

1 A bill to be entitled
2 An act relating to the Department of Health; amending
3 s. 381.4018, F.S.; authorizing the Department of
4 Health to adopt rules to implement a federal program
5 to further encourage qualified physicians to relocate
6 to and practice in underserved areas; amending s.
7 456.013, F.S.; revising health care practitioner
8 licensure application requirements; amending s.
9 456.024, F.S.; revising licensure eligibility
10 requirements; amending s. 458.309, F.S.; deleting a
11 provision requiring certain physicians to register the
12 office with the Department of Health; removing
13 departmental responsibilities; creating s. 458.3266,
14 F.S.; providing definitions; requiring office surgery
15 centers to register with the Department of Health
16 under certain circumstances; providing registration
17 requirements; providing responsibilities for office
18 surgery center physicians; requiring the department to
19 inspect office surgery centers; providing an
20 exception; providing rulemaking authority to the Board
21 of Medicine; providing penalties; amending s. 459.005,
22 F.S.; deleting a provision requiring certain
23 physicians to register the office with the Department
24 of Health; removing departmental responsibilities;
25 creating s. 459.0138, F.S.; providing definitions;

26 requiring office surgery centers to register with the
27 Department of Health under certain circumstances;
28 providing registration requirements; providing
29 responsibilities for office surgery center physicians;
30 requiring the department to inspect office surgery
31 centers; providing an exception; providing rulemaking
32 authority to the Board of Medicine; providing
33 penalties; repealing s. 460.4166, F.S., relating to
34 registered chiropractic assistants; amending s.
35 463.006, F.S.; revising examination requirements for
36 licensure and certification by examination; creating
37 s. 463.0061, F.S.; authorizing licensure of optometry
38 by endorsement and providing requirements therefor;
39 defining the term "active licensed practice of
40 optometry" amending s. 464.006, F.S.; authorizing the
41 board to establish certain standards of care; amending
42 s. 464.202, F.S.; requiring the board to establish
43 discipline and standards of care under the scope of
44 practice of certified nursing assistants; amending s.
45 464.203, F.S.; revising certification requirements for
46 nursing assistants; amending s. 464.204, F.S.;
47 revising grounds for board-imposed disciplinary
48 sanctions; amending s. 465.019, F.S.; requiring an
49 institutional pharmacy to pass inspection by the board
50 for certain permits; amending s. 465.0193, F.S.;

51 requiring a nuclear pharmacy to pass a specified
52 inspection by the department within a specified time
53 before issuance of certain permits; creating s.
54 465.0195, F.S.; requiring certain pharmacies and
55 outsourcing facilities to obtain a permit in order to
56 create, ship, mail, deliver, or dispense compounded
57 sterile products into this state; providing
58 application requirements; providing inspection
59 requirements; providing permit requirements;
60 authorizing the board to adopt rules; providing
61 applicability; amending s. 465.0196, F.S.; requiring a
62 special pharmacy to pass inspection by the board for
63 certain permits; amending s. 465.0197, F.S.; requiring
64 an Internet pharmacy to pass inspection by the board
65 for certain permits; amending s. 466.006, F.S.;
66 revising certain requirements for examinations
67 completed by applicants seeking dental licensure;
68 amending s. 466.007, F.S.; revising requirements for
69 examinations of a dental hygienist; amending s.
70 466.017, F.S.; providing adverse incident reporting
71 requirements; defining the term "adverse incident";
72 providing for disciplinary action by the board;
73 authorizing the Board of Dentistry to adopt rules;
74 repealing s. 466.032, F.S., relating to registration;
75 repealing s. 466.033, F.S., relating to registration

