice registered nurse or
 1523 advanced practice registered nurse ~~practitioner certified under~~
 1524 ~~s. 464.012,~~ whose primary scope of practice is the diagnosis or

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1525 treatment of mental or emotional conditions, including chemical
1526 abuse, and limited only to actions performed in accordance with
1527 part I of chapter 464.

1528 Section 18. Subsection (7) of section 110.12315, Florida
1529 Statutes, is amended to read:

1530 110.12315 Prescription drug program.—The state employees'
1531 prescription drug program is established. This program shall be
1532 administered by the Department of Management Services, according
1533 to the terms and conditions of the plan as established by the
1534 relevant provisions of the annual General Appropriations Act and
1535 implementing legislation, subject to the following conditions:

1536 (7) The department shall establish the reimbursement
1537 schedule for prescription pharmaceuticals dispensed under the
1538 program. Reimbursement rates for a prescription pharmaceutical
1539 must be based on the cost of the generic equivalent drug if a
1540 generic equivalent exists, unless the physician, independent
1541 advanced practice registered nurse, advanced practice registered
1542 nurse ~~practitioner~~, or physician assistant prescribing the
1543 pharmaceutical clearly states on the prescription that the brand
1544 name drug is medically necessary or that the drug product is
1545 included on the formulary of drug products that may not be
1546 interchanged as provided in chapter 465, in which case
1547 reimbursement must be based on the cost of the brand name drug
1548 as specified in the reimbursement schedule adopted by the
1549 department.

1550 Section 19. Paragraph (e) of subsection (8) of section
 1551 112.0455, Florida Statutes, is amended to read:

1552 112.0455 Drug-Free Workplace Act.—

1553 (8) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen
 1554 collection and testing for drugs under this section shall be
 1555 performed in accordance with the following procedures:

1556 (e) A specimen for a drug test may be taken or collected
 1557 by any of the following persons:

1558 1. A physician, a physician ~~physician's~~ assistant, an
 1559 independent advanced practice registered nurse, an advanced
 1560 practice registered nurse, a registered ~~professional~~ nurse, a
 1561 licensed practical nurse, ~~a nurse practitioner,~~ or a certified
 1562 paramedic who is present at the scene of an accident for the
 1563 purpose of rendering emergency medical service or treatment.

1564 2. A qualified person employed by a licensed laboratory.

1565 Section 20. Paragraph (f) of subsection (3) of section
 1566 121.0515, Florida Statutes, is amended to read:

1567 121.0515 Special Risk Class.—

1568 (3) CRITERIA.—A member, to be designated as a special risk
 1569 member, must meet the following criteria:

1570 (f) Effective January 1, 2001, the member must be employed
 1571 in one of the following classes and must spend at least 75
 1572 percent of his or her time performing duties which involve
 1573 contact with patients or inmates in a correctional or forensic
 1574 facility or institution:

- 1575 | 1. Dietitian (class codes 5203 and 5204);
- 1576 | 2. Public health nutrition consultant (class code 5224);
- 1577 | 3. Psychological specialist (class codes 5230 and 5231);
- 1578 | 4. Psychologist (class code 5234);
- 1579 | 5. Senior psychologist (class codes 5237 and 5238);
- 1580 | 6. Regional mental health consultant (class code 5240);
- 1581 | 7. Psychological Services Director—DCF (class code 5242);
- 1582 | 8. Pharmacist (class codes 5245 and 5246);
- 1583 | 9. Senior pharmacist (class codes 5248 and 5249);
- 1584 | 10. Dentist (class code 5266);
- 1585 | 11. Senior dentist (class code 5269);
- 1586 | 12. Registered nurse (class codes 5290 and 5291);
- 1587 | 13. Senior registered nurse (class codes 5292 and 5293);
- 1588 | 14. Registered nurse specialist (class codes 5294 and
- 1589 | 5295);
- 1590 | 15. Clinical associate (class codes 5298 and 5299);
- 1591 | 16. Advanced practice registered nurse ~~practitioner~~ (class
- 1592 | codes 5297 and 5300);
- 1593 | 17. Advanced practice registered nurse ~~practitioner~~
- 1594 | specialist (class codes 5304 and 5305);
- 1595 | 18. Registered nurse supervisor (class codes 5306 and
- 1596 | 5307);
- 1597 | 19. Senior registered nurse supervisor (class codes 5308
- 1598 | and 5309);
- 1599 | 20. Registered nursing consultant (class codes 5312 and

1600 5313);

1601 21. Quality management program supervisor (class code

1602 5314);

1603 22. Executive nursing director (class codes 5320 and

1604 5321);

1605 23. Speech and hearing therapist (class code 5406); or

1606 24. Pharmacy manager (class code 5251);

1607 Section 21. Paragraph (a) of subsection (3) of section

1608 252.515, Florida Statutes, is amended to read:

1609 252.515 Postdisaster Relief Assistance Act; immunity from

1610 civil liability.—

1611 (3) As used in this section, the term:

1612 (a) "Emergency first responder" means:

1613 1. A physician licensed under chapter 458.

1614 2. An osteopathic physician licensed under chapter 459.

1615 3. A chiropractic physician licensed under chapter 460.

1616 4. A podiatric physician licensed under chapter 461.

1617 5. A dentist licensed under chapter 466.

1618 6. An advanced practice registered nurse ~~practitioner~~

1619 certified under s. 464.012.

1620 7. A physician assistant licensed under s. 458.347 or s.

1621 459.022.

1622 8. A worker employed by a public or private hospital in

1623 the state.

1624 9. A paramedic as defined in s. 401.23(17).

1625 10. An emergency medical technician as defined in s.
1626 401.23(11).

1627 11. A firefighter as defined in s. 633.102.

1628 12. A law enforcement officer as defined in s. 943.10.

1629 13. A member of the Florida National Guard.

1630 14. Any other personnel designated as emergency personnel
1631 by the Governor pursuant to a declared emergency.

1632 Section 22. Paragraph (c) of subsection (1) of section
1633 310.071, Florida Statutes, is amended to read:

1634 310.071 Deputy pilot certification.—

1635 (1) In addition to meeting other requirements specified in
1636 this chapter, each applicant for certification as a deputy pilot
1637 must:

1638 (c) Be in good physical and mental health, as evidenced by
1639 documentary proof of having satisfactorily passed a complete
1640 physical examination administered by a licensed physician,
1641 licensed physician assistant, or registered independent advanced
1642 practice registered nurse within the preceding 6 months. The
1643 board shall adopt rules to establish requirements for passing
1644 the physical examination, which rules shall establish minimum
1645 standards for the physical or mental capabilities necessary to
1646 carry out the professional duties of a certificated deputy
1647 pilot. Such standards shall include zero tolerance for any
1648 controlled substance regulated under chapter 893 unless that
1649 individual is under the care of a physician, an independent

1650 advanced practice registered nurse, an advanced practice
 1651 registered nurse ~~practitioner,~~ or a physician assistant and that
 1652 controlled substance was prescribed by that physician,
 1653 independent advanced practice registered nurse, advanced
 1654 practice registered nurse ~~practitioner,~~ or physician assistant.
 1655 To maintain eligibility as a certificated deputy pilot, each
 1656 certificated deputy pilot must annually provide documentary
 1657 proof of having satisfactorily passed a complete physical
 1658 examination administered by a licensed physician, licensed
 1659 physician assistant, or registered independent advanced practice
 1660 registered nurse. The practitioner ~~physician~~ must know the
 1661 minimum standards and certify that the certificateholder
 1662 satisfactorily meets the standards. The standards for
 1663 certificateholders shall include a drug test.

1664 Section 23. Subsection (3) of section 310.073, Florida
 1665 Statutes, is amended to read:

1666 310.073 State pilot licensing.—In addition to meeting
 1667 other requirements specified in this chapter, each applicant for
 1668 license as a state pilot must:

1669 (3) Be in good physical and mental health, as evidenced by
 1670 documentary proof of having satisfactorily passed a complete
 1671 physical examination administered by a licensed physician,
 1672 licensed physician assistant, or registered independent advanced
 1673 practice registered nurse within the preceding 6 months. The
 1674 board shall adopt rules to establish requirements for passing

1675 | the physical examination, which rules shall establish minimum
 1676 | standards for the physical or mental capabilities necessary to
 1677 | carry out the professional duties of a licensed state pilot.
 1678 | Such standards shall include zero tolerance for any controlled
 1679 | substance regulated under chapter 893 unless that individual is
 1680 | under the care of a physician, an independent advanced practice
 1681 | registered nurse, an advanced practice registered nurse
 1682 | ~~practitioner~~, or a physician assistant and that controlled
 1683 | substance was prescribed by that physician, independent advanced
 1684 | practice registered nurse, advanced practice registered nurse
 1685 | ~~practitioner~~, or physician assistant. To maintain eligibility as
 1686 | a licensed state pilot, each licensed state pilot must annually
 1687 | provide documentary proof of having satisfactorily passed a
 1688 | complete physical examination administered by a licensed
 1689 | physician, licensed physician assistant, or registered
 1690 | independent advanced practice registered nurse. The examining
 1691 | practitioner ~~physician~~ must know the minimum standards and
 1692 | certify that the licensee satisfactorily meets the standards.
 1693 | The standards for licensees shall include a drug test.

1694 | Section 24. Paragraph (b) of subsection (3) of section
 1695 | 310.081, Florida Statutes, is amended to read:

1696 | 310.081 Department to examine and license state pilots and
 1697 | certificate deputy pilots; vacancies.-

1698 | (3) Pilots shall hold their licenses or certificates
 1699 | pursuant to the requirements of this chapter so long as they:

1700 (b) Are in good physical and mental health as evidenced by
1701 documentary proof of having satisfactorily passed a physical
1702 examination administered by a licensed physician, an independent
1703 advanced practice registered nurse, or a physician assistant
1704 within each calendar year. The board shall adopt rules to
1705 establish requirements for passing the physical examination,
1706 which rules shall establish minimum standards for the physical
1707 or mental capabilities necessary to carry out the professional
1708 duties of a licensed state pilot or a certificated deputy pilot.
1709 Such standards shall include zero tolerance for any controlled
1710 substance regulated under chapter 893 unless that individual is
1711 under the care of a physician, independent advanced practice
1712 registered nurse, an advanced practice registered nurse
1713 ~~practitioner,~~ or a physician assistant and that controlled
1714 substance was prescribed by that physician, independent advanced
1715 practice registered nurse, advanced practice registered nurse
1716 ~~practitioner,~~ or physician assistant. To maintain eligibility as
1717 a certificated deputy pilot or licensed state pilot, each
1718 certificated deputy pilot or licensed state pilot must annually
1719 provide documentary proof of having satisfactorily passed a
1720 complete physical examination administered by a licensed
1721 physician. The examining practitioner ~~physician~~ must know the
1722 minimum standards and certify that the certificateholder or
1723 licensee satisfactorily meets the standards. The standards for
1724 certificateholders and for licensees shall include a drug test.

1725
 1726 Upon resignation or in the case of disability permanently
 1727 affecting a pilot's ability to serve, the state license or
 1728 certificate issued under this chapter shall be revoked by the
 1729 department.

1730 Section 25. Paragraph (b) of subsection (1) of section
 1731 320.0848, Florida Statutes, is amended to read:

1732 320.0848 Persons who have disabilities; issuance of
 1733 disabled parking permits; temporary permits; permits for certain
 1734 providers of transportation services to persons who have
 1735 disabilities.—

1736 (1)

1737 (b)1. The person must be currently certified as being
 1738 legally blind or as having any of the following disabilities
 1739 that render him or her unable to walk 200 feet without stopping
 1740 to rest:

1741 a. Inability to walk without the use of or assistance from
 1742 a brace, cane, crutch, prosthetic device, or other assistive
 1743 device, or without the assistance of another person. If the
 1744 assistive device significantly restores the person's ability to
 1745 walk to the extent that the person can walk without severe
 1746 limitation, the person is not eligible for the exemption parking
 1747 permit.

1748 b. The need to permanently use a wheelchair.

1749 c. Restriction by lung disease to the extent that the

1750 person's forced (respiratory) expiratory volume for 1 second,
1751 when measured by spirometry, is less than 1 liter, or the
1752 person's arterial oxygen is less than 60 mm/hg on room air at
1753 rest.

1754 d. Use of portable oxygen.

1755 e. Restriction by cardiac condition to the extent that the
1756 person's functional limitations are classified in severity as
1757 Class III or Class IV according to standards set by the American
1758 Heart Association.

1759 f. Severe limitation in the person's ability to walk due
1760 to an arthritic, neurological, or orthopedic condition.

1761 2. The certification of disability which is required under
1762 subparagraph 1. must be provided by a physician licensed under
1763 chapter 458, chapter 459, or chapter 460; ~~by a podiatric~~
1764 physician licensed under chapter 461; ~~by an optometrist~~
1765 licensed under chapter 463; ~~by an~~ independent advanced practice
1766 registered nurse registered or an advanced practice registered
1767 nurse certified practitioner licensed under part I of chapter
1768 464; ~~under the protocol of a licensed physician as stated in~~
1769 ~~this subparagraph,~~ by a physician assistant licensed under
1770 chapter 458 or chapter 459; ~~or by a similarly licensed~~
1771 physician from another state if the application is accompanied
1772 by documentation of the physician's licensure in the other state
1773 and a form signed by the out-of-state physician verifying his or
1774 her knowledge of this state's eligibility guidelines.

1775 Section 26. Paragraph (c) of subsection (1) of section
 1776 381.00315, Florida Statutes, is amended to read:

1777 381.00315 Public health advisories; public health
 1778 emergencies; isolation and quarantines.—The State Health Officer
 1779 is responsible for declaring public health emergencies, issuing
 1780 public health advisories, and ordering isolation or quarantines.

1781 (1) As used in this section, the term:

1782 (c) "Public health emergency" means any occurrence, or
 1783 threat thereof, whether natural or manmade, which results or may
 1784 result in substantial injury or harm to the public health from
 1785 infectious disease, chemical agents, nuclear agents, biological
 1786 toxins, or situations involving mass casualties or natural
 1787 disasters. Before declaring a public health emergency, the State
 1788 Health Officer shall, to the extent possible, consult with the
 1789 Governor and shall notify the Chief of Domestic Security. The
 1790 declaration of a public health emergency shall continue until
 1791 the State Health Officer finds that the threat or danger has
 1792 been dealt with to the extent that the emergency conditions no
 1793 longer exist and he or she terminates the declaration. However,
 1794 a declaration of a public health emergency may not continue for
 1795 longer than 60 days unless the Governor concurs in the renewal
 1796 of the declaration. The State Health Officer, upon declaration
 1797 of a public health emergency, may take actions that are
 1798 necessary to protect the public health. Such actions include,
 1799 but are not limited to:

1800 1. Directing manufacturers of prescription drugs or over-
 1801 the-counter drugs who are permitted under chapter 499 and
 1802 wholesalers of prescription drugs located in this state who are
 1803 permitted under chapter 499 to give priority to the shipping of
 1804 specified drugs to pharmacies and health care providers within
 1805 geographic areas that have been identified by the State Health
 1806 Officer. The State Health Officer must identify the drugs to be
 1807 shipped. Manufacturers and wholesalers located in the state must
 1808 respond to the State Health Officer's priority shipping
 1809 directive before shipping the specified drugs.

1810 2. Notwithstanding chapters 465 and 499 and rules adopted
 1811 thereunder, directing pharmacists employed by the department to
 1812 compound bulk prescription drugs and provide these bulk
 1813 prescription drugs to physicians and nurses of county health
 1814 departments or any qualified person authorized by the State
 1815 Health Officer for administration to persons as part of a
 1816 prophylactic or treatment regimen.

1817 3. Notwithstanding s. 456.036, temporarily reactivating
 1818 the inactive license of the following health care practitioners,
 1819 when such practitioners are needed to respond to the public
 1820 health emergency: physicians licensed under chapter 458 or
 1821 chapter 459; physician assistants licensed under chapter 458 or
 1822 chapter 459; independent advanced practice registered nurses
 1823 registered, ~~licensed~~ practical nurses or, registered nurses
 1824 licensed, and advanced practice registered nurses certified

1825 ~~nurse practitioners licensed~~ under part I of chapter 464;
1826 respiratory therapists licensed under part V of chapter 468; and
1827 emergency medical technicians and paramedics certified under
1828 part III of chapter 401. Only those health care practitioners
1829 specified in this paragraph who possess an unencumbered inactive
1830 license and who request that such license be reactivated are
1831 eligible for reactivation. An inactive license that is
1832 reactivated under this paragraph shall return to inactive status
1833 when the public health emergency ends or before the end of the
1834 public health emergency if the State Health Officer determines
1835 that the health care practitioner is no longer needed to provide
1836 services during the public health emergency. Such licenses may
1837 only be reactivated for a period not to exceed 90 days without
1838 meeting the requirements of s. 456.036 or chapter 401, as
1839 applicable.

1840 4. Ordering an individual to be examined, tested,
1841 vaccinated, treated, isolated, or quarantined for communicable
1842 diseases that have significant morbidity or mortality and
1843 present a severe danger to public health. Individuals who are
1844 unable or unwilling to be examined, tested, vaccinated, or
1845 treated for reasons of health, religion, or conscience may be
1846 subjected to isolation or quarantine.

1847 a. Examination, testing, vaccination, or treatment may be
1848 performed by any qualified person authorized by the State Health
1849 Officer.

1850 b. If the individual poses a danger to the public health,
 1851 the State Health Officer may subject the individual to isolation
 1852 or quarantine. If there is no practical method to isolate or
 1853 quarantine the individual, the State Health Officer may use any
 1854 means necessary to vaccinate or treat the individual.

1855
 1856 Any order of the State Health Officer given to effectuate this
 1857 paragraph shall be immediately enforceable by a law enforcement
 1858 officer under s. 381.0012.

1859 Section 27. Subsection (3) of section 381.00593, Florida
 1860 Statutes, is amended to read:

1861 381.00593 Public school volunteer health care practitioner
 1862 program.—

1863 (3) For purposes of this section, the term "health care
 1864 practitioner" means a physician or physician assistant licensed
 1865 under chapter 458; an osteopathic physician or physician
 1866 assistant licensed under chapter 459; a chiropractic physician
 1867 licensed under chapter 460; a podiatric physician licensed under
 1868 chapter 461; an optometrist licensed under chapter 463; an
 1869 independent advanced practice registered nurse registered, an
 1870 advanced practice registered nurse certified practitioner, or a
 1871 registered nurse, or licensed practical nurse licensed under
 1872 part I of chapter 464; a pharmacist licensed under chapter 465;
 1873 a dentist or dental hygienist licensed under chapter 466; a
 1874 midwife licensed under chapter 467; a speech-language

1875 | pathologist or audiologist licensed under part I of chapter 468;
 1876 | a dietitian/nutritionist licensed under part X of chapter 468;
 1877 | or a physical therapist licensed under chapter 486.

1878 | Section 28. Paragraph (c) of subsection (2) of section
 1879 | 381.026, Florida Statutes, is amended to read:

1880 | 381.026 Florida Patient's Bill of Rights and
 1881 | Responsibilities.—

1882 | (2) DEFINITIONS.—As used in this section and s. 381.0261,
 1883 | the term:

1884 | (c) "Health care provider" means a physician or physician
 1885 | assistant licensed under chapter 458, an osteopathic physician
 1886 | or physician assistant licensed under chapter 459, ~~or~~ a
 1887 | podiatric physician licensed under chapter 461, or an
 1888 | independent advanced practice registered nurse registered under
 1889 | part I of chapter 464.

1890 | Section 29. Paragraph (a) of subsection (2) and
 1891 | subsections (3), (4), and (5) of section 382.008, Florida
 1892 | Statutes, are amended to read:

1893 | 382.008 Death and fetal death registration.—

1894 | (2) (a) The funeral director who first assumes custody of a
 1895 | dead body or fetus shall file the certificate of death or fetal
 1896 | death. In the absence of the funeral director, the physician,
 1897 | physician assistant, independent advanced practice registered
 1898 | nurse, advanced practice registered nurse, or other person in
 1899 | attendance at or after the death or the district medical

1900 examiner of the county in which the death occurred or the body
 1901 was found shall file the certificate of death or fetal death.
 1902 The person who files the certificate shall obtain personal data
 1903 from a legally authorized person as described in s. 497.005 or
 1904 the best qualified person or source available. The medical
 1905 certification of cause of death shall be furnished to the
 1906 funeral director, either in person or via certified mail or
 1907 electronic transfer, by the physician, physician assistant,
 1908 independent advanced practice registered nurse, advanced
 1909 practice registered nurse, or medical examiner responsible for
 1910 furnishing such information. For fetal deaths, the physician,
 1911 certified nurse midwife, midwife, or hospital administrator
 1912 shall provide any medical or health information to the funeral
 1913 director within 72 hours after expulsion or extraction.

1914 (3) Within 72 hours after receipt of a death or fetal
 1915 death certificate from the funeral director, the medical
 1916 certification of cause of death shall be completed and made
 1917 available to the funeral director by the decedent's primary or
 1918 attending practitioner ~~physician~~ or, if s. 382.011 applies, the
 1919 district medical examiner of the county in which the death
 1920 occurred or the body was found. The primary or attending
 1921 practitioner ~~physician~~ or the medical examiner shall certify
 1922 over his or her signature the cause of death to the best of his
 1923 or her knowledge and belief. As used in this section, the term
 1924 "primary or attending practitioner ~~physician~~" means a physician,

1925 | a physician assistant, an independent advanced practice
1926 | registered nurse, or an advanced practice registered nurse, who
1927 | treated the decedent through examination, medical advice, or
1928 | medication during the 12 months preceding the date of death.

1929 | (a) The department may grant the funeral director an
1930 | extension of time upon a good and sufficient showing of any of
1931 | the following conditions:

1932 | 1. An autopsy is pending.

1933 | 2. Toxicology, laboratory, or other diagnostic reports
1934 | have not been completed.

1935 | 3. The identity of the decedent is unknown and further
1936 | investigation or identification is required.

1937 | (b) If the decedent's primary or attending practitioner
1938 | ~~physician~~ or the district medical examiner of the county in
1939 | which the death occurred or the body was found indicates that he
1940 | or she will sign and complete the medical certification of cause
1941 | of death but will not be available until after the 5-day
1942 | registration deadline, the local registrar may grant an
1943 | extension of 5 days. If a further extension is required, the
1944 | funeral director must provide written justification to the
1945 | registrar.

1946 | (4) If the department or local registrar grants an
1947 | extension of time to provide the medical certification of cause
1948 | of death, the funeral director shall file a temporary
1949 | certificate of death or fetal death which shall contain all

1950 available information, including the fact that the cause of
 1951 death is pending. The decedent's primary or attending
 1952 practitioner ~~physician~~ or the district medical examiner of the
 1953 county in which the death occurred or the body was found shall
 1954 provide an estimated date for completion of the permanent
 1955 certificate.

1956 (5) A permanent certificate of death or fetal death,
 1957 containing the cause of death and any other information that was
 1958 previously unavailable, shall be registered as a replacement for
 1959 the temporary certificate. The permanent certificate may also
 1960 include corrected information if the items being corrected are
 1961 noted on the back of the certificate and dated and signed by the
 1962 funeral director, physician, physician assistant, independent
 1963 advanced practice registered nurse, advanced practice registered
 1964 nurse, or district medical examiner of the county in which the
 1965 death occurred or the body was found, as appropriate.

1966 Section 30. Paragraph (c) of subsection (1) of section
 1967 383.14, Florida Statutes, is amended to read:

1968 383.14 Screening for metabolic disorders, other hereditary
 1969 and congenital disorders, and environmental risk factors.—

1970 (1) SCREENING REQUIREMENTS.—To help ensure access to the
 1971 maternal and child health care system, the Department of Health
 1972 shall promote the screening of all newborns born in Florida for
 1973 metabolic, hereditary, and congenital disorders known to result
 1974 in significant impairment of health or intellect, as screening

1975 | programs accepted by current medical practice become available
1976 | and practical in the judgment of the department. The department
1977 | shall also promote the identification and screening of all
1978 | newborns in this state and their families for environmental risk
1979 | factors such as low income, poor education, maternal and family
1980 | stress, emotional instability, substance abuse, and other high-
1981 | risk conditions associated with increased risk of infant
1982 | mortality and morbidity to provide early intervention,
1983 | remediation, and prevention services, including, but not limited
1984 | to, parent support and training programs, home visitation, and
1985 | case management. Identification, perinatal screening, and
1986 | intervention efforts shall begin prior to and immediately
1987 | following the birth of the child by the attending health care
1988 | provider. Such efforts shall be conducted in hospitals,
1989 | perinatal centers, county health departments, school health
1990 | programs that provide prenatal care, and birthing centers, and
1991 | reported to the Office of Vital Statistics.

1992 | (c) Release of screening results.—Notwithstanding any law
1993 | to the contrary, the State Public Health Laboratory may release,
1994 | directly or through the Children's Medical Services program, the
1995 | results of a newborn's hearing and metabolic tests or screenings
1996 | to the newborn's health care practitioner. As used in this
1997 | paragraph, the term "health care practitioner" means a physician
1998 | or physician assistant licensed under chapter 458; an
1999 | osteopathic physician or physician assistant licensed under

2000 chapter 459; an independent advanced practice registered nurse
 2001 registered, an advanced practice registered nurse certified
 2002 ~~practitioner, or a~~ registered nurse, or ~~licensed~~ practical nurse
 2003 licensed under part I of chapter 464; a midwife licensed under
 2004 chapter 467; a speech-language pathologist or audiologist
 2005 licensed under part I of chapter 468; or a dietician or
 2006 nutritionist licensed under part X of chapter 468.

2007 Section 31. Paragraph (c) of subsection (1) of section
 2008 383.141, Florida Statutes, is amended to read:

2009 383.141 Prenatally diagnosed conditions; patient to be
 2010 provided information; definitions; information clearinghouse;
 2011 advisory council.—

2012 (1) As used in this section, the term:

2013 (c) "Health care provider" means a practitioner licensed
 2014 or registered under chapter 458 or chapter 459 or an independent
 2015 advanced practice registered nurse registered or an advanced
 2016 practice registered nurse ~~practitioner~~ certified under part I of
 2017 chapter 464.

2018 Section 32. Paragraph (a) of subsection (7) of section
 2019 384.27, Florida Statutes, is amended to read:

2020 384.27 Physical examination and treatment.—

2021 (7) (a) A health care practitioner licensed under chapter
 2022 458 or chapter 459, registered under s. 464.0125, or certified
 2023 under s. 464.012 may provide expedited partner therapy if the
 2024 following requirements are met:

2025 1. The patient has a laboratory-confirmed or suspected
2026 clinical diagnosis of a sexually transmissible disease.

2027 2. The patient indicates that he or she has a partner with
2028 whom he or she engaged in sexual activity before the diagnosis
2029 of the sexually transmissible disease.

2030 3. The patient indicates that his or her partner is unable
2031 or unlikely to seek clinical services in a timely manner.

2032 Section 33. Paragraph (a) of subsection (3) of section
2033 390.0111, Florida Statutes, is amended to read:

2034 390.0111 Termination of pregnancies.—

2035 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
2036 be performed or induced except with the voluntary and informed
2037 written consent of the pregnant woman or, in the case of a
2038 mental incompetent, the voluntary and informed written consent
2039 of her court-appointed guardian.

2040 (a) Except in the case of a medical emergency, consent to
2041 a termination of pregnancy is voluntary and informed only if:

2042 1. The physician who is to perform the procedure, or the
2043 referring physician, has, at a minimum, orally, while physically
2044 present in the same room, and at least 24 hours before the
2045 procedure, informed the woman of:

2046 a. The nature and risks of undergoing or not undergoing
2047 the proposed procedure that a reasonable patient would consider
2048 material to making a knowing and willful decision of whether to
2049 terminate a pregnancy.

2050 b. The probable gestational age of the fetus, verified by
2051 an ultrasound, at the time the termination of pregnancy is to be
2052 performed.

2053 (I) The ultrasound must be performed by the physician who
2054 is to perform the abortion or by a person having documented
2055 evidence that he or she has completed a course in the operation
2056 of ultrasound equipment as prescribed by rule and who is working
2057 in conjunction with the physician.

2058 (II) The person performing the ultrasound must offer the
2059 woman the opportunity to view the live ultrasound images and
2060 hear an explanation of them. If the woman accepts the
2061 opportunity to view the images and hear the explanation, a
2062 physician or a registered nurse, a licensed practical nurse, an
2063 advanced practice registered nurse practitioner, an independent
2064 advanced practice registered nurse, or a physician assistant
2065 working in conjunction with the physician must contemporaneously
2066 review and explain the images to the woman before the woman
2067 gives informed consent to having an abortion procedure
2068 performed.

2069 (III) The woman has a right to decline to view and hear
2070 the explanation of the live ultrasound images after she is
2071 informed of her right and offered an opportunity to view the
2072 images and hear the explanation. If the woman declines, the
2073 woman shall complete a form acknowledging that she was offered
2074 an opportunity to view and hear the explanation of the images

2075 | but that she declined that opportunity. The form must also
2076 | indicate that the woman's decision was not based on any undue
2077 | influence from any person to discourage her from viewing the
2078 | images or hearing the explanation and that she declined of her
2079 | own free will.

2080 | (IV) Unless requested by the woman, the person performing
2081 | the ultrasound may not offer the opportunity to view the images
2082 | and hear the explanation and the explanation may not be given
2083 | if, at the time the woman schedules or arrives for her
2084 | appointment to obtain an abortion, a copy of a restraining
2085 | order, police report, medical record, or other court order or
2086 | documentation is presented which provides evidence that the
2087 | woman is obtaining the abortion because the woman is a victim of
2088 | rape, incest, domestic violence, or human trafficking or that
2089 | the woman has been diagnosed as having a condition that, on the
2090 | basis of a physician's good faith clinical judgment, would
2091 | create a serious risk of substantial and irreversible impairment
2092 | of a major bodily function if the woman delayed terminating her
2093 | pregnancy.

2094 | c. The medical risks to the woman and fetus of carrying
2095 | the pregnancy to term.

2096 |

2097 | The physician may provide the information required in this
2098 | subparagraph within 24 hours before the procedure if requested
2099 | by the woman at the time she schedules or arrives for her

2100 appointment to obtain an abortion and if she presents to the
 2101 physician a copy of a restraining order, police report, medical
 2102 record, or other court order or documentation evidencing that
 2103 she is obtaining the abortion because she is a victim of rape,
 2104 incest, domestic violence, or human trafficking.

2105 2. Printed materials prepared and provided by the
 2106 department have been provided to the pregnant woman, if she
 2107 chooses to view these materials, including:

2108 a. A description of the fetus, including a description of
 2109 the various stages of development.

2110 b. A list of entities that offer alternatives to
 2111 terminating the pregnancy.

2112 c. Detailed information on the availability of medical
 2113 assistance benefits for prenatal care, childbirth, and neonatal
 2114 care.

2115 3. The woman acknowledges in writing, before the
 2116 termination of pregnancy, that the information required to be
 2117 provided under this subsection has been provided.

2118
 2119 Nothing in this paragraph is intended to prohibit a physician
 2120 from providing any additional information which the physician
 2121 deems material to the woman's informed decision to terminate her
 2122 pregnancy.

2123 Section 34. Paragraphs (c), (e), and (f) of subsection (3)
 2124 of section 390.012, Florida Statutes, are amended to read:

2125 | 390.012 Powers of agency; rules; disposal of fetal
 2126 | remains.—

2127 | (3) For clinics that perform or claim to perform abortions
 2128 | after the first trimester of pregnancy, the agency shall adopt
 2129 | rules pursuant to ss. 120.536(1) and 120.54 to implement the
 2130 | provisions of this chapter, including the following:

2131 | (c) Rules relating to abortion clinic personnel. At a
 2132 | minimum, these rules shall require that:

2133 | 1. The abortion clinic designate a medical director who is
 2134 | licensed to practice medicine in this state, and all physicians
 2135 | who perform abortions in the clinic have admitting privileges at
 2136 | a hospital within reasonable proximity to the clinic, unless the
 2137 | clinic has a written patient transfer agreement with a hospital
 2138 | within reasonable proximity to the clinic which includes the
 2139 | transfer of the patient's medical records held by both the
 2140 | clinic and the treating physician.

2141 | 2. If a physician is not present after an abortion is
 2142 | performed, a registered nurse, a licensed practical nurse, an
 2143 | independent advanced practice registered nurse, an advanced
 2144 | practice registered nurse ~~practitioner~~, or a physician assistant
 2145 | be present and remain at the clinic to provide postoperative
 2146 | monitoring and care until the patient is discharged.

2147 | 3. Surgical assistants receive training in counseling,
 2148 | patient advocacy, and the specific responsibilities associated
 2149 | with the services the surgical assistants provide.

2150 4. Volunteers receive training in the specific
2151 responsibilities associated with the services the volunteers
2152 provide, including counseling and patient advocacy as provided
2153 in the rules adopted by the director for different types of
2154 volunteers based on their responsibilities.

2155 (e) Rules relating to the abortion procedure. At a
2156 minimum, these rules shall require:

2157 1. That a physician, a registered nurse, a licensed
2158 practical nurse, an advanced practice registered nurse
2159 ~~practitioner~~, an independent advanced practice registered nurse,
2160 or a physician assistant is available to all patients throughout
2161 the abortion procedure.

2162 2. Standards for the safe conduct of abortion procedures
2163 that conform to obstetric standards in keeping with established
2164 standards of care regarding the estimation of fetal age as
2165 defined in rule.

2166 3. Appropriate use of general and local anesthesia,
2167 analgesia, and sedation if ordered by the physician.

2168 4. Appropriate precautions, such as the establishment of
2169 intravenous access at least for patients undergoing post-first
2170 trimester abortions.

2171 5. Appropriate monitoring of the vital signs and other
2172 defined signs and markers of the patient's status throughout the
2173 abortion procedure and during the recovery period until the
2174 patient's condition is deemed to be stable in the recovery room.

- 2175 (f) Rules that prescribe minimum recovery room standards.
2176 At a minimum, these rules must require that:
- 2177 1. Postprocedure recovery rooms be supervised and staffed
2178 to meet the patients' needs.
 - 2179 2. Immediate postprocedure care consist of observation in
2180 a supervised recovery room for as long as the patient's
2181 condition warrants.
 - 2182 3. A registered nurse, a licensed practical nurse, an
2183 advanced practice registered nurse practitioner, an independent
2184 advanced practice registered nurse, or physician assistant who
2185 is trained in the management of the recovery area and is capable
2186 of providing basic cardiopulmonary resuscitation and related
2187 emergency procedures remain on the premises of the abortion
2188 clinic until all patients are discharged.
 - 2189 4. A physician sign the discharge order and be readily
2190 accessible and available until the last patient is discharged to
2191 facilitate the transfer of emergency cases if hospitalization of
2192 the patient or viable fetus is necessary.
 - 2193 5. A physician discuss Rho(D) immune globulin with each
2194 patient for whom it is indicated and ensure that it is offered
2195 to the patient in the immediate postoperative period or will be
2196 available to her within 72 hours after completion of the
2197 abortion procedure. If the patient refuses the Rho(D) immune
2198 globulin, she and a witness must sign a refusal form approved by
2199 the agency which must be included in the medical record.

2200 6. Written instructions with regard to postabortion
 2201 coitus, signs of possible problems, and general aftercare which
 2202 are specific to the patient be given to each patient. The
 2203 instructions must include information regarding access to
 2204 medical care for complications, including a telephone number for
 2205 use in the event of a medical emergency.

2206 7. A minimum length of time be specified, by type of
 2207 abortion procedure and duration of gestation, during which a
 2208 patient must remain in the recovery room.

2209 8. The physician ensure that, with the patient's consent,
 2210 a registered nurse, a licensed practical nurse, an advanced
 2211 practice registered nurse practitioner, an independent advance
 2212 practice registered nurse, or a physician assistant from the
 2213 abortion clinic makes a good faith effort to contact the patient
 2214 by telephone within 24 hours after surgery to assess the
 2215 patient's recovery.

2216 9. Equipment and services be readily accessible to provide
 2217 appropriate emergency resuscitative and life support procedures
 2218 pending the transfer of the patient or viable fetus to the
 2219 hospital.

2220 Section 35. Subsection (35) of section 394.455, Florida
 2221 Statutes, is amended to read:

2222 394.455 Definitions.—As used in this part, the term:

2223 (35) "Psychiatric nurse" means an advanced practice
 2224 registered nurse ~~practitioner~~ certified or an independent

2225 advanced practice registered nurse registered under part I of
 2226 chapter 464 s. ~~464.012~~ who has a master's or doctoral degree in
 2227 psychiatric nursing, holds a national advanced practice
 2228 certification as a psychiatric mental health advanced practice
 2229 nurse, and has 2 years of post-master's clinical experience
 2230 under the supervision of a physician, or an independent advanced
 2231 practice registered nurse registered under, or an advanced
 2232 practice registered nurse certified under, part I of chapter
 2233 464, who obtains national certification as a psychiatric-mental
 2234 health advanced practice nurse.

2235 Section 36. Paragraphs (a) and (f) of subsection (2) of
 2236 section 394.463, Florida Statutes, are amended to read:

2237 394.463 Involuntary examination.—

2238 (2) INVOLUNTARY EXAMINATION.—

2239 (a) An involuntary examination may be initiated by any one
 2240 of the following means:

2241 1. A circuit or county court may enter an ex parte order
 2242 stating that a person appears to meet the criteria for
 2243 involuntary examination and specifying the findings on which
 2244 that conclusion is based. The ex parte order for involuntary
 2245 examination must be based on written or oral sworn testimony
 2246 that includes specific facts that support the findings. If other
 2247 less restrictive means are not available, such as voluntary
 2248 appearance for outpatient evaluation, a law enforcement officer,
 2249 or other designated agent of the court, shall take the person

2250 into custody and deliver him or her to an appropriate, or the
2251 nearest, facility within the designated receiving system
2252 pursuant to s. 394.462 for involuntary examination. The order of
2253 the court shall be made a part of the patient's clinical record.
2254 A fee may not be charged for the filing of an order under this
2255 subsection. A facility accepting the patient based on this order
2256 must send a copy of the order to the department the next working
2257 day. The order may be submitted electronically through existing
2258 data systems, if available. The order shall be valid only until
2259 the person is delivered to the facility or for the period
2260 specified in the order itself, whichever comes first. If no time
2261 limit is specified in the order, the order shall be valid for 7
2262 days after the date that the order was signed.

2263 2. A law enforcement officer shall take a person who
2264 appears to meet the criteria for involuntary examination into
2265 custody and deliver the person or have him or her delivered to
2266 an appropriate, or the nearest, facility within the designated
2267 receiving system pursuant to s. 394.462 for examination. The
2268 officer shall execute a written report detailing the
2269 circumstances under which the person was taken into custody,
2270 which must be made a part of the patient's clinical record. Any
2271 facility accepting the patient based on this report must send a
2272 copy of the report to the department the next working day.

2273 3. A physician, a physician assistant, a clinical
2274 psychologist, a psychiatric nurse, an independent advanced

2275 practice registered nurse, an advanced practice registered
2276 nurse, a mental health counselor, a marriage and family
2277 therapist, or a clinical social worker may execute a certificate
2278 stating that he or she has examined a person within the
2279 preceding 48 hours and finds that the person appears to meet the
2280 criteria for involuntary examination and stating the
2281 observations upon which that conclusion is based. If other less
2282 restrictive means, such as voluntary appearance for outpatient
2283 evaluation, are not available, a law enforcement officer shall
2284 take into custody the person named in the certificate and
2285 deliver him or her to the appropriate, or nearest, facility
2286 within the designated receiving system pursuant to s. 394.462
2287 for involuntary examination. The law enforcement officer shall
2288 execute a written report detailing the circumstances under which
2289 the person was taken into custody. The report and certificate
2290 shall be made a part of the patient's clinical record. Any
2291 facility accepting the patient based on this certificate must
2292 send a copy of the certificate to the department the next
2293 working day. The document may be submitted electronically
2294 through existing data systems, if applicable.

2295 (f) A patient shall be examined by a physician, a
2296 physician assistant, ~~or~~ a clinical psychologist, or by a
2297 psychiatric nurse performing within the framework of an
2298 established protocol with a psychiatrist at a facility without
2299 unnecessary delay to determine if the criteria for involuntary

2300 services are met. Emergency treatment may be provided upon the
 2301 order of a physician if the physician determines that such
 2302 treatment is necessary for the safety of the patient or others.
 2303 The patient may not be released by the receiving facility or its
 2304 contractor without the documented approval of a psychiatrist or
 2305 a clinical psychologist or, if the receiving facility is owned
 2306 or operated by a hospital or health system, the release may also
 2307 be approved by a psychiatric nurse performing within the
 2308 framework of an established protocol with a psychiatrist, or an
 2309 attending emergency department physician with experience in the
 2310 diagnosis and treatment of mental illness after completion of an
 2311 involuntary examination pursuant to this subsection. A
 2312 psychiatric nurse may not approve the release of a patient if
 2313 the involuntary examination was initiated by a psychiatrist
 2314 unless the release is approved by the initiating psychiatrist.

2315 Section 37. Paragraphs (a) and (b) of subsection (2) and
 2316 subsection (4) of section 395.0191, Florida Statutes, are
 2317 amended to read:

2318 395.0191 Staff membership and clinical privileges.—

2319 (2) (a) Each licensed facility shall establish rules and
 2320 procedures for consideration of an application for clinical
 2321 privileges submitted by an independent advanced practice
 2322 registered nurse registered or an advanced practice registered
 2323 nurse practitioner licensed and certified under part I of
 2324 chapter 464, in accordance with the provisions of this section.

2325 A ~~No~~ licensed facility may not ~~shall~~ deny such application
2326 solely because the applicant is registered or certified ~~licensed~~
2327 under part I of chapter 464 or because the applicant is not a
2328 participant in the Florida Birth-Related Neurological Injury
2329 Compensation Plan.

2330 (b) An advanced practice registered nurse ~~practitioner~~ who
2331 is a certified ~~as a~~ registered nurse anesthetist ~~licensed~~ under
2332 part I of chapter 464 shall administer anesthesia under the
2333 onsite medical direction of a professional licensed under
2334 chapter 458, chapter 459, or chapter 466, and in accordance with
2335 an established protocol approved by the medical staff. The
2336 medical direction shall specifically address the needs of the
2337 individual patient. This paragraph does not apply to an
2338 independent advanced practice registered nurse who is a
2339 certified registered nurse anesthetist under part I of chapter
2340 464.

2341 (4) Nothing herein shall restrict in any way the authority
2342 of the medical staff of a licensed facility to review for
2343 approval or disapproval all applications for appointment and
2344 reappointment to all categories of staff and to make
2345 recommendations on each applicant to the governing board,
2346 including the delineation of privileges to be granted in each
2347 case. In making such recommendations and in the delineation of
2348 privileges, each applicant shall be considered individually
2349 pursuant to criteria for a doctor licensed under chapter 458,

2350 chapter 459, chapter 461, or chapter 466;~~or~~ or for an independent
 2351 advanced practice registered nurse registered or an advanced
 2352 practice registered nurse ~~practitioner licensed and certified~~
 2353 under part I of chapter 464;~~or~~ or for a psychologist licensed
 2354 under chapter 490, as applicable. The applicant's eligibility
 2355 for staff membership or clinical privileges shall be determined
 2356 by the applicant's background, experience, health, training, and
 2357 demonstrated competency; the applicant's adherence to applicable
 2358 professional ethics; the applicant's reputation; and the
 2359 applicant's ability to work with others and by such other
 2360 elements as determined by the governing board, consistent with
 2361 this part.