76 certificates; repealing s. 466.034, F.S., relating to
77 change of ownership or address; repealing s. 466.035,
78 F.S., relating to advertising; repealing s. 466.036,
79 F.S., relating to information, periodic inspections,
80 and equipment and supplies; repealing s. 466.037,
81 F.S., relating to suspension and revocation and
82 administrative fines; repealing s. 466.038, F.S.,
83 relating to rules; repealing s. 466.039, F.S.,
84 relating to violations; amending s. 468.701, F.S.;
85 revising a definition; amending s. 468.707, F.S.;
86 revising athletic trainer licensure requirements;
87 amending s. 468.711, F.S.; revising requirements for
88 the renewal of license related to continuing
89 education; amending s. 468.723, F.S.; revising a
90 definition; amending s. 468.803, F.S.; revising
91 orthotic, prosthetic, and pedorthic licensure,
92 registration, and examination requirements; amending
93 s. 480.033, F.S.; revising a definition; amending s.
94 480.041, F.S.; revising qualifications for licensure
95 as a massage therapist; repealing s. 480.042, F.S.,
96 relating to examinations; amending s. 480.046, F.S.;
97 revising instances under which disciplinary action may
98 be taken against massage establishments; amending s.
99 483.824, F.S.; revising qualification requirements for
100 a clinical laboratory director; amending s. 490.003,

101 F.S.; revising definitions; amending s. 490.005, F.S.;
102 revising examination requirements for licensure of a
103 psychologist; amending s. 490.006, F.S.; revising
104 requirements for licensure by endorsement of certain
105 psychologists; amending s. 491.0045, F.S.; providing
106 an exemption for intern registration requirements
107 under certain circumstances; amending s. 491.005,
108 F.S.; revising education requirements for the
109 licensure of marriage and family therapists; revising
110 examination requirements for the licensure of mental
111 health counselors; amending s. 491.006, F.S.; revising
112 requirements for licensure or certification by
113 endorsement for certain professions; amending s.
114 491.007, F.S.; removing a biennial intern registration
115 fee; amending s. 491.009, F.S.; authorizing the Board
116 of Clinical Social Work, Marriage and Family Therapy,
117 and Mental Health Counseling to enter an order denying
118 licensure or imposing penalties against an applicant
119 for licensure under certain circumstances; providing
120 penalties; amending ss. 463.0057, 491.0046, and
121 945.42, F.S.; conforming provisions to changes made by
122 the act; providing an effective date.

123

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

125

126 Section 1. Paragraph (f) of subsection (3) of section
127 381.4018, Florida Statutes, is amended to read:

128 381.4018 Physician workforce assessment and development.—

129 (3) GENERAL FUNCTIONS.—The department shall maximize the
130 use of existing programs under the jurisdiction of the
131 department and other state agencies and coordinate governmental
132 and nongovernmental stakeholders and resources in order to
133 develop a state strategic plan and assess the implementation of
134 such strategic plan. In developing the state strategic plan, the
135 department shall:

136 (f) Develop strategies to maximize federal and state
137 programs that provide for the use of incentives to attract
138 physicians to this state or retain physicians within the state.
139 Such strategies should explore and maximize federal-state
140 partnerships that provide incentives for physicians to practice
141 in federally designated shortage areas. Strategies shall also
142 consider the use of state programs, such as the Medical
143 Education Reimbursement and Loan Repayment Program pursuant to
144 s. 1009.65, which provide for education loan repayment or loan
145 forgiveness and provide monetary incentives for physicians to
146 relocate to underserved areas of the state. To further encourage
147 qualified physicians to relocate to and practice in underserved
148 areas, the department, following federal requirements, shall
149 adopt any rules necessary for the implementation of the Conrad
150 30 Waiver Program established under s. 214(1) of the Immigration

151 and Nationality Act.

152 Section 2. Paragraph (a) of subsection (1) of section
153 456.013, Florida Statutes, is amended to read:

154 456.013 Department; general licensing provisions.—

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

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

182 Section 3. Paragraphs (a) and (b) of subsection (3) and
183 paragraph (j) of subsection (4) of section 456.024, Florida
184 Statutes, are amended to read:

185 456.024 Members of Armed Forces in good standing with
186 administrative boards or the department; spouses; licensure.—

187 (3) (a) A person is eligible for licensure as a health care
188 practitioner in this state if he or she:

189 1. Serves or has served as a health care practitioner in
190 the United States Armed Forces, the United States Reserve
191 Forces, or the National Guard;

192 2. Serves or has served on active duty with the United
193 States Armed Forces as a health care practitioner in the United
194 States Public Health Service; or

195 3. Is a health care practitioner, ~~other than a dentist,~~ in
196 another state, the District of Columbia, or a possession or
197 territory of the United States and is the spouse of a person
198 serving on active duty with the United States Armed Forces.