2362 Section 38. Subsection (3) of section 395.602, Florida
 2363 Statutes, is amended to read:

2364 395.602 Rural hospitals.—

2365 (3) USE OF FUNDS.—It is the intent of the Legislature that
 2366 funds as appropriated shall be utilized by the department for
 2367 the purpose of increasing the number of primary care physicians,
 2368 physician assistants, certified nurse midwives, certified nurse
 2369 practitioners, and nurses in rural areas, either through the
 2370 Medical Education Reimbursement and Loan Repayment Program as
 2371 defined by s. 1009.65 or through a federal loan repayment
 2372 program which requires state matching funds. The department may
 2373 use funds appropriated for the Medical Education Reimbursement
 2374 and Loan Repayment Program as matching funds for federal loan

2375 repayment programs for health care personnel, such as that
 2376 authorized in Pub. L. No. 100-177, s. 203. If the department
 2377 receives federal matching funds, the department shall only
 2378 implement the federal program. Reimbursement through either
 2379 program shall be limited to:

2380 (a) Primary care physicians, physician assistants,
 2381 certified nurse midwives, certified nurse practitioners, and
 2382 nurses employed by or affiliated with rural hospitals, as
 2383 defined in this act; and

2384 (b) Primary care physicians, physician assistants,
 2385 certified nurse midwives, certified nurse practitioners, and
 2386 nurses employed by or affiliated with rural area health
 2387 education centers, as defined in this section. These personnel
 2388 shall practice:

2389 1. In a county with a population density of no greater
 2390 than 100 persons per square mile; or

2391 2. Within the boundaries of a hospital tax district which
 2392 encompasses a population of no greater than 100 persons per
 2393 square mile.

2394
 2395 If the department administers a federal loan repayment program,
 2396 priority shall be given to obligating state and federal matching
 2397 funds pursuant to paragraphs (a) and (b). The department may use
 2398 federal matching funds in other health workforce shortage areas
 2399 and medically underserved areas in the state for loan repayment

2400 programs for primary care physicians, physician assistants,
 2401 certified nurse midwives, certified nurse practitioners, and
 2402 nurses who are employed by publicly financed health care
 2403 programs that serve medically indigent persons.

2404 Section 39. Paragraphs (b) and (c) of subsection (8) of
 2405 section 395.605, Florida Statutes, are amended to read:

2406 395.605 Emergency care hospitals.—

2407 (8)

2408 (b) All patients shall be under the care of a physician or
 2409 an independent advanced practice registered nurse or under the
 2410 care of an advanced practice registered ~~a nurse practitioner~~ or
 2411 a physician assistant supervised by a physician.

2412 (c) A physician, an independent advanced practice
 2413 registered nurse, an advanced practice registered nurse
 2414 ~~practitioner~~, or a physician assistant shall be on duty at all
 2415 times, or a physician shall be on call and available within 30
 2416 minutes at all times.

2417 Section 40. Subsection (33) of section 397.311, Florida
 2418 Statutes, is amended to read:

2419 397.311 Definitions.—As used in this chapter, except part
 2420 VIII, the term:

2421 (33) "Qualified professional" means a physician or a
 2422 physician assistant licensed under chapter 458 or chapter 459; a
 2423 professional licensed under chapter 490 or chapter 491; an
 2424 independent advanced practice registered nurse registered or

2425 | advanced practice registered nurse certified ~~practitioner~~
 2426 | ~~licensed~~ under part I of chapter 464; or a person who is
 2427 | certified through a department-recognized certification process
 2428 | for substance abuse treatment services and who holds, at a
 2429 | minimum, a bachelor's degree. A person who is certified in
 2430 | substance abuse treatment services by a state-recognized
 2431 | certification process in another state at the time of employment
 2432 | with a licensed substance abuse provider in this state may
 2433 | perform the functions of a qualified professional as defined in
 2434 | this chapter but must meet certification requirements contained
 2435 | in this subsection no later than 1 year after his or her date of
 2436 | employment.

2437 | Section 41. Section 397.405, Florida Statutes, is amended
 2438 | to read:

2439 | 397.405 Exemptions from licensure.—The following are
 2440 | exempt from the licensing provisions of this chapter:

2441 | (1) A hospital or hospital-based component licensed under
 2442 | chapter 395.

2443 | (2) A nursing home facility as defined in s. 400.021.

2444 | (3) A substance abuse education program established
 2445 | pursuant to s. 1003.42.

2446 | (4) A facility or institution operated by the Federal
 2447 | Government.

2448 | (5) A physician or physician assistant licensed under
 2449 | chapter 458 or chapter 459.

- 2450 (6) A psychologist licensed under chapter 490.
- 2451 (7) A social worker, marriage and family therapist, or
 2452 mental health counselor licensed under chapter 491.
- 2453 (8) A legally cognizable church or nonprofit religious
 2454 organization or denomination providing substance abuse services,
 2455 including prevention services, which are solely religious,
 2456 spiritual, or ecclesiastical in nature. A church or nonprofit
 2457 religious organization or denomination providing any of the
 2458 licensed service components itemized under s. 397.311(25) is not
 2459 exempt from substance abuse licensure but retains its exemption
 2460 with respect to all services which are solely religious,
 2461 spiritual, or ecclesiastical in nature.
- 2462 (9) Facilities licensed under chapter 393 which, in
 2463 addition to providing services to persons with developmental
 2464 disabilities, also provide services to persons developmentally
 2465 at risk as a consequence of exposure to alcohol or other legal
 2466 or illegal drugs while in utero.
- 2467 (10) DUI education and screening services provided
 2468 pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291.
 2469 Persons or entities providing treatment services must be
 2470 licensed under this chapter unless exempted from licensing as
 2471 provided in this section.
- 2472 (11) A facility licensed under s. 394.875 as a crisis
 2473 stabilization unit.
- 2474

2475 The exemptions from licensure in this section do not apply to
2476 any service provider that receives an appropriation, grant, or
2477 contract from the state to operate as a service provider as
2478 defined in this chapter or to any substance abuse program
2479 regulated pursuant to s. 397.406. Furthermore, this chapter may
2480 not be construed to limit the practice of a physician or
2481 physician assistant licensed under chapter 458 or chapter 459, a
2482 psychologist licensed under chapter 490, a psychotherapist
2483 licensed under chapter 491, or an independent advanced practice
2484 registered nurse registered or an advanced practice registered
2485 nurse certified practitioner licensed under part I of chapter
2486 464, who provides substance abuse treatment, unless a
2487 practitioner represents ~~so long as the physician, physician~~
2488 ~~assistant, psychologist, psychotherapist, or advanced registered~~
2489 ~~nurse practitioner does not represent~~ to the public that the
2490 practitioner ~~he or she~~ is a licensed service provider and
2491 provides ~~does not provide~~ services to individuals pursuant to
2492 part V of this chapter. Failure to comply with any requirement
2493 necessary to maintain an exempt status under this section is a
2494 misdemeanor of the first degree, punishable as provided in s.
2495 775.082 or s. 775.083.

2496 Section 42. Subsections (4), (7), and (8) of section
2497 397.427, Florida Statutes, are amended to read:

2498 397.427 Medication-assisted treatment service providers;
2499 rehabilitation program; needs assessment and provision of

2500 services; persons authorized to issue takeout medication;
 2501 unlawful operation; penalty.—

2502 (4) Notwithstanding s. 465.019(2), a physician assistant,
 2503 a registered nurse, an advanced practice registered nurse
 2504 ~~practitioner~~, or a licensed practical nurse working for a
 2505 licensed service provider may deliver takeout medication for
 2506 opiate treatment to persons enrolled in a maintenance treatment
 2507 program for medication-assisted treatment for opiate addiction
 2508 if:

2509 (a) The medication-assisted treatment program for opiate
 2510 addiction has an appropriate valid permit issued pursuant to
 2511 rules adopted by the Board of Pharmacy;

2512 (b) The medication for treatment of opiate addiction has
 2513 been delivered pursuant to a valid prescription written by the
 2514 program's physician licensed pursuant to chapter 458 or chapter
 2515 459;

2516 (c) The medication for treatment of opiate addiction which
 2517 is ordered appears on a formulary and is prepackaged and
 2518 prelabeled with dosage instructions and distributed from a
 2519 source authorized under chapter 499;

2520 (d) Each licensed provider adopts written protocols which
 2521 provide for supervision of the physician assistant, registered
 2522 nurse, advanced practice registered nurse ~~practitioner~~, or
 2523 licensed practical nurse by a physician licensed pursuant to
 2524 chapter 458 or chapter 459 and for the procedures by which

2525 patients' medications may be delivered by the physician
2526 assistant, registered nurse, advanced practice registered nurse
2527 ~~practitioner~~, or licensed practical nurse. Such protocols shall
2528 be signed by the supervising physician and either the
2529 administering registered nurse, the advanced practice registered
2530 nurse ~~practitioner~~, or the licensed practical nurse.

2531 (e) Each licensed service provider maintains and has
2532 available for inspection by representatives of the Board of
2533 Pharmacy all medical records and patient care protocols,
2534 including records of medications delivered to patients, in
2535 accordance with the board.

2536 (7) A physician assistant, a registered nurse, an advanced
2537 practice registered nurse ~~practitioner~~, or a licensed practical
2538 nurse working for a licensed service provider may deliver
2539 medication as prescribed by rule if:

2540 (a) The service provider is authorized to provide
2541 medication-assisted treatment;

2542 (b) The medication has been administered pursuant to a
2543 valid prescription written by the program's physician who is
2544 licensed under chapter 458 or chapter 459; and

2545 (c) The medication ordered appears on a formulary or meets
2546 federal requirements for medication-assisted treatment.

2547 (8) Each licensed service provider that provides
2548 medication-assisted treatment must adopt written protocols as
2549 specified by the department and in accordance with federally

2550 required rules, regulations, or procedures. The protocol shall
 2551 provide for the supervision of the physician assistant,
 2552 registered nurse, advanced practice registered nurse
 2553 ~~practitioner~~, or licensed practical nurse working under the
 2554 supervision of a physician who is licensed under chapter 458 or
 2555 chapter 459. The protocol must specify how the medication will
 2556 be used in conjunction with counseling or psychosocial treatment
 2557 and that the services provided will be included on the treatment
 2558 plan. The protocol must specify the procedures by which
 2559 medication-assisted treatment may be administered by the
 2560 supervised ~~physician assistant, registered nurse, advanced~~
 2561 ~~registered nurse practitioner, or licensed practical nurse~~.
 2562 These protocols shall be signed by the supervising physician and
 2563 the supervised ~~administering physician assistant, registered~~
 2564 ~~nurse, advanced registered nurse practitioner, or licensed~~
 2565 ~~practical nurse~~.

2566 Section 43. Paragraph (a) of subsection (2) of section
 2567 397.501, Florida Statutes, is amended to read:

2568 397.501 Rights of individuals.—Individuals receiving
 2569 substance abuse services from any service provider are
 2570 guaranteed protection of the rights specified in this section,
 2571 unless otherwise expressly provided, and service providers must
 2572 ensure the protection of such rights.

2573 (2) RIGHT TO NONDISCRIMINATORY SERVICES.—

2574 (a) Service providers may not deny an individual access to

2575 substance abuse services solely on the basis of race, gender,
 2576 ethnicity, age, sexual preference, human immunodeficiency virus
 2577 status, prior service departures against medical advice,
 2578 disability, or number of relapse episodes. Service providers may
 2579 not deny an individual who takes medication prescribed by a
 2580 physician, a physician assistant, an independent advanced
 2581 practice registered nurse, or an advanced practice registered
 2582 nurse access to substance abuse services solely on that basis.
 2583 Service providers who receive state funds to provide substance
 2584 abuse services may not, if space and sufficient state resources
 2585 are available, deny access to services based solely on inability
 2586 to pay.

2587 Section 44. Section 397.679, Florida Statutes, is amended
 2588 to read:

2589 397.679 Emergency admission; circumstances justifying.—A
 2590 person who meets the criteria for involuntary admission in s.
 2591 397.675 may be admitted to a hospital or to a licensed
 2592 detoxification facility or addictions receiving facility for
 2593 emergency assessment and stabilization, or to a less intensive
 2594 component of a licensed service provider for assessment only,
 2595 upon receipt by the facility of a certificate by a physician, an
 2596 independent advanced practice registered nurse, an advanced
 2597 practice registered nurse ~~practitioner~~, a psychiatric nurse, a
 2598 clinical psychologist, a clinical social worker, a marriage and
 2599 family therapist, a mental health counselor, a physician

2600 assistant working under the scope of practice of the supervising
2601 physician, or a master's-level-certified addictions professional
2602 for substance abuse services, if the certificate is specific to
2603 substance abuse impairment, and the completion of an application
2604 for emergency admission.

2605 Section 45. Subsection (1) of section 397.6793, Florida
2606 Statutes, is amended to read:

2607 397.6793 Professional's certificate for emergency
2608 admission.—

2609 (1) A physician, a clinical psychologist, a physician
2610 assistant working under the scope of practice of the supervising
2611 physician, a psychiatric nurse, an independent advanced practice
2612 registered nurse, an advanced practice registered nurse
2613 ~~practitioner~~, a mental health counselor, a marriage and family
2614 therapist, a master's-level-certified addictions professional
2615 for substance abuse services, or a clinical social worker may
2616 execute a professional's certificate for emergency admission.
2617 The professional's certificate must include the name of the
2618 person to be admitted, the relationship between the person and
2619 the professional executing the certificate, the relationship
2620 between the applicant and the professional, any relationship
2621 between the professional and the licensed service provider, a
2622 statement that the person has been examined and assessed within
2623 the preceding 5 days after the application date, and factual
2624 allegations with respect to the need for emergency admission,

2625 including:

2626 (a) The reason for the belief that the person is substance
2627 abuse impaired;

2628 (b) The reason for the belief that because of such
2629 impairment the person has lost the power of self-control with
2630 respect to substance abuse; and

2631 (c)1. The reason for the belief that, without care or
2632 treatment, the person is likely to suffer from neglect or refuse
2633 to care for himself or herself; that such neglect or refusal
2634 poses a real and present threat of substantial harm to his or
2635 her well-being; and that it is not apparent that such harm may
2636 be avoided through the help of willing family members or friends
2637 or the provision of other services, or there is substantial
2638 likelihood that the person has inflicted or, unless admitted, is
2639 likely to inflict, physical harm on himself, herself, or
2640 another; or

2641 2. The reason for the belief that the person's refusal to
2642 voluntarily receive care is based on judgment so impaired by
2643 reason of substance abuse that the person is incapable of
2644 appreciating his or her need for care and of making a rational
2645 decision regarding his or her need for care.

2646 Section 46. Subsection (8) of section 400.021, Florida
2647 Statutes, is amended to read:

2648 400.021 Definitions.—When used in this part, unless the
2649 context otherwise requires, the term:

2650 (8) "Geriatric outpatient clinic" means a site for
 2651 providing outpatient health care to persons 60 years of age or
 2652 older, which is staffed by a registered nurse, a physician
 2653 assistant, or a licensed practical nurse under the direct
 2654 supervision of a registered nurse, an independent advanced
 2655 practice registered nurse, an advanced practice registered nurse
 2656 ~~practitioner~~, a physician assistant, or a physician.

2657 Section 47. Subsection (3) of section 400.0255, Florida
 2658 Statutes, is amended to read:

2659 400.0255 Resident transfer or discharge; requirements and
 2660 procedures; hearings.-

2661 (3) When a discharge or transfer is initiated by the
 2662 nursing home, the nursing home administrator employed by the
 2663 nursing home that is discharging or transferring the resident,
 2664 or an individual employed by the nursing home who is designated
 2665 by the nursing home administrator to act on behalf of the
 2666 administration, must sign the notice of discharge or transfer.
 2667 Any notice indicating a medical reason for transfer or discharge
 2668 must either be signed by the resident's attending physician or
 2669 the medical director of the facility, or include an attached
 2670 written order for the discharge or transfer. The notice or the
 2671 order must be signed by the resident's physician, medical
 2672 director, treating physician, independent advanced practice
 2673 registered nurse, advanced practice registered nurse
 2674 ~~practitioner~~, or physician assistant, as permitted under federal

2675 law or rule.

2676 Section 48. Subsection (3) of section 400.172, Florida
 2677 Statutes, is amended to read:

2678 400.172 Respite care provided in nursing home facilities.—

2679 (3) A prospective respite care resident must provide
 2680 medical information from a physician, a physician assistant, an
 2681 independent advanced practice registered nurse, or an advanced
 2682 practice registered nurse practitioner and any other information
 2683 provided by the primary caregiver required by the facility
 2684 before or when the person is admitted to receive respite care.
 2685 The medical information must include a physician's or an
 2686 independent advanced practice registered nurse's order for
 2687 respite care and proof of a physical examination by a licensed
 2688 physician, a physician assistant, an independent advanced
 2689 practice registered nurse, or an advanced practice registered
 2690 nurse practitioner. The ~~physician's~~ order and physical
 2691 examination may be used to provide intermittent respite care for
 2692 up to 12 months after the date the order is written.

2693 Section 49. Subsections (20) through (30) of section
 2694 400.462, Florida Statutes, are renumbered as subsections (21)
 2695 through (31), respectively, subsection (3) is amended, and a new
 2696 subsection (20) is added to that section, to read:

2697 400.462 Definitions.—As used in this part, the term:

2698 (3) "Advanced practice registered nurse ~~practitioner~~"
 2699 means a person licensed in this state to practice professional

2700 nursing and certified in advanced or specialized nursing
 2701 practice, as defined in s. 464.003.

2702 (2) "Independent advanced practice registered nurse"
 2703 means a person licensed in this state to practice professional
 2704 nursing as defined in s. 464.003 and registered to practice
 2705 advanced or specialized nursing independently and without
 2706 physician supervision or a protocol.

2707 Section 50. Subsection (2) of section 400.487, Florida
 2708 Statutes, is amended to read:

2709 400.487 Home health service agreements; physician's,
 2710 physician assistant's, independent advanced practice registered
 2711 nurse's and advanced practice registered nurse's ~~nurse~~
 2712 ~~practitioner's~~ treatment orders; patient assessment;
 2713 establishment and review of plan of care; provision of services;
 2714 orders not to resuscitate.—

2715 (2) When required by the provisions of chapter 464; part
 2716 I, part III, or part V of chapter 468; or chapter 486, the
 2717 attending physician, physician assistant, independent advanced
 2718 practice registered nurse, or advanced practice registered nurse
 2719 ~~practitioner~~, acting within his or her respective scope of
 2720 practice, shall establish treatment orders for a patient who is
 2721 to receive skilled care. The treatment orders must be signed by
 2722 the physician, physician assistant, independent advanced
 2723 practice registered nurse, or advanced practice registered nurse
 2724 ~~practitioner~~ before a claim for payment for the skilled services

2725 is submitted by the home health agency. If the claim is
2726 submitted to a managed care organization, the treatment orders
2727 must be signed within the time allowed under the provider
2728 agreement. The treatment orders shall be reviewed, as frequently
2729 as the patient's illness requires, by the physician, physician
2730 assistant, independent advanced practice registered nurse, or
2731 advanced practice registered nurse ~~practitioner~~ in consultation
2732 with the home health agency.

2733 Section 51. Paragraph (a) of subsection (13) of section
2734 400.506, Florida Statutes, is amended to read:

2735 400.506 Licensure of nurse registries; requirements;
2736 penalties.—

2737 (13) All persons referred for contract in private
2738 residences by a nurse registry must comply with the following
2739 requirements for a plan of treatment:

2740 (a) When, in accordance with the privileges and
2741 restrictions imposed upon a nurse under part I of chapter 464,
2742 the delivery of care to a patient is under the direction or
2743 supervision of a physician or when a physician is responsible
2744 for the medical care of the patient, a medical plan of treatment
2745 must be established for each patient receiving care or treatment
2746 provided by a licensed nurse in the home. The original medical
2747 plan of treatment must be timely signed by the physician,
2748 physician assistant, independent advanced practice registered
2749 nurse, or advanced practice registered nurse ~~practitioner~~,

2750 acting within his or her respective scope of practice, and
 2751 reviewed in consultation with the licensed nurse at least every
 2752 2 months. Any additional order or change in orders must be
 2753 obtained from, reduced to writing by, and timely signed by the
 2754 physician, physician assistant, independent advanced practice
 2755 registered nurse, or advanced practice registered nurse
 2756 ~~practitioner and reduced to writing and timely signed by the~~
 2757 ~~physician, physician assistant, or advanced registered nurse~~
 2758 ~~practitioner~~. The delivery of care under a medical plan of
 2759 treatment must be substantiated by the appropriate nursing notes
 2760 or documentation made by the nurse in compliance with nursing
 2761 practices established under part I of chapter 464.

2762 Section 52. Paragraph (g) of subsection (4) of section
 2763 400.9905, Florida Statutes, is amended to read:

2764 400.9905 Definitions.—

2765 (4) "Clinic" means an entity where health care services
 2766 are provided to individuals and which tenders charges for
 2767 reimbursement for such services, including a mobile clinic and a
 2768 portable equipment provider. As used in this part, the term does
 2769 not include and the licensure requirements of this part do not
 2770 apply to:

2771 (g) A sole proprietorship, group practice, partnership, or
 2772 corporation that provides health care services by ~~licensed~~
 2773 health care practitioners licensed, certified, or registered
 2774 under chapter 457, chapter 458, chapter 459, chapter 460,

2775 chapter 461, chapter 462, chapter 463, chapter 466, chapter 467,
2776 chapter 480, chapter 484, chapter 486, chapter 490, chapter 491,
2777 or part I, part III, part X, part XIII, or part XIV of chapter
2778 468, ~~or~~ s. 464.012, or s. 464.0125, and that is wholly owned by
2779 one or more licensed, certified, or registered health care
2780 practitioners, or the ~~licensed~~ health care practitioners set
2781 forth in this paragraph and the spouse, parent, child, or
2782 sibling of such a ~~licensed~~ health care practitioner if one of
2783 the owners who is a licensed, certified, or registered health
2784 care practitioner is supervising the business activities and is
2785 legally responsible for the entity's compliance with all federal
2786 and state laws. However, a health care practitioner may not
2787 supervise services beyond the scope of the practitioner's
2788 license, certification, or registration, except that, for the
2789 purposes of this part, a clinic owned by a licensee in s.
2790 456.053(3)(b) which provides only services authorized pursuant
2791 to s. 456.053(3)(b) may be supervised by a licensee specified in
2792 s. 456.053(3)(b).

2793
2794 Notwithstanding this subsection, an entity shall be deemed a
2795 clinic and must be licensed under this part in order to receive
2796 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
2797 627.730-627.7405, unless exempted under s. 627.736(5)(h).

2798 Section 53. Subsection (5) and paragraph (b) of subsection
2799 (7) of section 400.9973, Florida Statutes, are amended to read:

2800 400.9973 Client admission, transfer, and discharge.—
 2801 (5) A client admitted to a transitional living facility
 2802 must be admitted upon prescription by a licensed physician,
 2803 physician assistant, independent advanced practice registered
 2804 nurse, or advanced practice registered nurse ~~practitioner~~ and
 2805 must remain under the care of a licensed physician, physician
 2806 assistant, independent advanced practice registered nurse, or
 2807 advanced practice registered nurse ~~practitioner~~ for the duration
 2808 of the client's stay in the facility.

2809 (7) A person may not be admitted to a transitional living
 2810 facility if the person:

2811 (b) Is a danger to himself or herself or others as
 2812 determined by a physician, physician assistant, independent
 2813 advanced practice registered nurse, or advanced practice
 2814 registered nurse ~~practitioner~~ or a mental health practitioner
 2815 licensed under chapter 490 or chapter 491, unless the facility
 2816 provides adequate staffing and support to ensure patient safety;

2817 Section 54. Subsection (1) and paragraphs (a) and (b) of
 2818 subsection (2) of section 400.9974, Florida Statutes, are
 2819 amended to read:

2820 400.9974 Client comprehensive treatment plans; client
 2821 services.—

2822 (1) A transitional living facility shall develop a
 2823 comprehensive treatment plan for each client as soon as
 2824 practicable but no later than 30 days after the initial

2825 comprehensive treatment plan is developed. The comprehensive
 2826 treatment plan must be developed by an interdisciplinary team
 2827 consisting of the case manager, the program director, the
 2828 advanced practice registered nurse ~~practitioner~~, and appropriate
 2829 therapists. The client or, if appropriate, the client's
 2830 representative must be included in developing the comprehensive
 2831 treatment plan. The comprehensive treatment plan must be
 2832 reviewed and updated if the client fails to meet projected
 2833 improvements outlined in the plan or if a significant change in
 2834 the client's condition occurs. The comprehensive treatment plan
 2835 must be reviewed and updated at least once monthly.

2836 (2) The comprehensive treatment plan must include:

2837 (a) Orders obtained from the physician, physician
 2838 assistant, independent advanced practice registered nurse, or
 2839 advanced practice registered nurse ~~practitioner~~ and the client's
 2840 diagnosis, medical history, physical examination, and
 2841 rehabilitative or restorative needs.

2842 (b) A preliminary nursing evaluation, including orders for
 2843 immediate care provided by the physician, physician assistant,
 2844 independent advanced practice registered nurse, or advanced
 2845 practice registered nurse ~~practitioner~~, which shall be completed
 2846 when the client is admitted.

2847 Section 55. Section 400.9976, Florida Statutes, is amended
 2848 to read:

2849 400.9976 Administration of medication.—

2850 (1) An individual medication administration record must be
2851 maintained for each client. A dose of medication, including a
2852 self-administered dose, shall be properly recorded in the
2853 client's record. A client who self-administers medication shall
2854 be given a pill organizer. Medication must be placed in the pill
2855 organizer by a nurse. A nurse shall document the date and time
2856 that medication is placed into each client's pill organizer. All
2857 medications must be administered in compliance with orders of a
2858 physician, physician assistant, independent advanced practice
2859 registered nurse, or advanced practice registered nurse
2860 ~~practitioner~~.

2861 (2) If an interdisciplinary team determines that self-
2862 administration of medication is an appropriate objective, and if
2863 the physician, physician assistant, independent advanced
2864 practice registered nurse, or advanced practice registered nurse
2865 ~~practitioner~~ does not specify otherwise, the client must be
2866 instructed by the physician, physician assistant, independent
2867 advanced practice registered nurse, or advanced practice
2868 registered nurse ~~practitioner~~ to self-administer his or her
2869 medication without the assistance of a staff person. All forms
2870 of self-administration of medication, including administration
2871 orally, by injection, and by suppository, shall be included in
2872 the training. The client's physician, physician assistant,
2873 independent advanced practice registered nurse, or advanced
2874 practice registered nurse ~~practitioner~~ must be informed of the

2875 interdisciplinary team's decision that self-administration of
2876 medication is an objective for the client. A client may not
2877 self-administer medication until he or she demonstrates the
2878 competency to take the correct medication in the correct dosage
2879 at the correct time, to respond to missed doses, and to contact
2880 the appropriate person with questions.

2881 (3) Medication administration discrepancies and adverse
2882 drug reactions must be recorded and reported immediately to a
2883 physician, physician assistant, independent advanced practice
2884 registered nurse, or advanced practice registered nurse
2885 ~~practitioner~~.

2886 Section 56. Subsections (2) through (5) of section
2887 400.9979, Florida Statutes, are amended to read:

2888 400.9979 Restraint and seclusion; client safety.—

2889 (2) The use of physical restraints must be ordered and
2890 documented by a physician, physician assistant, independent
2891 advanced practice registered nurse, or advanced practice
2892 registered nurse ~~practitioner~~ and must be consistent with the
2893 policies and procedures adopted by the facility. The client or,
2894 if applicable, the client's representative shall be informed of
2895 the facility's physical restraint policies and procedures when
2896 the client is admitted.

2897 (3) The use of chemical restraints shall be limited to
2898 prescribed dosages of medications as ordered by a physician,
2899 physician assistant, independent advanced practice registered

2900 nurse, or advanced practice registered nurse ~~practitioner~~ and
2901 must be consistent with the client's diagnosis and the policies
2902 and procedures adopted by the facility. The client and, if
2903 applicable, the client's representative shall be informed of the
2904 facility's chemical restraint policies and procedures when the
2905 client is admitted.

2906 (4) Based on the assessment by a physician, physician
2907 assistant, independent advanced practice registered nurse, or
2908 advanced practice registered nurse ~~practitioner~~, if a client
2909 exhibits symptoms that present an immediate risk of injury or
2910 death to himself or herself or others, a physician, physician
2911 assistant, independent advanced practice registered nurse, or
2912 advanced practice registered nurse ~~practitioner~~ may issue an
2913 emergency treatment order to immediately administer rapid-
2914 response psychotropic medications or other chemical restraints.
2915 Each emergency treatment order must be documented and maintained
2916 in the client's record.

2917 (a) An emergency treatment order is not effective for more
2918 than 24 hours.

2919 (b) Whenever a client is medicated under this subsection,
2920 the client's representative or a responsible party and the
2921 client's physician, physician assistant, independent advanced
2922 practice registered nurse, or advanced practice registered nurse
2923 ~~practitioner~~ shall be notified as soon as practicable.

2924 (5) A client who is prescribed and receives a medication

2925 that can serve as a chemical restraint for a purpose other than
 2926 an emergency treatment order must be evaluated by his or her
 2927 physician, physician assistant, independent advanced practice
 2928 registered nurse, or advanced practice registered nurse
 2929 ~~practitioner~~ at least monthly to assess:

- 2930 (a) The continued need for the medication.
- 2931 (b) The level of the medication in the client's blood.
- 2932 (c) The need for adjustments to the prescription.

2933 Section 57. Subsections (1) and (2) of section 401.445,
 2934 Florida Statutes, are amended to read:

2935 401.445 Emergency examination and treatment of
 2936 incapacitated persons.—

2937 (1) ~~No~~ Recovery is not ~~shall be~~ allowed in any court in
 2938 this state against any emergency medical technician, paramedic,
 2939 or physician as defined in this chapter; ~~;~~ any advanced practice
 2940 registered nurse practitioner certified under s. 464.012; any
 2941 independent advanced practice registered nurse registered under
 2942 s. 464.0125; ~~;~~ or any physician assistant licensed under s.
 2943 458.347 or s. 459.022, or any person acting under the direct
 2944 medical supervision of a physician, in an action brought for
 2945 examining or treating a patient without his or her informed
 2946 consent if:

- 2947 (a) The patient at the time of examination or treatment is
 2948 intoxicated, under the influence of drugs, or otherwise
 2949 incapable of providing informed consent as provided in s.

2950 766.103;

2951 (b) The patient at the time of examination or treatment is
 2952 experiencing an emergency medical condition; and

2953 (c) The patient would reasonably, under all the
 2954 surrounding circumstances, undergo such examination, treatment,
 2955 or procedure if the patient ~~he or she~~ were advised by the
 2956 emergency medical technician, paramedic, physician, independent
 2957 advanced practice registered nurse, advanced practice registered
 2958 nurse ~~practitioner~~, or physician assistant in accordance with s.
 2959 766.103(3).

2960
 2961 Examination and treatment provided under this subsection shall
 2962 be limited to reasonable examination of the patient to determine
 2963 the medical condition of the patient and treatment reasonably
 2964 necessary to alleviate the emergency medical condition or to
 2965 stabilize the patient.

2966 (2) In examining and treating a person who is apparently
 2967 intoxicated, under the influence of drugs, or otherwise
 2968 incapable of providing informed consent, the emergency medical
 2969 technician, paramedic, physician, independent advanced practice
 2970 registered nurse practitioner, advanced practice registered
 2971 nurse ~~practitioner~~, or physician assistant, or any person acting
 2972 under the direct medical supervision of a physician, shall
 2973 proceed wherever possible with the consent of the person. If the
 2974 person reasonably appears to be incapacitated and refuses his or

2975 her consent, the person may be examined, treated, or taken to a
 2976 hospital or other appropriate treatment resource if he or she is
 2977 in need of emergency attention, without his or her consent, but
 2978 unreasonable force shall not be used.

2979 Section 58. Subsections (1) and (11) of section 409.905,
 2980 Florida Statutes, are amended to read:

2981 409.905 Mandatory Medicaid services.—The agency may make
 2982 payments for the following services, which are required of the
 2983 state by Title XIX of the Social Security Act, furnished by
 2984 Medicaid providers to recipients who are determined to be
 2985 eligible on the dates on which the services were provided. Any
 2986 service under this section shall be provided only when medically
 2987 necessary and in accordance with state and federal law.

2988 Mandatory services rendered by providers in mobile units to
 2989 Medicaid recipients may be restricted by the agency. Nothing in
 2990 this section shall be construed to prevent or limit the agency
 2991 from adjusting fees, reimbursement rates, lengths of stay,
 2992 number of visits, number of services, or any other adjustments
 2993 necessary to comply with the availability of moneys and any
 2994 limitations or directions provided for in the General
 2995 Appropriations Act or chapter 216.

2996 (1) INDEPENDENT ADVANCED PRACTICE REGISTERED NURSE AND
 2997 ADVANCED PRACTICE REGISTERED NURSE PRACTITIONER SERVICES.—The
 2998 agency shall pay for services provided to a recipient by a
 2999 registered independent advanced practice registered nurse, a

3000 certified ~~licensed~~ advanced practice registered nurse
 3001 ~~practitioner~~ who has a valid collaboration agreement with a
 3002 licensed physician on file with the Department of Health, or a
 3003 certified registered nurse anesthetist who provides anesthesia
 3004 services in accordance with established protocol required by
 3005 state law and approved by the medical staff of the facility in
 3006 which the anesthetic service is performed. Reimbursement for
 3007 such services must be provided in an amount that equals at least
 3008 ~~not less than~~ 80 percent of the reimbursement to a physician who
 3009 provides the same services, unless otherwise provided for in the
 3010 General Appropriations Act.

3011 (11) RURAL HEALTH CLINIC SERVICES.—The agency shall pay
 3012 for outpatient primary health care services for a recipient
 3013 provided by a clinic certified by and participating in the
 3014 Medicare program which is located in a federally designated,
 3015 rural, medically underserved area and has on its staff one or
 3016 more certified ~~licensed primary care~~ nurse practitioners or
 3017 physician assistants, and a licensed staff supervising
 3018 physician, ~~or~~ a consulting supervising physician, or an
 3019 independent advanced practice registered nurse.

3020 Section 59. Paragraph (a) of subsection (3) and subsection
 3021 (8) of section 409.908, Florida Statutes, is amended to read:

3022 409.908 Reimbursement of Medicaid providers.—Subject to
 3023 specific appropriations, the agency shall reimburse Medicaid
 3024 providers, in accordance with state and federal law, according

3025 to methodologies set forth in the rules of the agency and in
3026 policy manuals and handbooks incorporated by reference therein.
3027 These methodologies may include fee schedules, reimbursement
3028 methods based on cost reporting, negotiated fees, competitive
3029 bidding pursuant to s. 287.057, and other mechanisms the agency
3030 considers efficient and effective for purchasing services or
3031 goods on behalf of recipients. If a provider is reimbursed based
3032 on cost reporting and submits a cost report late and that cost
3033 report would have been used to set a lower reimbursement rate
3034 for a rate semester, then the provider's rate for that semester
3035 shall be retroactively calculated using the new cost report, and
3036 full payment at the recalculated rate shall be effected
3037 retroactively. Medicare-granted extensions for filing cost
3038 reports, if applicable, shall also apply to Medicaid cost
3039 reports. Payment for Medicaid compensable services made on
3040 behalf of Medicaid eligible persons is subject to the
3041 availability of moneys and any limitations or directions
3042 provided for in the General Appropriations Act or chapter 216.
3043 Further, nothing in this section shall be construed to prevent
3044 or limit the agency from adjusting fees, reimbursement rates,
3045 lengths of stay, number of visits, or number of services, or
3046 making any other adjustments necessary to comply with the
3047 availability of moneys and any limitations or directions
3048 provided for in the General Appropriations Act, provided the
3049 adjustment is consistent with legislative intent.

3050 (3) Subject to any limitations or directions provided for
 3051 in the General Appropriations Act, the following Medicaid
 3052 services and goods may be reimbursed on a fee-for-service basis.
 3053 For each allowable service or goods furnished in accordance with
 3054 Medicaid rules, policy manuals, handbooks, and state and federal
 3055 law, the payment shall be the amount billed by the provider, the
 3056 provider's usual and customary charge, or the maximum allowable
 3057 fee established by the agency, whichever amount is less, with
 3058 the exception of those services or goods for which the agency
 3059 makes payment using a methodology based on capitation rates,
 3060 average costs, or negotiated fees.

3061 (a) Independent advanced practice registered nurse or
 3062 advanced practice registered nurse ~~practitioner~~ services.

3063 (8) A provider of family planning services shall be
 3064 reimbursed the lesser of the amount billed by the provider or an
 3065 all-inclusive amount per type of visit for physicians,
 3066 independent advanced practice registered nurses, and advanced
 3067 practice registered nurses ~~nurse-practitioners~~, as established
 3068 by the agency in a fee schedule.

3069 Section 60. Subsection (2) of section 409.9081, Florida
 3070 Statutes, is amended to read:

3071 409.9081 Copayments.—

3072 (2) The agency shall, subject to federal regulations and
 3073 any directions or limitations provided for in the General
 3074 Appropriations Act, require copayments for the following

3075 additional services: hospital inpatient, laboratory and X-ray
 3076 services, transportation services, home health care services,
 3077 community mental health services, rural health services,
 3078 federally qualified health clinic services, and independent
 3079 advanced practice registered nurse or advanced practice
 3080 registered nurse practitioner services. The agency may only
 3081 establish copayments for prescribed drugs or for any other
 3082 federally authorized service if such copayment is specifically
 3083 provided for in the General Appropriations Act or other law.

3084 Section 61. Paragraph (a) of subsection (1) of section
 3085 409.973, Florida Statutes, is amended to read:

3086 409.973 Benefits.—

3087 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
 3088 minimum, the following services:

3089 (a) Independent advanced practice registered nurse and
 3090 advanced practice registered nurse ~~practitioner~~ services.

3091 Section 62. Subsections (2), (4), and (5) of section
 3092 429.26, Florida Statutes, are amended to read:

3093 429.26 Appropriateness of placements; examinations of
 3094 residents.—

3095 (2) A physician, a physician assistant, an independent
 3096 advanced practice registered nurse, or an advanced practice
 3097 registered nurse ~~practitioner~~ who is employed by an assisted
 3098 living facility to provide an initial examination for admission
 3099 purposes may not have financial interest in the facility.

3100 (4) If possible, each resident shall have been examined by
 3101 a licensed physician, a licensed physician assistant, a
 3102 registered independent advanced practice registered nurse, or a
 3103 certified advanced practice registered ~~licensed~~ nurse
 3104 ~~practitioner~~ within 60 days before admission to the facility.
 3105 The signed and completed medical examination report shall be
 3106 submitted to the owner or administrator of the facility who
 3107 shall use the information contained therein to assist in the
 3108 determination of the appropriateness of the resident's admission
 3109 and continued stay in the facility. The medical examination
 3110 report shall become a permanent part of the record of the
 3111 resident at the facility and shall be made available to the
 3112 agency during inspection or upon request. An assessment that has
 3113 been completed through the Comprehensive Assessment and Review
 3114 for Long-Term Care Services (CARES) Program fulfills the
 3115 requirements for a medical examination under this subsection and
 3116 s. 429.07(3)(b)6.

3117 (5) Except as provided in s. 429.07, if a medical
 3118 examination has not been completed within 60 days before the
 3119 admission of the resident to the facility, a licensed physician,
 3120 licensed physician assistant, registered independent advanced
 3121 practice registered nurse, or certified advanced practice
 3122 ~~licensed~~ nurse ~~practitioner~~ shall examine the resident and
 3123 complete a medical examination form provided by the agency
 3124 within 30 days following the admission to the facility to enable

3125 | the facility owner or administrator to determine the
 3126 | appropriateness of the admission. The medical examination form
 3127 | shall become a permanent part of the record of the resident at
 3128 | the facility and shall be made available to the agency during
 3129 | inspection by the agency or upon request.

3130 | Section 63. Paragraph (a) of subsection (2) and paragraph
 3131 | (a) of subsection (7) of section 429.918, Florida Statutes, are
 3132 | amended to read:

3133 | 429.918 Licensure designation as a specialized Alzheimer's
 3134 | services adult day care center.—

3135 | (2) As used in this section, the term:

3136 | (a) "ADRD participant" means a participant who has a
 3137 | documented diagnosis of Alzheimer's disease or a dementia-
 3138 | related disorder (ADRD) from a licensed physician, licensed
 3139 | physician assistant, registered independent advanced practice
 3140 | registered nurse, or certified a—licensed advanced practice
 3141 | registered nurse ~~practitioner~~.

3142 | (7) (a) An ADRD participant admitted to an adult day care
 3143 | center having a license designated under this section, or the
 3144 | caregiver when applicable, must:

3145 | 1. Require ongoing supervision to maintain the highest
 3146 | level of medical or custodial functioning and have a
 3147 | demonstrated need for a responsible party to oversee his or her
 3148 | care.

3149 | 2. Not actively demonstrate aggressive behavior that

3150 places himself, herself, or others at risk of harm.

3151 3. Provide the following medical documentation signed by a
 3152 licensed physician, licensed physician assistant, registered
 3153 independent advanced practice registered nurse, or certified a
 3154 licensed advanced practice registered nurse practitioner:

3155 a. Any physical, health, or emotional conditions that
 3156 require medical care.

3157 b. A listing of the ADRD participant's current prescribed
 3158 and over-the-counter medications and dosages, diet restrictions,
 3159 mobility restrictions, and other physical limitations.

3160 4. Provide documentation signed by a health care provider
 3161 licensed in this state which indicates that the ADRD participant
 3162 is free of the communicable form of tuberculosis and free of
 3163 signs and symptoms of other communicable diseases.

3164 Section 64. Paragraph (e) of subsection (5) of section
 3165 440.102, Florida Statutes, is amended to read:

3166 440.102 Drug-free workplace program requirements.—The
 3167 following provisions apply to a drug-free workplace program
 3168 implemented pursuant to law or to rules adopted by the Agency
 3169 for Health Care Administration:

3170 (5) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen
 3171 collection and testing for drugs under this section shall be
 3172 performed in accordance with the following procedures:

3173 (e) A specimen for a drug test may be taken or collected
 3174 by any of the following persons:

3175 | 1. A physician, a physician assistant, an independent
 3176 | advanced practice registered nurse, an advanced practice
 3177 | registered nurse, a registered ~~professional~~ nurse, a licensed
 3178 | practical nurse, ~~or a nurse practitioner~~ or a certified
 3179 | paramedic who is present at the scene of an accident for the
 3180 | purpose of rendering emergency medical service or treatment.

3181 | 2. A qualified person employed by a licensed or certified
 3182 | laboratory as described in subsection (9).