199
200 The department shall develop an application form, and each

201 board, or the department if there is no board, shall waive the
202 application fee, licensure fee, and unlicensed activity fee for
203 such applicants. For purposes of this subsection, "health care
204 practitioner" means a health care practitioner as defined in s.
205 456.001 and a person licensed under part III of chapter 401 or
206 part IV of chapter 468.

207 (b) The board, or the department if there is no board,
208 shall issue a license to practice in this state to a person who:

209 1. Submits a complete application.

210 2. If he or she is a member of the United States Armed
211 Forces, the United States Reserve Forces, or the National Guard,
212 submits proof that he or she has received an honorable discharge
213 within 6 months before, or will receive an honorable discharge
214 within 6 months after, the date of submission of the
215 application.

216 3.a. Holds an active, unencumbered license issued by
217 another state, the District of Columbia, or a possession or
218 territory of the United States and who has not had disciplinary
219 action taken against him or her in the 5 years preceding the
220 date of submission of the application;

221 b. Is a military health care practitioner in a profession
222 for which licensure in a state or jurisdiction is not required
223 to practice in the United States Armed Forces, if he or she
224 submits to the department evidence of military training or
225 experience substantially equivalent to the requirements for

226 licensure in this state in that profession and evidence that he
227 or she has obtained a passing score on the appropriate
228 examination of a national or regional standards organization if
229 required for licensure in this state; or

230 c. Is the spouse of a person serving on active duty in the
231 United States Armed Forces and is a health care practitioner in
232 a profession, ~~excluding dentistry,~~ for which licensure in
233 another state or jurisdiction is not required, if he or she
234 submits to the department evidence of training or experience
235 substantially equivalent to the requirements for licensure in
236 this state in that profession and evidence that he or she has
237 obtained a passing score on the appropriate examination of a
238 national or regional standards organization if required for
239 licensure in this state.

240 4. Attests that he or she is not, at the time of
241 submission of the application, the subject of a disciplinary
242 proceeding in a jurisdiction in which he or she holds a license
243 or by the United States Department of Defense for reasons
244 related to the practice of the profession for which he or she is
245 applying.

246 5. Actively practiced the profession for which he or she
247 is applying for the 3 years preceding the date of submission of
248 the application.

249 6. Submits a set of fingerprints for a background
250 screening pursuant to s. 456.0135, if required for the

251 | profession for which he or she is applying.

252 |

253 | The department shall verify information submitted by the
 254 | applicant under this subsection using the National Practitioner
 255 | Data Bank.

256 | (4)

257 | ~~(j) An applicant who is issued a temporary professional~~
 258 | ~~license to practice as a dentist pursuant to this section must~~
 259 | ~~practice under the indirect supervision, as defined in s.~~
 260 | ~~466.003, of a dentist licensed pursuant to chapter 466.~~

261 | Section 4. Subsection (3) of section 458.309, Florida
 262 | Statutes, is amended to read:

263 | 458.309 Rulemaking authority.—

264 | ~~(3) A physician who performs liposuction procedures in~~
 265 | ~~which more than 1,000 cubic centimeters of supernatant fat is~~
 266 | ~~removed, level 2 procedures lasting more than 5 minutes, and all~~
 267 | ~~level 3 surgical procedures in an office setting must register~~
 268 | ~~the office with the department unless that office is licensed as~~
 269 | ~~a facility under chapter 395. The department shall inspect the~~
 270 | ~~physician's office annually unless the office is accredited by a~~
 271 | ~~nationally recognized accrediting agency or an accrediting~~
 272 | ~~organization subsequently approved by the Board of Medicine. The~~
 273 | ~~actual costs for registration and inspection or accreditation~~
 274 | ~~shall be paid by the person seeking to register and operate the~~
 275 | ~~office setting in which office surgery is performed.~~

276 Section 5. Section 458.3266, Florida Statutes, is created
 277 to read:

278 458.3266 Office surgery centers.-

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

280 (a) "Designated physician" means a physician licensed
 281 under this chapter or chapter 459 that practices at the office
 282 surgery center location for which the physician has assumed
 283 responsibility for complying with all requirements related to
 284 registration and operation of the center in this section and
 285 rules of the board.