3183 | Section 65. Subsection (2) and paragraph (d) of subsection
 3184 | (4) of section 456.0391, Florida Statutes, are amended to read:

3185 | 456.0391 Advanced practice registered nurses ~~nurse~~
 3186 | ~~practitioners;~~ information required for certification.—

3187 | (2) The Department of Health shall send a notice to each
 3188 | person certified under s. 464.012 at the certificateholder's
 3189 | last known address of record regarding the requirements for
 3190 | information to be submitted by advanced practice registered
 3191 | nurses ~~nurse practitioners~~ pursuant to this section in
 3192 | conjunction with the renewal of such certificate.

3193 | (4)

3194 | (d) Any applicant for initial certification or renewal of
 3195 | certification as an advanced practice registered nurse
 3196 | ~~practitioner~~ who submits to the Department of Health a set of
 3197 | fingerprints and information required for the criminal history
 3198 | check required under this section shall not be required to
 3199 | provide a subsequent set of fingerprints or other duplicate

3200 information required for a criminal history check to the Agency
 3201 for Health Care Administration, the Department of Juvenile
 3202 Justice, or the Department of Children and Families for
 3203 employment or licensure with such agency or department, if the
 3204 applicant has undergone a criminal history check as a condition
 3205 of initial certification or renewal of certification as an
 3206 advanced practice registered nurse ~~practitioner~~ with the
 3207 Department of Health, notwithstanding any other provision of law
 3208 to the contrary. In lieu of such duplicate submission, the
 3209 Agency for Health Care Administration, the Department of
 3210 Juvenile Justice, and the Department of Children and Families
 3211 shall obtain criminal history information for employment or
 3212 licensure of persons certified under s. 464.012 by such agency
 3213 or department from the Department of Health's health care
 3214 practitioner credentialing system.

3215 Section 66. Subsection (2) of section 456.0392, Florida
 3216 Statutes, is amended to read:

3217 456.0392 Prescription labeling.—

3218 (2) A prescription for a drug ~~that is not listed as a~~
 3219 ~~controlled substance in chapter 893~~ which is written by an
 3220 advanced practice registered nurse ~~practitioner~~ certified under
 3221 s. 464.012 is presumed, subject to rebuttal, to be valid and
 3222 within the parameters of the prescriptive authority delegated by
 3223 a practitioner licensed under chapter 458, chapter 459, or
 3224 chapter 466.

3225 Section 67. Paragraph (a) of subsection (1) and subsection
 3226 (6) of section 456.041, Florida Statutes, are amended to read:

3227 456.041 Practitioner profile; creation.—

3228 (1) (a) The Department of Health shall compile the
 3229 information submitted pursuant to s. 456.039 into a practitioner
 3230 profile of the applicant submitting the information, except that
 3231 the Department of Health shall develop a format to compile
 3232 uniformly any information submitted under s. 456.039(4) (b).
 3233 Beginning July 1, 2001, the Department of Health may compile the
 3234 information submitted pursuant to s. 456.0391 into a
 3235 practitioner profile of the applicant submitting the
 3236 information. The protocol submitted pursuant to s. 464.012(3)
 3237 must be included in the practitioner profile of the advanced
 3238 practice registered nurse ~~practitioner~~.

3239 (6) The Department of Health shall provide in each
 3240 practitioner profile for every physician or advanced practice
 3241 registered nurse ~~practitioner~~ terminated for cause from
 3242 participating in the Medicaid program, pursuant to s. 409.913,
 3243 or sanctioned by the Medicaid program a statement that the
 3244 practitioner has been terminated from participating in the
 3245 Florida Medicaid program or sanctioned by the Medicaid program.

3246 Section 68. Subsection (1) and paragraphs (a), (d), and
 3247 (e) of subsection (2) of section 456.048, Florida Statutes, are
 3248 amended to read:

3249 456.048 Financial responsibility requirements for certain

3250 health care practitioners.-

3251 (1) As a prerequisite for licensure or license renewal,
 3252 the Board of Acupuncture, the Board of Chiropractic Medicine,
 3253 the Board of Podiatric Medicine, and the Board of Dentistry
 3254 shall, by rule, require that all health care practitioners
 3255 licensed under the respective board, and the Board of Medicine
 3256 and the Board of Osteopathic Medicine shall, by rule, require
 3257 that all anesthesiologist assistants licensed pursuant to s.
 3258 458.3475 or s. 459.023, and the Board of Nursing shall, by rule,
 3259 require that independent advanced practice registered nurses
 3260 registered under s. 464.0125 and advanced practice registered
 3261 nurses ~~nurse practitioners~~ certified under s. 464.012, and the
 3262 department shall, by rule, require that midwives maintain
 3263 medical malpractice insurance or provide proof of financial
 3264 responsibility in an amount and in a manner determined by the
 3265 board or department to be sufficient to cover claims arising out
 3266 of the rendering of or failure to render professional care and
 3267 services in this state.

3268 (2) The board or department may grant exemptions upon
 3269 application by practitioners meeting any of the following
 3270 criteria:

3271 (a) Any person licensed, certified, or registered under
 3272 chapter 457, s. 458.3475, s. 459.023, chapter 460, chapter 461,
 3273 s. 464.012, s. 464.0125, chapter 466, or chapter 467 who
 3274 practices exclusively as an officer, employee, or agent of the

3275 Federal Government or of the state or its agencies or its
 3276 subdivisions. For the purposes of this subsection, an agent of
 3277 the state, its agencies, or its subdivisions is a person who is
 3278 eligible for coverage under any self-insurance or insurance
 3279 program authorized by the provisions of s. 768.28(16) or who is
 3280 a volunteer under s. 110.501(1).

3281 (d) Any person licensed, ~~or certified,~~ or registered under
 3282 chapter 457, s. 458.3475, s. 459.023, chapter 460, chapter 461,
 3283 s. 464.012, s. 464.0125, chapter 466, or chapter 467 who
 3284 practices only in conjunction with his or her teaching duties at
 3285 an accredited school or in its main teaching hospitals. Such
 3286 person may engage in the practice of medicine to the extent that
 3287 such practice is incidental to and a necessary part of duties in
 3288 connection with the teaching position in the school.

3289 (e) Any person holding an active license, ~~or~~
 3290 certification, or registration under chapter 457, s. 458.3475,
 3291 s. 459.023, chapter 460, chapter 461, s. 464.012, s. 464.0125,
 3292 chapter 466, or chapter 467 who is not practicing in this state.
 3293 If such person initiates or resumes practice in this state, he
 3294 or she must notify the department of such activity.

3295 Section 69. Paragraphs (a), (i), (o), and (r) of
 3296 subsection (3) and paragraph (g) of subsection (5) of section
 3297 456.053, Florida Statutes, are amended to read:

3298 456.053 Financial arrangements between referring health
 3299 care providers and providers of health care services.-

3300 (3) DEFINITIONS.—For the purpose of this section, the
 3301 word, phrase, or term:

3302 (a) "Board" means any of the following boards relating to
 3303 the respective professions: the Board of Medicine as created in
 3304 s. 458.307; the Board of Osteopathic Medicine as created in s.
 3305 459.004; the Board of Chiropractic Medicine as created in s.
 3306 460.404; the Board of Podiatric Medicine as created in s.
 3307 461.004; the Board of Optometry as created in s. 463.003; the
 3308 Board of Nursing as created in s. 464.004; the Board of Pharmacy
 3309 as created in s. 465.004; and the Board of Dentistry as created
 3310 in s. 466.004.

3311 (i) "Health care provider" means a ~~any~~ physician licensed
 3312 under chapter 458, chapter 459, chapter 460, or chapter 461; an
 3313 independent advanced practice registered nurse registered under
 3314 s. 464.0125; or ~~a~~, ~~or any~~ health care provider licensed under
 3315 chapter 463 or chapter 466.

3316 (o) "Referral" means any referral of a patient by a health
 3317 care provider for health care services, including, without
 3318 limitation:

3319 1. The forwarding of a patient by a health care provider
 3320 to another health care provider or to an entity which provides
 3321 or supplies designated health services or any other health care
 3322 item or service; or

3323 2. The request or establishment of a plan of care by a
 3324 health care provider, which includes the provision of designated

3325 health services or other health care item or service.

3326 3. The following orders, recommendations, or plans of care
 3327 shall not constitute a referral by a health care provider:

3328 a. By a radiologist for diagnostic-imaging services.

3329 b. By a physician specializing in the provision of
 3330 radiation therapy services for such services.

3331 c. By a medical oncologist for drugs and solutions to be
 3332 prepared and administered intravenously to such oncologist's
 3333 patient, as well as for the supplies and equipment used in
 3334 connection therewith to treat such patient for cancer and the
 3335 complications thereof.

3336 d. By a cardiologist for cardiac catheterization services.

3337 e. By a pathologist for diagnostic clinical laboratory
 3338 tests and pathological examination services, if furnished by or
 3339 under the supervision of such pathologist pursuant to a
 3340 consultation requested by another physician.

3341 f. By a health care provider who is the sole provider or
 3342 member of a group practice for designated health services or
 3343 other health care items or services that are prescribed or
 3344 provided solely for such referring health care provider's or
 3345 group practice's own patients, and that are provided or
 3346 performed by or under the direct supervision of such referring
 3347 health care provider or group practice; provided, however, ~~that~~
 3348 ~~effective July 1, 1999,~~ a physician licensed pursuant to chapter
 3349 458, chapter 459, chapter 460, or chapter 461 or an independent

3350 advanced practice registered nurse registered under s. 464.0125
3351 may refer a patient to a sole provider or group practice for
3352 diagnostic imaging services, excluding radiation therapy
3353 services, for which the sole provider or group practice billed
3354 both the technical and the professional fee for or on behalf of
3355 the patient, if the referring physician or independent advanced
3356 practice registered nurse has no investment interest in the
3357 practice. The diagnostic imaging service referred to a group
3358 practice or sole provider must be a diagnostic imaging service
3359 normally provided within the scope of practice to the patients
3360 of the group practice or sole provider. The group practice or
3361 sole provider may accept no more than 15 percent of their
3362 patients receiving diagnostic imaging services from outside
3363 referrals, excluding radiation therapy services.

3364 g. By a health care provider for services provided by an
3365 ambulatory surgical center licensed under chapter 395.

3366 h. By a urologist for lithotripsy services.

3367 i. By a dentist for dental services performed by an
3368 employee of or health care provider who is an independent
3369 contractor with the dentist or group practice of which the
3370 dentist is a member.

3371 j. By a physician for infusion therapy services to a
3372 patient of that physician or a member of that physician's group
3373 practice.

3374 k. By a nephrologist for renal dialysis services and

3375 | supplies, except laboratory services.

3376 | 1. By a health care provider whose principal professional
 3377 | practice consists of treating patients in their private
 3378 | residences for services to be rendered in such private
 3379 | residences, except for services rendered by a home health agency
 3380 | licensed under chapter 400. For purposes of this sub-
 3381 | subparagraph, the term "private residences" includes patients'
 3382 | private homes, independent living centers, and assisted living
 3383 | facilities, but does not include skilled nursing facilities.

3384 | m. By a health care provider for sleep-related testing.

3385 | (r) "Sole provider" means one health care provider
 3386 | licensed under chapter 458, chapter 459, chapter 460, ~~or~~ chapter
 3387 | 461, or s. 464.0125, who maintains a separate medical office and
 3388 | a medical practice separate from any other health care provider
 3389 | and who bills for his or her services separately from the
 3390 | services provided by any other health care provider. A sole
 3391 | provider shall not share overhead expenses or professional
 3392 | income with any other person or group practice.

3393 | (5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as
 3394 | provided in this section:

3395 | (g) A violation of this section by a health care provider
 3396 | shall constitute grounds for disciplinary action to be taken by
 3397 | the applicable board pursuant to s. 458.331(2), s. 459.015(2),
 3398 | s. 460.413(2), s. 461.013(2), s. 463.016(2), s. 464.018, or s.
 3399 | 466.028(2). Any hospital licensed under chapter 395 found in

3400 violation of this section shall be subject to s. 395.0185(2).

3401 Section 70. Subsection (7) of section 456.072, Florida
 3402 Statutes, is amended to read:

3403 456.072 Grounds for discipline; penalties; enforcement.—

3404 (7) Notwithstanding subsection (2), upon a finding that a
 3405 physician has prescribed or dispensed a controlled substance, or
 3406 caused a controlled substance to be prescribed or dispensed, in
 3407 a manner that violates the standard of practice set forth in s.
 3408 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)
 3409 or (s), or s. 466.028(1)(p) or (x), or that an independent
 3410 advanced practice registered nurse or an advanced practice
 3411 registered nurse practitioner has prescribed or dispensed a
 3412 controlled substance, or caused a controlled substance to be
 3413 prescribed or dispensed, in a manner that violates the standard
 3414 of practice set forth in s. 464.018(1)(n) or (p)6., the
 3415 ~~physician or advanced registered nurse practitioner~~ shall be
 3416 suspended for a period of at least ~~not less than~~ 6 months and
 3417 pay a fine of at least ~~not less than~~ \$10,000 per count. Repeated
 3418 violations shall result in increased penalties.

3419 Section 71. Subsection (2) of section 456.44, Florida
 3420 Statutes, is amended to read:

3421 456.44 Controlled substance prescribing.—

3422 (2) REGISTRATION.—A physician licensed under chapter 458,
 3423 chapter 459, chapter 461, or chapter 466;; a physician assistant
 3424 licensed under chapter 458 or chapter 459;; or an independent

3425 advanced practice registered nurse registered or an advanced
 3426 practice registered nurse ~~practitioner~~ certified under part I of
 3427 chapter 464 who prescribes any controlled substance, listed in
 3428 Schedule II, Schedule III, or Schedule IV as defined in s.

3429 893.03, for the treatment of chronic nonmalignant pain, must:

3430 (a) Designate himself or herself as a controlled substance
 3431 prescribing practitioner on the ~~his or her~~ practitioner profile.

3432 (b) Comply with the requirements of this section and
 3433 applicable board rules.

3434 Section 72. Paragraph (c) of subsection (2) of section
 3435 458.3265, Florida Statutes, is amended to read:

3436 458.3265 Pain-management clinics.—

3437 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 3438 apply to any physician who provides professional services in a
 3439 pain-management clinic that is required to be registered in
 3440 subsection (1).

3441 (c) A physician, a physician assistant, an independent
 3442 advanced practice registered nurse, or an advanced practice
 3443 registered nurse ~~practitioner~~ must perform a physical
 3444 examination of a patient on the same day that the physician
 3445 prescribes a controlled substance to a patient at a pain-
 3446 management clinic. If the physician prescribes more than a 72-
 3447 hour dose of controlled substances for the treatment of chronic
 3448 nonmalignant pain, the physician must document in the patient's
 3449 record the reason for prescribing that quantity.

3450 Section 73. Paragraph (dd) of subsection (1) of section
 3451 458.331, Florida Statutes, is amended to read:

3452 458.331 Grounds for disciplinary action; action by the
 3453 board and department.—

3454 (1) The following acts constitute grounds for denial of a
 3455 license or disciplinary action, as specified in s. 456.072(2):

3456 (dd) Failing to supervise adequately the activities of
 3457 those physician assistants, paramedics, emergency medical
 3458 technicians, advanced practice registered nurses ~~nurse~~
 3459 ~~practitioners~~, or anesthesiologist assistants acting under the
 3460 supervision of the physician.

3461 Section 74. Paragraph (a) of subsection (1) and
 3462 subsections (2) and (4) of section 458.348, Florida Statutes,
 3463 are amended to read:

3464 458.348 Formal supervisory relationships, standing orders,
 3465 and established protocols; notice; standards.—

3466 (1) NOTICE.—

3467 (a) When a physician enters into a formal supervisory
 3468 relationship or standing orders with an emergency medical
 3469 technician or paramedic licensed pursuant to s. 401.27, which
 3470 relationship or orders contemplate the performance of medical
 3471 acts, or when a physician enters into an established protocol
 3472 with an advanced practice registered nurse ~~practitioner~~, which
 3473 protocol contemplates the performance of medical acts set forth
 3474 in s. 464.012(3) and (4), the physician shall submit notice to

3475 the board. The notice shall contain a statement in substantially
3476 the following form:

3477 I, ...(name and professional license number of
3478 physician)..., of ...(address of physician)... have hereby
3479 entered into a formal supervisory relationship, standing orders,
3480 or an established protocol with ...(number of persons)...
3481 emergency medical technician(s), ...(number of persons)...
3482 paramedic(s), or ...(number of persons)... advanced practice
3483 registered nurse(s) ~~nurse practitioner(s)~~.

3484 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The
3485 joint committee shall determine minimum standards for the
3486 content of established protocols pursuant to which an advanced
3487 practice registered nurse ~~practitioner~~ may perform medical acts
3488 or acts set forth in s. 464.012(3) and (4) and shall determine
3489 minimum standards for supervision of such acts by the physician,
3490 unless the joint committee determines that any act set forth in
3491 s. 464.012(3) or (4) is not a medical act. Such standards shall
3492 be based on risk to the patient and acceptable standards of
3493 medical care and shall take into account the special problems of
3494 medically underserved areas. The standards developed by the
3495 joint committee shall be adopted as rules by the Board of
3496 Nursing and the Board of Medicine for purposes of carrying out
3497 their responsibilities pursuant to part I of chapter 464 and
3498 this chapter, respectively, but neither board shall have
3499 disciplinary powers over the licensees of the other board.

3500 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—
3501 A physician who supervises an advanced practice registered nurse
3502 ~~practitioner~~ or physician assistant at a medical office other
3503 than the physician's primary practice location, where the
3504 advanced practice registered nurse ~~practitioner~~ or physician
3505 assistant is not under the onsite supervision of a supervising
3506 physician, must comply with the standards set forth in this
3507 subsection. For the purpose of this subsection, a physician's
3508 "primary practice location" means the address reflected on the
3509 physician's profile published pursuant to s. 456.041.

3510 (a) A physician who is engaged in providing primary health
3511 care services may not supervise more than four offices in
3512 addition to the physician's primary practice location. For the
3513 purpose of this subsection, "primary health care" means health
3514 care services that are commonly provided to patients without
3515 referral from another practitioner, including obstetrical and
3516 gynecological services, and excludes practices providing
3517 primarily dermatologic and skin care services, which include
3518 aesthetic skin care services.

3519 (b) A physician who is engaged in providing specialty
3520 health care services may not supervise more than two offices in
3521 addition to the physician's primary practice location. For the
3522 purpose of this subsection, "specialty health care" means health
3523 care services that are commonly provided to patients with a
3524 referral from another practitioner and excludes practices

3525 providing primarily dermatologic and skin care services, which
3526 include aesthetic skin care services.

3527 (c) A physician who supervises an advanced practice
3528 registered nurse ~~practitioner~~ or physician assistant at a
3529 medical office other than the physician's primary practice
3530 location, where the advanced practice registered nurse
3531 ~~practitioner~~ or physician assistant is not under the onsite
3532 supervision of a supervising physician and the services offered
3533 at the office are primarily dermatologic or skin care services,
3534 which include aesthetic skin care services other than plastic
3535 surgery, must comply with the standards listed in subparagraphs
3536 1.-4. Notwithstanding s. 458.347(4)(e)6., a physician
3537 supervising a physician assistant pursuant to this paragraph may
3538 not be required to review and cosign charts or medical records
3539 prepared by such physician assistant.

3540 1. The physician shall submit to the board the addresses
3541 of all offices where he or she is supervising an advanced
3542 practice registered nurse ~~practitioner~~ or a physician
3543 ~~physician's~~ assistant which are not the physician's primary
3544 practice location.

3545 2. The physician must be board certified or board eligible
3546 in dermatology or plastic surgery as recognized by the board
3547 pursuant to s. 458.3312.

3548 3. All such offices that are not the physician's primary
3549 place of practice must be within 25 miles of the physician's

3550 primary place of practice or in a county that is contiguous to
3551 the county of the physician's primary place of practice.
3552 However, the distance between any of the offices may not exceed
3553 75 miles.

3554 4. The physician may supervise only one office other than
3555 the physician's primary place of practice ~~except that until July~~
3556 ~~1, 2011, the physician may supervise up to two medical offices~~
3557 ~~other than the physician's primary place of practice if the~~
3558 ~~addresses of the offices are submitted to the board before July~~
3559 ~~1, 2006. Effective July 1, 2011, the physician may supervise~~
3560 ~~only one office other than the physician's primary place of~~
3561 ~~practice, regardless of when the addresses of the offices were~~
3562 ~~submitted to the board.~~

3563 (d) A physician who supervises an office in addition to
3564 the physician's primary practice location must conspicuously
3565 post in each of the physician's offices a current schedule of
3566 the regular hours when the physician is present in that office
3567 and the hours when the office is open while the physician is not
3568 present.

3569 (e) This subsection does not apply to health care services
3570 provided in facilities licensed under chapter 395 or in
3571 conjunction with a college of medicine, a college of nursing, an
3572 accredited graduate medical program, or a nursing education
3573 program; not-for-profit, family-planning clinics that are not
3574 licensed pursuant to chapter 390; rural and federally qualified

3575 health centers; health care services provided in a nursing home
3576 licensed under part II of chapter 400, an assisted living
3577 facility licensed under part I of chapter 429, a continuing care
3578 facility licensed under chapter 651, or a retirement community
3579 consisting of independent living units and a licensed nursing
3580 home or assisted living facility; anesthesia services provided
3581 in accordance with law; health care services provided in a
3582 designated rural health clinic; health care services provided to
3583 persons enrolled in a program designed to maintain elderly
3584 persons and persons with disabilities in a home or community-
3585 based setting; university primary care student health centers;
3586 school health clinics; or health care services provided in
3587 federal, state, or local government facilities. Subsection (3)
3588 and this subsection do not apply to offices at which the
3589 exclusive service being performed is laser hair removal by an
3590 advanced practice registered nurse ~~practitioner~~ or physician
3591 assistant.

3592 Section 75. Paragraph (c) of subsection (2) of section
3593 459.0137, Florida Statutes, is amended to read:

3594 459.0137 Pain-management clinics.—

3595 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
3596 apply to any osteopathic physician who provides professional
3597 services in a pain-management clinic that is required to be
3598 registered in subsection (1).

3599 (c) An osteopathic physician, a physician assistant, or an

3600 independent advanced practice registered nurse, or an advanced
 3601 practice registered nurse ~~practitioner~~ must perform a physical
 3602 examination of a patient on the same day that the physician
 3603 prescribes a controlled substance to a patient at a pain-
 3604 management clinic. If the osteopathic physician prescribes more
 3605 than a 72-hour dose of controlled substances for the treatment
 3606 of chronic nonmalignant pain, the osteopathic physician must
 3607 document in the patient's record the reason for prescribing that
 3608 quantity.

3609 Section 76. Paragraph (hh) of subsection (1) of section
 3610 459.015, Florida Statutes, is amended to read:

3611 459.015 Grounds for disciplinary action; action by the
 3612 board and department.—

3613 (1) The following acts constitute grounds for denial of a
 3614 license or disciplinary action, as specified in s. 456.072(2):

3615 (hh) Failing to supervise adequately the activities of
 3616 those physician assistants, paramedics, emergency medical
 3617 technicians, advanced practice registered nurses ~~nurse~~
 3618 ~~practitioners~~, anesthesiologist assistants, or other persons
 3619 acting under the supervision of the osteopathic physician.

3620 Section 77. Paragraph (a) of subsection (1) and subsection
 3621 (3) of section 459.025, Florida Statutes, are amended to read:

3622 459.025 Formal supervisory relationships, standing orders,
 3623 and established protocols; notice; standards.—

3624 (1) NOTICE.—

3625 (a) When an osteopathic physician enters into a formal
 3626 supervisory relationship or standing orders with an emergency
 3627 medical technician or paramedic licensed pursuant to s. 401.27,
 3628 which relationship or orders contemplate the performance of
 3629 medical acts, or when an osteopathic physician enters into an
 3630 established protocol with an advanced practice registered nurse
 3631 ~~practitioner~~, which protocol contemplates the performance of
 3632 medical acts or acts set forth in s. 464.012(3) and (4), the
 3633 osteopathic physician shall submit notice to the board. The
 3634 notice must contain a statement in substantially the following
 3635 form:

3636 I, ...(name and professional license number of osteopathic
 3637 physician)..., of ...(address of osteopathic physician)... have
 3638 hereby entered into a formal supervisory relationship, standing
 3639 orders, or an established protocol with ...(number of
 3640 persons)... emergency medical technician(s), ...(number of
 3641 persons)... paramedic(s), or ...(number of persons)... advanced
 3642 practice registered nurse(s) ~~nurse practitioner(s)~~.

3643 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—
 3644 An osteopathic physician who supervises an advanced practice
 3645 registered nurse ~~practitioner~~ or physician assistant at a
 3646 medical office other than the osteopathic physician's primary
 3647 practice location, where the advanced practice registered nurse
 3648 ~~practitioner~~ or physician assistant is not under the onsite
 3649 supervision of a supervising osteopathic physician, must comply

3650 with the standards set forth in this subsection. For the purpose
3651 of this subsection, an osteopathic physician's "primary practice
3652 location" means the address reflected on the physician's profile
3653 published pursuant to s. 456.041.

3654 (a) An osteopathic physician who is engaged in providing
3655 primary health care services may not supervise more than four
3656 offices in addition to the osteopathic physician's primary
3657 practice location. For the purpose of this subsection, "primary
3658 health care" means health care services that are commonly
3659 provided to patients without referral from another practitioner,
3660 including obstetrical and gynecological services, and excludes
3661 practices providing primarily dermatologic and skin care
3662 services, which include aesthetic skin care services.

3663 (b) An osteopathic physician who is engaged in providing
3664 specialty health care services may not supervise more than two
3665 offices in addition to the osteopathic physician's primary
3666 practice location. For the purpose of this subsection,
3667 "specialty health care" means health care services that are
3668 commonly provided to patients with a referral from another
3669 practitioner and excludes practices providing primarily
3670 dermatologic and skin care services, which include aesthetic
3671 skin care services.

3672 (c) An osteopathic physician who supervises an advanced
3673 practice registered nurse ~~practitioner~~ or physician assistant at
3674 a medical office other than the osteopathic physician's primary

3675 | practice location, where the advanced practice registered nurse
3676 | ~~practitioner~~ or physician assistant is not under the onsite
3677 | supervision of a supervising osteopathic physician and the
3678 | services offered at the office are primarily dermatologic or
3679 | skin care services, which include aesthetic skin care services
3680 | other than plastic surgery, must comply with the standards
3681 | listed in subparagraphs 1.-4. Notwithstanding s.
3682 | 459.022(4)(e)6., an osteopathic physician supervising a
3683 | physician assistant pursuant to this paragraph may not be
3684 | required to review and cosign charts or medical records prepared
3685 | by such physician assistant.

3686 | 1. The osteopathic physician shall submit to the Board of
3687 | Osteopathic Medicine the addresses of all offices where the
3688 | osteopathic physician ~~he or she~~ is supervising or has a protocol
3689 | with an advanced practice registered nurse ~~practitioner~~ or a
3690 | physician ~~physician's~~ assistant which are not the osteopathic
3691 | physician's primary practice location.

3692 | 2. The osteopathic physician must be board certified or
3693 | board eligible in dermatology or plastic surgery as recognized
3694 | by the Board of Osteopathic Medicine pursuant to s. 459.0152.

3695 | 3. All such offices that are not the osteopathic
3696 | physician's primary place of practice must be within 25 miles of
3697 | the osteopathic physician's primary place of practice or in a
3698 | county that is contiguous to the county of the osteopathic
3699 | physician's primary place of practice. However, the distance

3700 between any of the offices may not exceed 75 miles.

3701 4. The osteopathic physician may supervise only one office
3702 other than the osteopathic physician's primary place of practice
3703 ~~except that until July 1, 2011, the osteopathic physician may~~
3704 ~~supervise up to two medical offices other than the osteopathic~~
3705 ~~physician's primary place of practice if the addresses of the~~
3706 ~~offices are submitted to the Board of Osteopathic Medicine~~
3707 ~~before July 1, 2006. Effective July 1, 2011, the osteopathic~~
3708 ~~physician may supervise only one office other than the~~
3709 ~~osteopathic physician's primary place of practice, regardless of~~
3710 ~~when the addresses of the offices were submitted to the Board of~~
3711 ~~Osteopathic Medicine.~~

3712 (d) An osteopathic physician who supervises an office in
3713 addition to the osteopathic physician's primary practice
3714 location must conspicuously post in each of the osteopathic
3715 physician's offices a current schedule of the regular hours when
3716 the osteopathic physician is present in that office and the
3717 hours when the office is open while the osteopathic physician is
3718 not present.

3719 (e) This subsection does not apply to health care services
3720 provided in facilities licensed under chapter 395 or in
3721 conjunction with a college of medicine or college of nursing or
3722 an accredited graduate medical or nursing education program;
3723 offices where the only service being performed is hair removal
3724 by an advanced practice registered nurse ~~practitioner~~ or

3725 physician assistant; not-for-profit, family-planning clinics
 3726 that are not licensed pursuant to chapter 390; rural and
 3727 federally qualified health centers; health care services
 3728 provided in a nursing home licensed under part II of chapter
 3729 400, an assisted living facility licensed under part I of
 3730 chapter 429, a continuing care facility licensed under chapter
 3731 651, or a retirement community consisting of independent living
 3732 units and either a licensed nursing home or assisted living
 3733 facility; anesthesia services provided in accordance with law;
 3734 health care services provided in a designated rural health
 3735 clinic; health care services provided to persons enrolled in a
 3736 program designed to maintain elderly persons and persons with
 3737 disabilities in a home or community-based setting; university
 3738 primary care student health centers; school health clinics; or
 3739 health care services provided in federal, state, or local
 3740 government facilities.

3741 Section 78. Subsection (2) of section 464.004, Florida
 3742 Statutes, is amended to read:

3743 464.004 Board of Nursing; membership; appointment; terms.—

3744 (2) Seven members of the board must be registered nurses
 3745 who are residents of this state and who have been engaged in the
 3746 practice of professional nursing for at least 4 years, including
 3747 at least one advanced practice registered nurse ~~practitioner~~,
 3748 one nurse educator member of an approved program, and one nurse
 3749 executive. These seven board members should be representative of

3750 the diverse areas of practice within the nursing profession. In
 3751 addition, three members of the board must be licensed practical
 3752 nurses who are residents of this state and who have been
 3753 actively engaged in the practice of practical nursing for at
 3754 least 4 years prior to their appointment. The remaining three
 3755 members must be residents of the state who have never been
 3756 licensed as nurses and who are in no way connected with the
 3757 practice of nursing. No person may be appointed as a lay member
 3758 who is in any way connected with, or has any financial interest
 3759 in, any health care facility, agency, or insurer. At least one
 3760 member of the board must be 60 years of age or older.

3761 Section 79. Paragraph (a) of subsection (4) of section
 3762 464.0205, Florida Statutes, is amended to read:

3763 464.0205 Retired volunteer nurse certificate.—

3764 (4) A retired volunteer nurse receiving certification from
 3765 the board shall:

3766 (a) Work under the direct supervision of the director of a
 3767 county health department, a physician working under a limited
 3768 license issued pursuant to s. 458.317 or s. 459.0075, a
 3769 physician licensed under chapter 458 or chapter 459, an
 3770 independent advanced practice registered nurse registered under
 3771 s. 464.0125, an advanced practice registered nurse ~~practitioner~~
 3772 certified under s. 464.012, or a registered nurse licensed under
 3773 s. 464.008 or s. 464.009.

3774 Section 80. Subsection (2) of section 467.003, Florida

3775 Statutes, is amended to read:

3776 467.003 Definitions.—As used in this chapter, unless the
3777 context otherwise requires:

3778 (2) "Certified nurse midwife" means a person who is
3779 certified ~~licensed~~ as an advanced practice registered nurse
3780 ~~practitioner~~ under part I of chapter 464 and who is certified to
3781 practice midwifery by the American College of Nurse Midwives.

3782 Section 81. Paragraph (b) of subsection (1) of section
3783 480.0475, Florida Statutes, is amended to read:

3784 480.0475 Massage establishments; prohibited practices.—

3785 (1) A person may not operate a massage establishment
3786 between the hours of midnight and 5 a.m. This subsection does
3787 not apply to a massage establishment:

3788 (b) In which every massage performed between the hours of
3789 midnight and 5 a.m. is performed by a massage therapist acting
3790 under the prescription of a physician or physician assistant
3791 licensed under chapter 458, an osteopathic physician or
3792 physician assistant licensed under chapter 459, a chiropractic
3793 physician licensed under chapter 460, a podiatric physician
3794 licensed under chapter 461, an independent advanced practice
3795 registered nurse registered or an advanced practice registered
3796 nurse certified ~~practitioner licensed~~ under part I of chapter
3797 464, or a dentist licensed under chapter 466; or

3798 Section 82. Subsection (7) of section 483.041, Florida
3799 Statutes, is amended to read:

3800 483.041 Definitions.—As used in this part, the term:
 3801 (7) "Licensed practitioner" means a physician licensed
 3802 under chapter 458, chapter 459, chapter 460, or chapter 461; a
 3803 physician assistant licensed under chapter 458 or chapter 459; a
 3804 certified optometrist licensed under chapter 463; a dentist
 3805 licensed under chapter 466; a person licensed under chapter 462;
 3806 a consultant pharmacist or doctor of pharmacy licensed under
 3807 chapter 465; an independent advanced practice registered nurse
 3808 registered or an advanced practice registered nurse certified
 3809 ~~practitioner licensed~~ under part I of chapter 464; or a duly
 3810 licensed practitioner from another state licensed under similar
 3811 statutes who orders examinations on materials or specimens for
 3812 nonresidents of the State of Florida, but who reside in the same
 3813 state as the requesting licensed practitioner.

3814 Section 83. Subsection (5) of section 483.181, Florida
 3815 Statutes, is amended to read:

3816 483.181 Acceptance, collection, identification, and
 3817 examination of specimens.—

3818 (5) A clinical laboratory licensed under this part must
 3819 make its services available to a practitioner licensed,
 3820 certified, or registered under chapter 458, chapter 459, chapter
 3821 460, chapter 461, chapter 462, chapter 463, s. 464.012, s.
 3822 464.0125, or chapter 466, or to a consultant pharmacist or
 3823 doctor of pharmacy licensed under chapter 465. A clinical
 3824 laboratory shall not charge different prices for its services

3825 based upon the chapter under which a practitioner is licensed.

3826 Section 84. Subsection (5) of section 483.801, Florida
 3827 Statutes, is amended to read:

3828 483.801 Exemptions.—This part applies to all clinical
 3829 laboratories and clinical laboratory personnel within this
 3830 state, except:

3831 (5) Advanced practice registered nurses certified ~~nurse~~
 3832 ~~practitioners licensed~~ under part I of chapter 464 who perform
 3833 provider-performed microscopy procedures (PPMP) in an exclusive-
 3834 use laboratory setting.

3835 Section 85. Paragraph (a) of subsection (11) of section
 3836 486.021, Florida Statutes, is amended to read:

3837 486.021 Definitions.—In this chapter, unless the context
 3838 otherwise requires, the term:

3839 (11) "Practice of physical therapy" means the performance
 3840 of physical therapy assessments and the treatment of any
 3841 disability, injury, disease, or other health condition of human
 3842 beings, or the prevention of such disability, injury, disease,
 3843 or other condition of health, and rehabilitation as related
 3844 thereto by the use of the physical, chemical, and other
 3845 properties of air; electricity; exercise; massage; the
 3846 performance of acupuncture only upon compliance with the
 3847 criteria set forth by the Board of Medicine, when no penetration
 3848 of the skin occurs; the use of radiant energy, including
 3849 ultraviolet, visible, and infrared rays; ultrasound; water; the

3850 use of apparatus and equipment in the application of the
3851 foregoing or related thereto; the performance of tests of
3852 neuromuscular functions as an aid to the diagnosis or treatment
3853 of any human condition; or the performance of electromyography
3854 as an aid to the diagnosis of any human condition only upon
3855 compliance with the criteria set forth by the Board of Medicine.

3856 (a) A physical therapist may implement a plan of treatment
3857 developed by the physical therapist for a patient or provided
3858 for a patient by a practitioner of record, ~~or by an independent~~
3859 advanced practice registered nurse registered under s. 464.0125,
3860 or an advanced practice registered nurse certified practitioner
3861 ~~licensed~~ under s. 464.012. The physical therapist shall refer
3862 the patient to or consult with a practitioner of record if the
3863 patient's condition is found to be outside the scope of physical
3864 therapy. If physical therapy treatment for a patient is required
3865 beyond 30 days for a condition not previously assessed by a
3866 practitioner of record, the physical therapist shall have a
3867 practitioner of record review and sign the plan. The requirement
3868 that a physical therapist have a practitioner of record review
3869 and sign a plan of treatment does not apply when a patient has
3870 been physically examined by a physician licensed in another
3871 state, the patient has been diagnosed by the physician as having
3872 a condition for which physical therapy is required, and the
3873 physical therapist is treating the condition. For purposes of
3874 this paragraph, a health care practitioner licensed under

3875 chapter 458, chapter 459, chapter 460, chapter 461, or chapter
3876 466 and engaged in active practice is eligible to serve as a
3877 practitioner of record.

3878 Section 86. Paragraph (d) of subsection (1) of section
3879 490.012, Florida Statutes, is amended to read:

3880 490.012 Violations; penalties; injunction.—

3881 (1)

3882 (d) No person shall hold herself or himself out by any
3883 title or description incorporating the word, or a permutation of
3884 the word, "psychotherapy" unless such person holds a valid,
3885 active license under chapter 458, chapter 459, chapter 490, or
3886 chapter 491, or such person is registered as an independent
3887 advanced practice registered nurse under s. 464.0125 or
3888 certified as an advanced practice registered nurse under
3889 practitioner, pursuant to s. 464.012, and ~~who~~ has been
3890 determined by the Board of Nursing to be ~~as~~ a specialist in
3891 psychiatric mental health.

3892 Section 87. Subsection (1) of section 491.0057, Florida
3893 Statutes, is amended to read:

3894 491.0057 Dual licensure as a marriage and family
3895 therapist.—The department shall license as a marriage and family
3896 therapist any person who demonstrates to the board that he or
3897 she:

3898 (1) Holds a valid, active license as a psychologist under
3899 chapter 490 or as a clinical social worker or mental health

3900 counselor under this chapter, or is registered under s. 464.0125
 3901 as an independent advanced practice registered nurse or
 3902 certified under s. 464.012 as an advanced practice registered
 3903 nurse and ~~practitioner who~~ has been determined by the Board of
 3904 Nursing to be ~~as~~ a specialist in psychiatric mental health.

3905 Section 88. Paragraph (d) of subsection (1) and subsection
 3906 (2) of section 491.012, Florida Statutes, are amended to read:

3907 491.012 Violations; penalty; injunction.—

3908 (1) It is unlawful and a violation of this chapter for any
 3909 person to:

3910 (d) Use the terms psychotherapist, sex therapist, or
 3911 juvenile sexual offender therapist unless such person is
 3912 licensed pursuant to this chapter or chapter 490, or is
 3913 registered under s. 464.0125 as an independent advanced practice
 3914 registered nurse or certified under s. 464.012 as an advanced
 3915 practice registered nurse and ~~practitioner who~~ has been
 3916 determined by the Board of Nursing to be ~~as~~ a specialist in
 3917 psychiatric mental health and the use of such terms is within
 3918 the scope of her or his practice based on education, training,
 3919 and licensure.

3920 (2) It is unlawful and a violation of this chapter for any
 3921 person to describe her or his services using the following terms
 3922 or any derivative thereof, unless such person holds a valid,
 3923 active license under this chapter or chapter 490, or is
 3924 registered under s. 464.0125 as an independent advanced practice

3925 registered nurse or certified under s. 464.012 as an advanced
3926 practice registered nurse and ~~practitioner who~~ has been
3927 determined by the Board of Nursing to be ~~as~~ a specialist in
3928 psychiatric mental health and the use of such terms is within
3929 the scope of her or his practice based on education, training,
3930 and licensure:

- 3931 (a) "Psychotherapy."
3932 (b) "Sex therapy."
3933 (c) "Sex counseling."
3934 (d) "Clinical social work."
3935 (e) "Psychiatric social work."
3936 (f) "Marriage and family therapy."
3937 (g) "Marriage and family counseling."
3938 (h) "Marriage counseling."
3939 (i) "Family counseling."
3940 (j) "Mental health counseling."

3941 Section 89. Subsection (2) of section 493.6108, Florida
3942 Statutes, is amended to read:

3943 493.6108 Investigation of applicants by Department of
3944 Agriculture and Consumer Services.—

3945 (2) In addition to subsection (1), the department shall
3946 make an investigation of the general physical fitness of the
3947 Class "G" applicant to bear a weapon or firearm. Determination
3948 of physical fitness shall be certified by a physician or
3949 physician assistant currently licensed pursuant to chapter 458,

3950 chapter 459, or any similar law of another state or authorized
 3951 to act as a licensed physician by a federal agency or
 3952 department, or by an independent advanced practice registered
 3953 nurse registered or an advanced practice registered nurse
 3954 certified under part I of ~~practitioner currently licensed~~
 3955 ~~pursuant to~~ chapter 464. Such certification shall be submitted
 3956 on a form provided by the department.

3957 Section 90. Subsection (1) of section 626.9707, Florida
 3958 Statutes, is amended to read:

3959 626.9707 Disability insurance; discrimination on basis of
 3960 sickle-cell trait prohibited.—

3961 (1) An ~~No~~ insurer authorized to transact insurance in this
 3962 state may not ~~shall~~ refuse to issue and deliver in this state
 3963 any policy of disability insurance, whether such policy is
 3964 defined as individual, group, blanket, franchise, industrial, or
 3965 otherwise, which is currently being issued for delivery in this
 3966 state and which affords benefits and coverage for any medical
 3967 treatment or service authorized and permitted to be furnished by
 3968 a hospital, a clinic, a health clinic, a neighborhood health
 3969 clinic, a health maintenance organization, a physician, a
 3970 physician's assistant, an independent advanced
 3971 practice registered nurse, an advanced practice registered nurse
 3972 ~~practitioner~~, or a medical service facility or personnel solely
 3973 because the person to be insured has the sickle-cell trait.

3974 Section 91. Paragraph (b) of subsection (1) of section

3975 | 627.357, Florida Statutes, is amended to read:
 3976 | 627.357 Medical malpractice self-insurance.—
 3977 | (1) DEFINITIONS.—As used in this section, the term:
 3978 | (b) "Health care provider" means any:
 3979 | 1. Hospital licensed under chapter 395.
 3980 | 2. Physician licensed, or physician assistant licensed,
 3981 | under chapter 458.
 3982 | 3. Osteopathic physician or physician assistant licensed
 3983 | under chapter 459.
 3984 | 4. Podiatric physician licensed under chapter 461.
 3985 | 5. Health maintenance organization certificated under part
 3986 | I of chapter 641.
 3987 | 6. Ambulatory surgical center licensed under chapter 395.
 3988 | 7. Chiropractic physician licensed under chapter 460.
 3989 | 8. Psychologist licensed under chapter 490.
 3990 | 9. Optometrist licensed under chapter 463.
 3991 | 10. Dentist licensed under chapter 466.
 3992 | 11. Pharmacist licensed under chapter 465.
 3993 | 12. Registered nurse, licensed practical nurse,
 3994 | independent advanced practice registered nurse, or advanced
 3995 | practice registered nurse ~~practitioner~~ licensed, ~~or registered,~~
 3996 | or certified under part I of chapter 464.
 3997 | 13. Other medical facility.
 3998 | 14. Professional association, partnership, corporation,
 3999 | joint venture, or other association established by the

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4000 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,
 4001 10., 11., and 12. for professional activity.