286 (b) "Office surgery center" means any facility where a
 287 physician performs liposuction procedures in which more than
 288 1,000 cubic centimeters of supernatant fat are removed, level 2
 289 procedures lasting more than 5 minutes, and all level 3 surgical
 290 procedures in an office setting, or any facility in which
 291 surgery is performed outside of any facility licensed under
 292 chapter 390 or chapter 395.

293 (2) REGISTRATION.-

294 (a) An office surgery center must register with the
 295 department unless the center is:

- 296 1. Licensed as a facility pursuant to chapter 395; or
- 297 2. Affiliated with an accredited medical school at which
 298 training is provided for medical students, residents, or
 299 fellows.

300 (b) Office surgery center locations shall be registered

301 separately regardless of whether the center is operated under
302 the same business name or management as another center. The
303 actual costs for registration shall be paid by the person
304 seeking to register and operate the office center in which
305 office surgery is performed.

306 (c) As a part of registration, an office surgery center
307 must have a designated physician. Within 10 days after
308 termination of a designated physician, the center must notify
309 the department of the identity of another designated physician
310 for that center. Failing to have a designated physician
311 practicing at the location of the registered center may result
312 in the suspension of the center's certificate of registration,
313 as described in s. 456.073(8) or agency action under s.
314 120.60(6).

315 (d) The department shall deny registration to an office
316 surgery center that is:

317 1. Not fully owned by a physician licensed under this
318 chapter or chapter 459 or a group of physicians licensed under
319 this chapter or chapter 459;

320 2. Not a health care center licensed under part X of
321 chapter 400; or

322 3. Owned by or in any contractual or employment
323 relationship with a physician licensed under this chapter or
324 chapter 459 who:

325 a. Had hospital privileges revoked in the last 5 years.

326 b. Does not have a clear and active license with the
327 department; or

328 c. Had a license disciplined by the department or another
329 jurisdiction in the last 5 years for an offense related to
330 standard of care.

331 (e) If the department finds that an office surgery center
332 does not meet the requirements of paragraph (c) or is owned,
333 directly or indirectly, by a person meeting criteria listed in
334 paragraph (d), the department shall revoke the certificate of
335 registration previously issued by the department.

336 (f) The department may revoke the office surgery center's
337 certificate of registration and prohibit all physicians
338 associated with the center from practicing at that location
339 based upon an annual inspection and evaluation of the factors
340 described in subsection (4).

341 (g) If the certificate of registration is revoked or
342 suspended, the designated physician of the center, the owner or
343 lessor of the center property, the manager, and the proprietor
344 shall:

345 1. Cease to operate the facility as an office surgery
346 center as of the effective date of the suspension or revocation.

347 2. Be responsible for removing all signs and symbols
348 identifying the premises as an office surgery center.

349 (h) Upon the effective date of the suspension or
350 revocation, the designated physician of the office surgery

351 center shall advise the department of the disposition of the
352 medicinal drugs located on the premises. The disposition is
353 subject to the supervision and approval of the department.
354 Medicinal drugs that are purchased or held by a center that is
355 not registered may be deemed adulterated pursuant to s. 499.006.

356 (i) If the office surgery center's registration is
357 revoked, any person named in the registration documents of the
358 center, including persons owning or operating the center, may
359 not, as an individual or as a part of a group, apply to operate
360 an office surgery center for 5 years after the date the
361 registration is revoked.

362 (j) The period of suspension for the registration of an
363 office surgery center shall be prescribed by the department, but
364 may not exceed 2 years.