4002 Section 92. Subsection (6) of section 627.6471, Florida
 4003 Statutes, is amended to read:

4004 627.6471 Contracts for reduced rates of payment;
 4005 limitations; coinsurance and deductibles.—

4006 (6) If psychotherapeutic services are covered by a policy
 4007 issued by the insurer, the insurer shall provide eligibility
 4008 criteria for each group of health care providers licensed under
 4009 chapter 458, chapter 459, chapter 490, or chapter 491, which
 4010 include psychotherapy within the scope of their practice as
 4011 provided by law, or for any person who is registered as an
 4012 independent advanced practice registered nurse under s. 464.0125
 4013 or certified as an advanced practice registered nurse
 4014 practitioner in psychiatric mental health under s. 464.012 and
 4015 who specializes in psychiatric mental health. When
 4016 psychotherapeutic services are covered, eligibility criteria
 4017 shall be established by the insurer to be included in the
 4018 insurer's criteria for selection of network providers. The
 4019 insurer may not discriminate against a health care provider by
 4020 excluding such practitioner from its provider network solely on
 4021 the basis of the practitioner's license.

4022 Section 93. Subsections (15) and (17) of section 627.6472,
 4023 Florida Statutes, are amended to read:

4024 627.6472 Exclusive provider organizations.—

4025 (15) If psychotherapeutic services are covered by a policy
4026 issued by the insurer, the insurer shall provide eligibility
4027 criteria for all groups of health care providers licensed under
4028 chapter 458, chapter 459, chapter 490, or chapter 491, which
4029 include psychotherapy within the scope of their practice as
4030 provided by law, or for any person who is registered as an
4031 independent advanced practice registered nurse under s. 464.0125
4032 or certified as an advanced practice registered nurse
4033 ~~practitioner in psychiatric mental health~~ under s. 464.012 and
4034 who specializes in psychiatric mental health. When
4035 psychotherapeutic services are covered, eligibility criteria
4036 shall be established by the insurer to be included in the
4037 insurer's criteria for selection of network providers. The
4038 insurer may not discriminate against a health care provider by
4039 excluding such practitioner from its provider network solely on
4040 the basis of the practitioner's license.

4041 (17) An exclusive provider organization may ~~shall~~ not
4042 discriminate with respect to participation as to any independent
4043 advanced practice registered nurse registered pursuant to s.
4044 464.0125 or advanced practice registered nurse ~~practitioner~~
4045 ~~licensed and~~ certified pursuant to s. 464.012, who is acting
4046 within the scope of such registration or ~~license and~~
4047 certification, solely on the basis of such registration ~~license~~
4048 or certification. This subsection may ~~shall~~ not be construed to
4049 prohibit a plan from including providers only to the extent

4050 necessary to meet the needs of the plan's enrollees or from
 4051 establishing any measure designed to maintain quality and
 4052 control costs consistent with the responsibilities of the plan.

4053 Section 94. Paragraph (a) of subsection (1) of section
 4054 627.736, Florida Statutes, is amended to read:

4055 627.736 Required personal injury protection benefits;
 4056 exclusions; priority; claims.—

4057 (1) REQUIRED BENEFITS.—An insurance policy complying with
 4058 the security requirements of s. 627.733 must provide personal
 4059 injury protection to the named insured, relatives residing in
 4060 the same household, persons operating the insured motor vehicle,
 4061 passengers in the motor vehicle, and other persons struck by the
 4062 motor vehicle and suffering bodily injury while not an occupant
 4063 of a self-propelled vehicle, subject to subsection (2) and
 4064 paragraph (4) (e), to a limit of \$10,000 in medical and
 4065 disability benefits and \$5,000 in death benefits resulting from
 4066 bodily injury, sickness, disease, or death arising out of the
 4067 ownership, maintenance, or use of a motor vehicle as follows:

4068 (a) Medical benefits.—Eighty percent of all reasonable
 4069 expenses for medically necessary medical, surgical, X-ray,
 4070 dental, and rehabilitative services, including prosthetic
 4071 devices and medically necessary ambulance, hospital, and nursing
 4072 services if the individual receives initial services and care
 4073 pursuant to subparagraph 1. within 14 days after the motor
 4074 vehicle accident. The medical benefits provide reimbursement

4075 | only for:

4076 | 1. Initial services and care that are lawfully provided,
4077 | supervised, ordered, or prescribed by a physician licensed under
4078 | chapter 458 or chapter 459, a dentist licensed under chapter
4079 | 466, ~~or~~ a chiropractic physician licensed under chapter 460, or
4080 | an independent advance practice registered nurse registered
4081 | under s. 464.0125, or that are provided in a hospital or in a
4082 | facility that owns, or is wholly owned by, a hospital. Initial
4083 | services and care may also be provided by a person or entity
4084 | licensed under part III of chapter 401 which provides emergency
4085 | transportation and treatment.

4086 | 2. Upon referral by a provider described in subparagraph
4087 | 1., followup services and care consistent with the underlying
4088 | medical diagnosis rendered pursuant to subparagraph 1. which may
4089 | be provided, supervised, ordered, or prescribed only by a
4090 | physician licensed under chapter 458 or chapter 459, a
4091 | chiropractic physician licensed under chapter 460, a dentist
4092 | licensed under chapter 466, an independent advance practice
4093 | registered nurse registered under s. 464.0125, or, to the extent
4094 | permitted by applicable law and under the supervision of such
4095 | physician, osteopathic physician, chiropractic physician, ~~or~~
4096 | dentist, or independent advanced practice registered nurse, by a
4097 | physician assistant licensed under chapter 458 or chapter 459 or
4098 | an advanced practice registered nurse certified practitioner
4099 | licensed under s. 464.012 ~~chapter 464.~~ Followup services and

4100 care may also be provided by the following persons or entities:
 4101 a. A hospital or ambulatory surgical center licensed under
 4102 chapter 395.
 4103 b. An entity wholly owned by one or more physicians
 4104 licensed under chapter 458 or chapter 459, chiropractic
 4105 physicians licensed under chapter 460, independent advanced
 4106 practice registered nurses registered under s. 464.0125, or
 4107 dentists licensed under chapter 466 or by such practitioners and
 4108 the spouse, parent, child, or sibling of such practitioners.
 4109 c. An entity that owns or is wholly owned, directly or
 4110 indirectly, by a hospital or hospitals.
 4111 d. A physical therapist licensed under chapter 486, based
 4112 upon a referral by a provider described in this subparagraph.
 4113 e. A health care clinic licensed under part X of chapter
 4114 400 which is accredited by an accrediting organization whose
 4115 standards incorporate comparable regulations required by this
 4116 state, or
 4117 (I) Has a medical director licensed under chapter 458,
 4118 chapter 459, or chapter 460;
 4119 (II) Has been continuously licensed for more than 3 years
 4120 or is a publicly traded corporation that issues securities
 4121 traded on an exchange registered with the United States
 4122 Securities and Exchange Commission as a national securities
 4123 exchange; and
 4124 (III) Provides at least four of the following medical

4125 specialties:

4126 (A) General medicine.

4127 (B) Radiography.

4128 (C) Orthopedic medicine.

4129 (D) Physical medicine.

4130 (E) Physical therapy.

4131 (F) Physical rehabilitation.

4132 (G) Prescribing or dispensing outpatient prescription

4133 medication.

4134 (H) Laboratory services.

4135 3. Reimbursement for services and care provided in

4136 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician

4137 licensed under chapter 458 or chapter 459, a dentist licensed

4138 under chapter 466, a physician assistant licensed under chapter

4139 458 or chapter 459, an independent advanced practice registered

4140 nurse registered under s. 464.0125, or an advanced practice

4141 registered nurse certified practitioner licensed under s.

4142 464.012 ~~chapter 464~~ has determined that the injured person had

4143 an emergency medical condition.

4144 4. Reimbursement for services and care provided in

4145 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a

4146 provider listed in subparagraph 1. or subparagraph 2. determines

4147 that the injured person did not have an emergency medical

4148 condition.

4149 5. Medical benefits do not include massage as defined in

4150 s. 480.033 or acupuncture as defined in s. 457.102, regardless
4151 of the person, entity, or licensee providing massage or
4152 acupuncture, and a licensed massage therapist or licensed
4153 acupuncturist may not be reimbursed for medical benefits under
4154 this section.

4155 6. The Financial Services Commission shall adopt by rule
4156 the form that must be used by an insurer and a health care
4157 provider specified in sub-subparagraph 2.b., sub-subparagraph
4158 2.c., or sub-subparagraph 2.e. to document that the health care
4159 provider meets the criteria of this paragraph. Such rule must
4160 include a requirement for a sworn statement or affidavit.

4161
4162 Only insurers writing motor vehicle liability insurance in this
4163 state may provide the required benefits of this section, and
4164 such insurer may not require the purchase of any other motor
4165 vehicle coverage other than the purchase of property damage
4166 liability coverage as required by s. 627.7275 as a condition for
4167 providing such benefits. Insurers may not require that property
4168 damage liability insurance in an amount greater than \$10,000 be
4169 purchased in conjunction with personal injury protection. Such
4170 insurers shall make benefits and required property damage
4171 liability insurance coverage available through normal marketing
4172 channels. An insurer writing motor vehicle liability insurance
4173 in this state who fails to comply with such availability
4174 requirement as a general business practice violates part IX of

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4175 chapter 626, and such violation constitutes an unfair method of
4176 competition or an unfair or deceptive act or practice involving
4177 the business of insurance. An insurer committing such violation
4178 is subject to the penalties provided under that part, as well as
4179 those provided elsewhere in the insurance code.

4180 Section 95. Subsection (5) of section 633.412, Florida
4181 Statutes, is amended to read:

4182 633.412 Firefighters; qualifications for certification.—A
4183 person applying for certification as a firefighter must:

4184 (5) Be in good physical condition as determined by a
4185 medical examination given by a physician, surgeon, or physician
4186 assistant licensed to practice in the state under ~~pursuant to~~
4187 chapter 458; an osteopathic physician, surgeon, or physician
4188 assistant licensed to practice in the state under ~~pursuant to~~
4189 chapter 459; or an independent advanced practice registered
4190 nurse registered or an advanced practice registered nurse
4191 certified practitioner licensed to practice in the state under
4192 part I of ~~pursuant to~~ chapter 464. Such examination may include,
4193 but need not be limited to, the National Fire Protection
4194 Association Standard 1582. A medical examination evidencing good
4195 physical condition shall be submitted to the division, on a form
4196 as provided by rule, before an individual is eligible for
4197 admission into a course under s. 633.408.

4198 Section 96. Section 641.3923, Florida Statutes, is amended
4199 to read:

4200 641.3923 Discrimination against providers prohibited.—A
 4201 health maintenance organization may ~~shall~~ not discriminate with
 4202 respect to participation as to any independent advanced practice
 4203 registered nurse registered under s. 464.0125, advanced practice
 4204 registered nurse practitioner licensed and certified under
 4205 ~~pursuant to~~ s. 464.012, or physician assistant licensed under
 4206 chapter 458 or chapter 459, who is acting within the scope of
 4207 such registration, license and certification, or license, solely
 4208 on the basis of such registration, license or certification, or
 4209 license. This section may ~~shall~~ not be construed to prohibit a
 4210 plan from including providers only to the extent necessary to
 4211 meet the needs of the plan's enrollees or from establishing any
 4212 measure designed to maintain quality and control costs
 4213 consistent with the responsibilities of the plan.

4214 Section 97. Subsection (8) of section 641.495, Florida
 4215 Statutes, is amended to read:

4216 641.495 Requirements for issuance and maintenance of
 4217 certificate.—

4218 (8) Each organization's contracts, certificates, and
 4219 subscriber handbooks shall contain a provision, if applicable,
 4220 disclosing that, for certain types of described medical
 4221 procedures, services may be provided by physician assistants,
 4222 independent advanced practice registered nurses, advanced
 4223 practice registered nurses ~~nurse practitioners,~~ or other
 4224 individuals who are not licensed physicians.

4225 Section 98. Subsection (1) of section 744.2006, Florida
 4226 Statutes, is amended to read:

4227 744.2006 Office of Public and Professional Guardians;
 4228 appointment, notification.—

4229 (1) The executive director of the Office of Public and
 4230 Professional Guardians, after consultation with the chief judge
 4231 and other circuit judges within the judicial circuit and with
 4232 appropriate advocacy groups and individuals and organizations
 4233 who are knowledgeable about the needs of incapacitated persons,
 4234 may establish, within a county in the judicial circuit or within
 4235 the judicial circuit, one or more offices of public guardian and
 4236 if so established, shall create a list of persons best qualified
 4237 to serve as the public guardian, who have been investigated
 4238 pursuant to s. 744.3135. The public guardian must have knowledge
 4239 of the legal process and knowledge of social services available
 4240 to meet the needs of incapacitated persons. The public guardian
 4241 shall maintain a staff or contract with professionally qualified
 4242 individuals to carry out the guardianship functions, including
 4243 an attorney who has experience in probate areas and another
 4244 person who has a master's degree in social work, or a
 4245 gerontologist, a psychologist, a registered nurse, an
 4246 independent advanced practice registered nurse, or an advanced
 4247 practice registered nurse ~~practitioner~~. A public guardian that
 4248 is a nonprofit corporate guardian under s. 744.309(5) must
 4249 receive tax-exempt status from the United States Internal

4250 Revenue Service.

4251 Section 99. Paragraph (a) of subsection (3) of section
4252 744.331, Florida Statutes, is amended to read:

4253 744.331 Procedures to determine incapacity.—

4254 (3) EXAMINING COMMITTEE.—

4255 (a) Within 5 days after a petition for determination of
4256 incapacity has been filed, the court shall appoint an examining
4257 committee consisting of three members. One member must be a
4258 psychiatrist or other physician. The remaining members must be
4259 either a psychologist, a gerontologist, a ~~another~~ psychiatrist,
4260 a ~~or other~~ physician, a registered nurse, an advanced practice
4261 registered nurse ~~practitioner~~, a physician assistant, a licensed
4262 social worker, a person with an advanced degree in gerontology
4263 from an accredited institution of higher education, or another
4264 ~~other~~ person who by knowledge, skill, experience, training, or
4265 education may, in the court's discretion, advise the court in
4266 the form of an expert opinion. One of three members of the
4267 committee must have knowledge of the type of incapacity alleged
4268 in the petition. Unless good cause is shown, the attending or
4269 family physician may not be appointed to the committee. If the
4270 attending or family physician is available for consultation, the
4271 committee must consult with the physician. Members of the
4272 examining committee may not be related to or associated with one
4273 another, with the petitioner, with counsel for the petitioner or
4274 the proposed guardian, or with the person alleged to be totally

4275 or partially incapacitated. A member may not be employed by any
4276 private or governmental agency that has custody of, or
4277 furnishes, services or subsidies, directly or indirectly, to the
4278 person or the family of the person alleged to be incapacitated
4279 or for whom a guardianship is sought. A petitioner may not serve
4280 as a member of the examining committee. Members of the examining
4281 committee must be able to communicate, either directly or
4282 through an interpreter, in the language that the alleged
4283 incapacitated person speaks or to communicate in a medium
4284 understandable to the alleged incapacitated person if she or he
4285 is able to communicate. The clerk of the court shall send notice
4286 of the appointment to each person appointed no later than 3 days
4287 after the court's appointment.

4288 Section 100. Subsection (6) of section 766.102, Florida
4289 Statutes, is amended to read:

4290 766.102 Medical negligence; standards of recovery; expert
4291 witness.—

4292 (6) A physician licensed under chapter 458 or chapter 459
4293 who qualifies as an expert witness under subsection (5) and who,
4294 by reason of active clinical practice or instruction of
4295 students, has knowledge of the applicable standard of care for
4296 nurses, independent advanced practice registered nurses,
4297 advanced practice registered nurses ~~nurse practitioners,~~
4298 ~~certified registered nurse anesthetists, certified registered~~
4299 ~~nurse midwives,~~ physician assistants, or other medical support

4300 staff may give expert testimony in a medical negligence action
 4301 with respect to the standard of care of such medical support
 4302 staff.

4303 Section 101. Subsection (3) of section 766.103, Florida
 4304 Statutes, is amended to read:

4305 766.103 Florida Medical Consent Law.—

4306 (3) ~~No Recovery is not shall be~~ allowed in any court in
 4307 this state against any physician licensed under chapter 458,
 4308 osteopathic physician licensed under chapter 459, chiropractic
 4309 physician licensed under chapter 460, podiatric physician
 4310 licensed under chapter 461, dentist licensed under chapter 466,
 4311 independent advanced practice registered nurse registered under
 4312 s. 464.0125, advanced practice registered nurse ~~practitioner~~
 4313 certified under s. 464.012, or physician assistant licensed
 4314 under s. 458.347 or s. 459.022 in an action brought for
 4315 treating, examining, or operating on a patient without his or
 4316 her informed consent when:

4317 (a)1. The action of the physician, osteopathic physician,
 4318 chiropractic physician, podiatric physician, dentist,
 4319 independent advanced practice registered nurse, advanced
 4320 practice registered nurse ~~practitioner~~, or physician assistant
 4321 in obtaining the consent of the patient or another person
 4322 authorized to give consent for the patient was in accordance
 4323 with an accepted standard of medical practice among members of
 4324 the medical profession with similar training and experience in

4325 | the same or similar medical community as that of the person
 4326 | treating, examining, or operating on the patient for whom the
 4327 | consent is obtained; and

4328 | 2. A reasonable individual, from the information provided
 4329 | by the physician, osteopathic physician, chiropractic physician,
 4330 | podiatric physician, dentist, independent advanced practice
 4331 | registered nurse, advanced practice registered nurse
 4332 | ~~practitioner~~, or physician assistant, under the circumstances,
 4333 | would have a general understanding of the procedure, the
 4334 | medically acceptable alternative procedures or treatments, and
 4335 | the substantial risks and hazards inherent in the proposed
 4336 | treatment or procedures, which are recognized among other
 4337 | physicians, osteopathic physicians, chiropractic physicians,
 4338 | podiatric physicians, or dentists in the same or similar
 4339 | community who perform similar treatments or procedures; or

4340 | (b) The patient would reasonably, under all the
 4341 | surrounding circumstances, have undergone such treatment or
 4342 | procedure had he or she been advised by the physician,
 4343 | osteopathic physician, chiropractic physician, podiatric
 4344 | physician, dentist, independent advanced practice registered
 4345 | nurse, advanced practice registered nurse ~~practitioner~~, or
 4346 | physician assistant in accordance with the provisions of
 4347 | paragraph (a).

4348 | Section 102. Paragraph (d) of subsection (3) of section
 4349 | 766.1115, Florida Statutes, is amended to read:

4350 766.1115 Health care providers; creation of agency
 4351 relationship with governmental contractors.—
 4352 (3) DEFINITIONS.—As used in this section, the term:
 4353 (d) "Health care provider" or "provider" means:
 4354 1. A birth center licensed under chapter 383.
 4355 2. An ambulatory surgical center licensed under chapter
 4356 395.
 4357 3. A hospital licensed under chapter 395.
 4358 4. A physician or physician assistant licensed under
 4359 chapter 458.
 4360 5. An osteopathic physician or osteopathic physician
 4361 assistant licensed under chapter 459.
 4362 6. A chiropractic physician licensed under chapter 460.
 4363 7. A podiatric physician licensed under chapter 461.
 4364 8. A registered nurse, ~~nurse midwife~~, a licensed practical
 4365 nurse, an independent advanced practice registered nurse, or an
 4366 advanced practice registered nurse practitioner licensed,
 4367 registered, or certified registered under part I of chapter 464
 4368 or any facility which employs nurses licensed or registered
 4369 under part I of chapter 464 to supply all or part of the care
 4370 delivered under this section.
 4371 9. A midwife licensed under chapter 467.
 4372 10. A health maintenance organization certificated under
 4373 part I of chapter 641.
 4374 11. A health care professional association and its

4375 employees or a corporate medical group and its employees.

4376 12. Any other medical facility the primary purpose of
4377 which is to deliver human medical diagnostic services or which
4378 delivers nonsurgical human medical treatment, and which includes
4379 an office maintained by a provider.

4380 13. A dentist or dental hygienist licensed under chapter
4381 466.

4382 14. A free clinic that delivers only medical diagnostic
4383 services or nonsurgical medical treatment free of charge to all
4384 low-income recipients.

4385 15. Any other health care professional, practitioner,
4386 provider, or facility under contract with a governmental
4387 contractor, including a student enrolled in an accredited
4388 program that prepares the student for licensure as any one of
4389 the professionals listed in subparagraphs 4.-9.

4390
4391 The term includes any nonprofit corporation qualified as exempt
4392 from federal income taxation under s. 501(a) of the Internal
4393 Revenue Code, and described in s. 501(c) of the Internal Revenue
4394 Code, which delivers health care services provided by licensed
4395 professionals listed in this paragraph, any federally funded
4396 community health center, and any volunteer corporation or
4397 volunteer health care provider that delivers health care
4398 services.