365 (k) A change of ownership of a registered office surgery
366 center requires submission of a new registration application. An
367 office surgery registration may not be transferred.

368 (3) PHYSICIAN RESPONSIBILITIES.—These responsibilities
369 apply to any physician who provides professional services in an
370 office surgery center as required in subsection (2).

371 (a)1. A physician may not practice medicine in an office
372 surgery center, as described in subsection (5), if the office
373 surgery center is not registered with the department as required
374 by this section. A physician who violates this paragraph is
375 subject to disciplinary action by his or her appropriate medical

376 regulatory board.

377 2. Surgical procedures performed in an office surgery
378 center may not include any procedure that may result in blood
379 loss of more than 10 percent of estimated blood volume in a
380 patient with a normal hemoglobin; require major or prolonged
381 intracranial, intrathoracic, abdominal, or major joint
382 replacement procedures, except for laparoscopic procedures;
383 involve major blood vessels performed with direct visualization
384 by open exposure of the major vessel, except for percutaneous
385 endovascular intervention; or are generally emergent or life
386 threatening in nature.

387 (b) The designated physician of an office surgery center
388 shall notify the applicable board in writing of the date of
389 termination of employment within 10 days after terminating his
390 or her employment with a center registered under subsection (2).
391 Each physician practicing in an office surgery center shall
392 advise the board, in writing, within 10 calendar days after
393 beginning or ending his or her practice at an office surgery
394 center.

395 (c) Each physician practicing in an office surgery center
396 is responsible for ensuring compliance with the following:

397 1. Facility and physical operations requirements,
398 including:

399 a. An office surgery center which shall be located and
400 operated at a publicly accessible fixed location.

401 b. The public display of a visible printed sign that
402 clearly identifies the name, hours of operations, and the street
403 address of the center.

404 c. Maintaining a publicly listed telephone number and
405 other methods of communication available to the public.

406 d. Emergency lighting and communications.

407 e. A reception and waiting area.

408 f. A restroom.

409 g. An administrative area, including room for storage of
410 medical records, supplies, and equipment.

411 h. Private patient examination rooms.

412 i. Treatment rooms, if treatment is being provided to the
413 patients.

414 j. The public display of a visible printed sign located in
415 a conspicuous place in the waiting room with the name and
416 contact information of the center's designated physician and the
417 names of all physicians practicing in the center.

418 k. Compliance with ss. 499.0121 and 893.07, if the center
419 stores and dispenses prescription drugs.

420 2. Infection control requirements, including:

421 a. The maintenance of equipment and supplies to support
422 infection prevention and control activities.

423 b. The identification of infection risks that shall be
424 based on the following:

425 (I) Geographic location, community, and population served.

426 (II) The provided care, treatment, and services.
 427 (III) An analysis of its infection surveillance and
 428 control data.
 429 c. Center maintenance of written infection prevention
 430 policies and procedures that address prioritized risks and limit
 431 the following:
 432 (I) Unprotected exposure to pathogens.
 433 (II) Transmission of infections associated with procedures
 434 performed in the center.
 435 (III) Transmission of infections associated with the
 436 center's use of medical equipment, devices, and supplies.
 437 3. Health and safety requirements, including:
 438 a. Being structurally sound, in good repair, clean, and
 439 free from health and safety hazards, including its grounds,
 440 buildings, furniture, appliances, and equipment.
 441 b. Having evacuation procedures in the event of an
 442 emergency, which shall include provisions for the evacuation of
 443 disabled patients and employees.
 444 c. Having a written facility-specific disaster plan
 445 setting forth actions that will be taken in the event of center
 446 closure due to unforeseen disasters and shall include provisions
 447 for the protection of medical records and any controlled
 448 substances.
 449 d. Having at least one employee on the premises during
 450 patient care hours who is certified in Basic Life Support and is

451 trained in reacting to accidents and medical emergencies until
452 emergency medical personnel arrive.