4399 Section 103. Subsection (1) of section 766.1116, Florida

4400 Statutes, is amended to read:

4401 766.1116 Health care practitioner; waiver of license
4402 renewal fees and continuing education requirements.—

4403 (1) As used in this section, the term "health care
4404 practitioner" means a physician or physician assistant licensed
4405 under chapter 458; an osteopathic physician or physician
4406 assistant licensed under chapter 459; a chiropractic physician
4407 licensed under chapter 460; a podiatric physician licensed under
4408 chapter 461; an independent advanced practice registered nurse,
4409 an advanced practice registered nurse ~~practitioner~~, a registered
4410 nurse, or a licensed practical nurse licensed, registered, or
4411 certified under part I of chapter 464; a dentist or dental
4412 hygienist licensed under chapter 466; or a midwife licensed
4413 under chapter 467, who participates as a health care provider
4414 under s. 766.1115.

4415 Section 104. Paragraph (c) of subsection (1) of section
4416 766.118, Florida Statutes, is amended to read:

4417 766.118 Determination of noneconomic damages.—

4418 (1) DEFINITIONS.—As used in this section, the term:

4419 (c) "Practitioner" means any person licensed, registered,
4420 or certified under chapter 458, chapter 459, chapter 460,
4421 chapter 461, chapter 462, chapter 463, chapter 466, chapter 467,
4422 or chapter 486; s. 464.0125; or ~~certified under~~ s. 464.012.

4423 "Practitioner" also means any association, corporation, firm,
4424 partnership, or other business entity under which such

4425 practitioner practices or any employee of such practitioner or
4426 entity acting in the scope of his or her employment. For the
4427 purpose of determining the limitations on noneconomic damages
4428 set forth in this section, the term "practitioner" includes any
4429 person or entity for whom a practitioner is vicariously liable
4430 and any person or entity whose liability is based solely on such
4431 person or entity being vicariously liable for the actions of a
4432 practitioner.

4433 Section 105. Subsection (3) of section 768.135, Florida
4434 Statutes, is amended to read:

4435 768.135 Volunteer team practitioner ~~physicians~~; immunity.-

4436 (3) A practitioner licensed, certified, or registered
4437 under chapter 458, chapter 459, chapter 460, ~~or~~ s. 464.012, or
4438 s. 464.0125 who gratuitously and in good faith conducts an
4439 evaluation pursuant to s. 1006.20(2)(c) is not liable for any
4440 civil damages arising from that evaluation unless the evaluation
4441 was conducted in a wrongful manner.

4442 Section 106. Subsection (4) of section 782.071, Florida
4443 Statutes, is amended to read:

4444 782.071 Vehicular homicide.-"Vehicular homicide" is the
4445 killing of a human being, or the killing of an unborn child by
4446 any injury to the mother, caused by the operation of a motor
4447 vehicle by another in a reckless manner likely to cause the
4448 death of, or great bodily harm to, another.

4449 (4) In addition to any other punishment, the court may

4450 order the person to serve 120 community service hours in a
 4451 trauma center or hospital that regularly receives victims of
 4452 vehicle accidents, under the supervision of an independent
 4453 advanced practice registered nurse, an advanced practice
 4454 registered nurse, a registered nurse, an emergency room
 4455 physician, or an emergency medical technician pursuant to a
 4456 voluntary community service program operated by the trauma
 4457 center or hospital.

4458 Section 107. Subsection (5) of section 794.08, Florida
 4459 Statutes, is amended to read:

4460 794.08 Female genital mutilation.—

4461 (5) This section does not apply to procedures performed by
 4462 or under the direction of a physician licensed under chapter
 4463 458;~~τ~~ an osteopathic physician licensed under chapter 459;~~τ~~ a
 4464 registered nurse ~~licensed under part I of chapter 464,~~ a
 4465 practical nurse ~~licensed under part I of chapter 464,~~ an
 4466 independent advanced practice registered nurse, or an advanced
 4467 practice registered nurse practitioner licensed, registered, or
 4468 certified under part I of chapter 464;~~τ~~ a midwife licensed under
 4469 chapter 467;~~τ~~ or a physician assistant licensed under chapter
 4470 458 or chapter 459,l when necessary to preserve the physical
 4471 health of a female person. This section also does not apply to
 4472 any autopsy or limited dissection conducted pursuant to chapter
 4473 406.

4474 Section 108. Subsection (23) of section 893.02, Florida

4475 Statutes, is amended to read:

4476 893.02 Definitions.—The following words and phrases as
 4477 used in this chapter shall have the following meanings, unless
 4478 the context otherwise requires:

4479 (23) "Practitioner" means a physician licensed under
 4480 chapter 458, a dentist licensed under chapter 466, a
 4481 veterinarian licensed under chapter 474, an osteopathic
 4482 physician licensed under chapter 459, an independent advanced
 4483 practice registered nurse registered under s. 464.0125, an
 4484 advanced practice registered nurse ~~practitioner~~ certified under
 4485 s. 464.012 ~~chapter 464~~, a naturopath licensed under chapter 462,
 4486 a certified optometrist licensed under chapter 463, a
 4487 psychiatric nurse as defined in s. 394.455, a podiatric
 4488 physician licensed under chapter 461, or a physician assistant
 4489 licensed under chapter 458 or chapter 459, provided such
 4490 practitioner holds a valid federal controlled substance registry
 4491 number.

4492 Section 109. Paragraph (b) of subsection (1) of section
 4493 893.05, Florida Statutes, is amended to read:

4494 893.05 Practitioners and persons administering controlled
 4495 substances in their absence.—

4496 (1)

4497 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
 4498 464.012(3), as applicable, a practitioner who supervises a
 4499 licensed physician assistant or certified advanced practice

4500 registered nurse ~~practitioner~~ may authorize the licensed
4501 physician assistant or certified advanced practice registered
4502 nurse ~~practitioner~~ to order controlled substances for
4503 administration to a patient in a facility licensed under chapter
4504 395 or part II of chapter 400.

4505 Section 110. Subsection (6) of section 943.13, Florida
4506 Statutes, is amended to read:

4507 943.13 Officers' minimum qualifications for employment or
4508 appointment.—On or after October 1, 1984, any person employed or
4509 appointed as a full-time, part-time, or auxiliary law
4510 enforcement officer or correctional officer; on or after October
4511 1, 1986, any person employed as a full-time, part-time, or
4512 auxiliary correctional probation officer; and on or after
4513 October 1, 1986, any person employed as a full-time, part-time,
4514 or auxiliary correctional officer by a private entity under
4515 contract to the Department of Corrections, to a county
4516 commission, or to the Department of Management Services shall:

4517 (6) Have passed a physical examination by a licensed
4518 physician, a physician assistant, a registered independent
4519 advanced practice registered nurse, or a certified advanced
4520 practice registered nurse ~~practitioner~~, based on specifications
4521 established by the commission. In order to be eligible for the
4522 presumption set forth in s. 112.18 while employed with an
4523 employing agency, a law enforcement officer, correctional
4524 officer, or correctional probation officer must have

4525 | successfully passed the physical examination required by this
4526 | subsection upon entering into service as a law enforcement
4527 | officer, correctional officer, or correctional probation officer
4528 | with the employing agency, which examination must have failed to
4529 | reveal any evidence of tuberculosis, heart disease, or
4530 | hypertension. A law enforcement officer, correctional officer,
4531 | or correctional probation officer may not use a physical
4532 | examination from a former employing agency for purposes of
4533 | claiming the presumption set forth in s. 112.18 against the
4534 | current employing agency.

4535 | Section 111. Subsection (2) of section 945.603, Florida
4536 | Statutes, is amended to read:

4537 | 945.603 Powers and duties of authority.—The purpose of the
4538 | authority is to assist in the delivery of health care services
4539 | for inmates in the Department of Corrections by advising the
4540 | Secretary of Corrections on the professional conduct of primary,
4541 | convalescent, dental, and mental health care and the management
4542 | of costs consistent with quality care, by advising the Governor
4543 | and the Legislature on the status of the Department of
4544 | Corrections' health care delivery system, and by assuring that
4545 | adequate standards of physical and mental health care for
4546 | inmates are maintained at all Department of Corrections
4547 | institutions. For this purpose, the authority has the authority
4548 | to:

4549 | (2) Review and make recommendations regarding health care

4550 for the delivery of health care services including, but not
4551 limited to, acute hospital-based services and facilities,
4552 primary and tertiary care services, ancillary and clinical
4553 services, dental services, mental health services, intake and
4554 screening services, medical transportation services, and the use
4555 of advanced practice registered nurses ~~nurse practitioner~~ and
4556 physician assistants ~~assistant personnel~~ to act as physician
4557 extenders as these relate to inmates in the Department of
4558 Corrections.

4559 Section 112. Paragraph (n) of subsection (1) of section
4560 948.03, Florida Statutes, is amended to read:

4561 948.03 Terms and conditions of probation.—

4562 (1) The court shall determine the terms and conditions of
4563 probation. Conditions specified in this section do not require
4564 oral pronouncement at the time of sentencing and may be
4565 considered standard conditions of probation. These conditions
4566 may include among them the following, that the probationer or
4567 offender in community control shall:

4568 (n) Be prohibited from using intoxicants to excess or
4569 possessing any drugs or narcotics unless prescribed by a
4570 physician, an independent advanced practice registered nurse, an
4571 advanced practice registered nurse ~~practitioner~~, or a physician
4572 assistant. The probationer or community controllee may not
4573 knowingly visit places where intoxicants, drugs, or other
4574 dangerous substances are unlawfully sold, dispensed, or used.

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4575 Section 113. Subsection (2) of section 960.28, Florida
4576 Statutes, is amended to read:

4577 960.28 Payment for victims' initial forensic physical
4578 examinations.—

4579 (2) The Crime Victims' Services Office of the department
4580 shall pay for medical expenses connected with an initial
4581 forensic physical examination of a victim of sexual battery as
4582 defined in chapter 794 or a lewd or lascivious offense as
4583 defined in chapter 800. Such payment shall be made regardless of
4584 whether the victim is covered by health or disability insurance
4585 and whether the victim participates in the criminal justice
4586 system or cooperates with law enforcement. The payment shall be
4587 made only out of moneys allocated to the Crime Victims' Services
4588 Office for the purposes of this section, and the payment may not
4589 exceed \$500 with respect to any violation. The department shall
4590 develop and maintain separate protocols for the initial forensic
4591 physical examination of adults and children. Payment under this
4592 section is limited to medical expenses connected with the
4593 initial forensic physical examination, and payment may be made
4594 to a medical provider using an examiner qualified under part I
4595 of chapter 464, excluding s. 464.003(17) ~~464.003(16)~~; chapter
4596 458; or chapter 459. Payment made to the medical provider by the
4597 department shall be considered by the provider as payment in
4598 full for the initial forensic physical examination associated
4599 with the collection of evidence. The victim may not be required

4600 to pay, directly or indirectly, the cost of an initial forensic
4601 physical examination performed in accordance with this section.

4602 Section 114. Paragraph (i) of subsection (3) of section
4603 1002.20, Florida Statutes, is amended to read:

4604 1002.20 K-12 student and parent rights.—Parents of public
4605 school students must receive accurate and timely information
4606 regarding their child's academic progress and must be informed
4607 of ways they can help their child to succeed in school. K-12
4608 students and their parents are afforded numerous statutory
4609 rights including, but not limited to, the following:

4610 (3) HEALTH ISSUES.—

4611 (i) Epinephrine use and supply.—

4612 1. A student who has experienced or is at risk for life-
4613 threatening allergic reactions may carry an epinephrine auto-
4614 injector and self-administer epinephrine by auto-injector while
4615 in school, participating in school-sponsored activities, or in
4616 transit to or from school or school-sponsored activities if the
4617 school has been provided with parental and physician
4618 authorization. The State Board of Education, in cooperation with
4619 the Department of Health, shall adopt rules for such use of
4620 epinephrine auto-injectors that shall include provisions to
4621 protect the safety of all students from the misuse or abuse of
4622 auto-injectors. A school district, county health department,
4623 public-private partner, and their employees and volunteers shall
4624 be indemnified by the parent of a student authorized to carry an

4625 epinephrine auto-injector for any and all liability with respect
4626 to the student's use of an epinephrine auto-injector pursuant to
4627 this paragraph.

4628 2. A public school may purchase a supply of epinephrine
4629 auto-injectors from a wholesale distributor as defined in s.
4630 499.003 or may enter into an arrangement with a wholesale
4631 distributor or manufacturer as defined in s. 499.003 for the
4632 epinephrine auto-injectors at fair-market, free, or reduced
4633 prices for use in the event a student has an anaphylactic
4634 reaction. The epinephrine auto-injectors must be maintained in a
4635 secure location on the public school's premises. The
4636 participating school district shall adopt a protocol developed
4637 by a licensed physician for the administration by school
4638 personnel who are trained to recognize an anaphylactic reaction
4639 and to administer an epinephrine auto-injection. The supply of
4640 epinephrine auto-injectors may be provided to and used by a
4641 student authorized to self-administer epinephrine by auto-
4642 injector under subparagraph 1. or trained school personnel.

4643 3. The school district and its employees, agents, and the
4644 physician who provides the standing protocol for school
4645 epinephrine auto-injectors are not liable for any injury arising
4646 from the use of an epinephrine auto-injector administered by
4647 trained school personnel who follow the adopted protocol and
4648 whose professional opinion is that the student is having an
4649 anaphylactic reaction:

4650 a. Unless the trained school personnel's action is willful
4651 and wanton;

4652 b. Notwithstanding that the parents or guardians of the
4653 student to whom the epinephrine is administered have not been
4654 provided notice or have not signed a statement acknowledging
4655 that the school district is not liable; and

4656 c. Regardless of whether authorization has been given by
4657 the student's parents or guardians or by the student's
4658 physician, a physician ~~physician's~~ assistant, an independent
4659 advanced practice registered nurse, or an advanced practice
4660 registered nurse ~~practitioner~~.

4661 Section 115. Paragraph (b) of subsection (17) of section
4662 1002.42, Florida Statutes, is amended to read:

4663 1002.42 Private schools.—

4664 (17) EPINEPHRINE SUPPLY.—

4665 (b) The private school and its employees, agents, and the
4666 physician who provides the standing protocol for school
4667 epinephrine auto-injectors are not liable for any injury arising
4668 from the use of an epinephrine auto-injector administered by
4669 trained school personnel who follow the adopted protocol and
4670 whose professional opinion is that the student is having an
4671 anaphylactic reaction:

4672 1. Unless the trained school personnel's action is willful
4673 and wanton;

4674 2. Notwithstanding that the parents or guardians of the

4675 student to whom the epinephrine is administered have not been
4676 provided notice or have not signed a statement acknowledging
4677 that the school district is not liable; and

4678 3. Regardless of whether authorization has been given by
4679 the student's parents or guardians or by the student's
4680 physician, a physician ~~physician's~~ assistant, an independent
4681 advanced practice registered nurse, or an advanced practice
4682 registered nurse ~~practitioner~~.

4683 Section 116. Subsections (4) and (5) of section 1006.062,
4684 Florida Statutes, are amended to read:

4685 1006.062 Administration of medication and provision of
4686 medical services by district school board personnel.—

4687 (4) Nonmedical assistive personnel shall be allowed to
4688 perform health-related services upon successful completion of
4689 child-specific training by a registered nurse, an independent
4690 advanced practice registered nurse, or an advanced practice
4691 registered nurse ~~practitioner~~ licensed, registered, or certified
4692 under part I of chapter 464; ~~7~~ a physician licensed pursuant to
4693 chapter 458 or chapter 459; ~~7~~ or a physician assistant licensed
4694 pursuant to chapter 458 or chapter 459. All procedures shall be
4695 monitored periodically by a nurse, an independent advanced
4696 practice registered nurse, an advanced practice registered nurse
4697 ~~practitioner~~, a physician assistant, or a physician, including,
4698 but not limited to:

4699 (a) Intermittent clean catheterization.

- 4700 (b) Gastrostomy tube feeding.
- 4701 (c) Monitoring blood glucose.
- 4702 (d) Administering emergency injectable medication.
- 4703 (5) For all other invasive medical services not listed in
- 4704 this subsection, a registered nurse, an independent advanced
- 4705 practice registered nurse, or an advanced practice registered
- 4706 nurse ~~practitioner~~ licensed, registered, or certified under part
- 4707 I of chapter 464;~~7~~ a physician licensed pursuant to chapter 458
- 4708 or chapter 459;~~7~~ or a physician assistant licensed pursuant to
- 4709 chapter 458 or chapter 459 shall determine if nonmedical
- 4710 district school board personnel shall be allowed to perform such
- 4711 service.

4712 Section 117. Paragraph (c) of subsection (2) of section
 4713 1006.20, Florida Statutes, is amended to read:

4714 1006.20 Athletics in public K-12 schools.—

4715 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

4716 (c) The FHSAA shall adopt bylaws that require all students
 4717 participating in interscholastic athletic competition or who are
 4718 candidates for an interscholastic athletic team to
 4719 satisfactorily pass a medical evaluation each year prior to
 4720 participating in interscholastic athletic competition or
 4721 engaging in any practice, tryout, workout, or other physical
 4722 activity associated with the student's candidacy for an
 4723 interscholastic athletic team. Such medical evaluation may be
 4724 administered only by a practitioner licensed, certified, or

4725 | registered under chapter 458, chapter 459, chapter 460, ~~or~~ s.
4726 | 464.012, or s. 464.0125, and in good standing with the
4727 | practitioner's regulatory board. The bylaws shall establish
4728 | requirements for eliciting a student's medical history and
4729 | performing the medical evaluation required under this paragraph,
4730 | which shall include a physical assessment of the student's
4731 | physical capabilities to participate in interscholastic athletic
4732 | competition as contained in a uniform preparticipation physical
4733 | evaluation and history form. The evaluation form shall
4734 | incorporate the recommendations of the American Heart
4735 | Association for participation cardiovascular screening and shall
4736 | provide a place for the signature of the practitioner performing
4737 | the evaluation with an attestation that each examination
4738 | procedure listed on the form was performed by the practitioner
4739 | or by someone under the direct supervision of the practitioner.
4740 | The form shall also contain a place for the practitioner to
4741 | indicate if a referral to another practitioner was made in lieu
4742 | of completion of a certain examination procedure. The form shall
4743 | provide a place for the practitioner to whom the student was
4744 | referred to complete the remaining sections and attest to that
4745 | portion of the examination. The preparticipation physical
4746 | evaluation form shall advise students to complete a
4747 | cardiovascular assessment and shall include information
4748 | concerning alternative cardiovascular evaluation and diagnostic
4749 | tests. Results of such medical evaluation must be provided to

4750 the school. A student is not eligible to participate, as
4751 provided in s. 1006.15(3), in any interscholastic athletic
4752 competition or engage in any practice, tryout, workout, or other
4753 physical activity associated with the student's candidacy for an
4754 interscholastic athletic team until the results of the medical
4755 evaluation have been received and approved by the school.

4756 Section 118. Subsection (1) and paragraph (a) of
4757 subsection (2) of section 1009.65, Florida Statutes, are amended
4758 to read:

4759 1009.65 Medical Education Reimbursement and Loan Repayment
4760 Program.—

4761 (1) To encourage qualified medical professionals to
4762 practice in underserved locations where there are shortages of
4763 such personnel, there is established the Medical Education
4764 Reimbursement and Loan Repayment Program. The function of the
4765 program is to make payments that offset loans and educational
4766 expenses incurred by students for studies leading to a medical
4767 or nursing degree, medical or nursing licensure, or advanced
4768 practice registered nurse ~~practitioner~~ certification or
4769 physician assistant licensure. The following licensed or
4770 certified health care professionals are eligible to participate
4771 in this program: medical doctors with primary care specialties,
4772 doctors of osteopathic medicine with primary care specialties,
4773 physician ~~physician's~~ assistants, licensed practical nurses and
4774 registered nurses, and advanced practice registered nurses ~~nurse~~

4775 ~~practitioners~~ with primary care specialties such as certified
4776 nurse midwives. Primary care medical specialties for physicians
4777 include obstetrics, gynecology, general and family practice,
4778 internal medicine, pediatrics, and other specialties which may
4779 be identified by the Department of Health.

4780 (2) From the funds available, the Department of Health
4781 shall make payments to selected medical professionals as
4782 follows:

4783 (a) Up to \$4,000 per year for licensed practical nurses
4784 and registered nurses, up to \$10,000 per year for advanced
4785 practice registered nurses ~~nurse practitioners~~ and physician
4786 ~~physician's~~ assistants, and up to \$20,000 per year for
4787 physicians. Penalties for noncompliance shall be the same as
4788 those in the National Health Services Corps Loan Repayment
4789 Program. Educational expenses include costs for tuition,
4790 matriculation, registration, books, laboratory and other fees,
4791 other educational costs, and reasonable living expenses as
4792 determined by the Department of Health.

4793 Section 119. Subsection (2) of section 1009.66, Florida
4794 Statutes, is amended to read:

4795 1009.66 Nursing Student Loan Forgiveness Program.—

4796 (2) To be eligible, a candidate must have graduated from
4797 an accredited or approved nursing program and have received a
4798 Florida license as a licensed practical nurse or a registered
4799 nurse or a Florida certificate as an advanced practice

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4800 registered nurse ~~practitioner~~.

4801 Section 120. Subsection (3) of section 1009.67, Florida
4802 Statutes, is amended to read:

4803 1009.67 Nursing scholarship program.—

4804 (3) A scholarship may be awarded for no more than 2 years,
4805 in an amount not to exceed \$8,000 per year. However, registered
4806 nurses pursuing a graduate degree for a faculty position or to
4807 practice as an advanced practice registered nurse ~~practitioner~~
4808 may receive up to \$12,000 per year. These amounts shall be
4809 adjusted by the amount of increase or decrease in the Consumer
4810 Price Index for All Urban Consumers published by the United
4811 States Department of Commerce.

4812 Section 121. Except as otherwise expressly provided in
4813 this act and except for this section, which shall take effect
4814 upon this act becoming a law, this act shall take effect July 1,
4815 2017.