453 (d) The designated physician of an office surgery center
454 is responsible for ensuring the center complies with the
455 following quality assurance requirements:

456 1. The center shall maintain an ongoing quality assurance
457 program that objectively and systematically monitors and
458 evaluates the quality and appropriateness of patient care,
459 evaluates methods to improve patient care, identifies and
460 corrects deficiencies within the facility, alerts the designated
461 physician to identify and resolve recurring problems, and
462 provides for opportunities to improve the facility's performance
463 and to enhance and improve the quality of care provided to the
464 public.

465 2. The designated physician shall establish a quality
466 assurance program that includes the following components:

467 a. Identification, investigation, and analysis of the
468 frequency and causes of adverse incidents to patients.

469 b. Identification of trends or patterns of incidents.

470 c. Development of measures to correct, reduce, minimize,
471 or eliminate the risk of adverse incidents to patients.

472 d. Documentation of the functions provided in this
473 subparagraph and periodic review no less than quarterly of such
474 information by the designated physician.

475 (e) The designated physician for each office surgery

476 center shall report all adverse incidents to the department as
477 set forth in s. 458.351.

478
479 This section does not excuse a physician from providing any
480 treatment or performing any medical duty without the proper
481 equipment and materials as required by the standard of care or
482 rules adopted by the board. This section does not supersede the
483 level of care, skill, and treatment recognized in general law
484 related to health care licensure.

485 (4) INSPECTION.—

486 (a) The department shall inspect the office surgery center
487 annually, including a review of the patient records, to ensure
488 that it complies with this section and the rules of the board
489 adopted pursuant to subsection (5) unless the center is
490 accredited by a nationally recognized accrediting agency or an
491 accrediting organization approved by the board.

492 (b) The actual costs for inspection or accreditation shall
493 be paid by the person seeking to register and operate the office
494 center in which office surgery is performed.

495 (c) During an onsite inspection, the department shall make
496 a reasonable attempt to discuss each violation with the owner or
497 designated physician of the office surgery center before issuing
498 a formal written notification.

499 (d) Any action taken to correct a violation shall be
500 documented in writing by the owner or designated physician of

501 the office surgery center and verified by follow-up visits by
502 departmental personnel.

503 (5) RULEMAKING.—The board shall adopt rules:

504 (a) Necessary to administer the registration and
505 inspection of office surgery centers which establish the
506 specific requirements, procedures, forms, and fees.

507 (b) Setting forth training requirements for all facility
508 health care practitioners who are not regulated by another
509 board.

510 (6) PENALTIES; ENFORCEMENT.—

511 (a) The department may impose an administrative fine on an
512 office surgery center of up to \$5,000 per violation for
513 violating the requirements of this section; chapter 499, the
514 Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
515 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
516 the Comprehensive Drug Abuse Prevention and Control Act; chapter
517 893, the Florida Comprehensive Drug Abuse Prevention and Control
518 Act; or the rules of the department.

519 (b) In determining whether a penalty is to be imposed upon
520 a center, and in determining the amount of the fine, the
521 department shall consider the following factors:

522 1. The gravity of the violation, including the probability
523 that death or serious physical or emotional harm to a patient
524 has resulted, or could have resulted, from the center's actions
525 or the actions of the physician, the severity of the action or

526 potential harm, and the extent to which the provisions of the
527 applicable laws or rules were violated.

528 2. What actions, if any, the owner or designated physician
529 took to correct the violations.

530 3. Whether there were any previous violations at the
531 center.

532 4. The financial benefits that the center derived from
533 committing or continuing to commit the violation.

534 (c) Each day a violation continues after the date fixed
535 for termination of the violation as ordered by the department
536 constitutes an additional, separate, and distinct violation.

537 (d) The department may impose a fine and, in the case of
538 an owner-operated office surgery center, revoke or deny a
539 center's registration if the center's designated physician
540 knowingly and intentionally misrepresents actions taken to
541 correct a violation.

542 (e) An owner or designated physician of an office surgery
543 center who concurrently operates an unregistered center is
544 subject to an administrative fine of \$5,000 per day.

545 (f) If the owner of an office surgery center that requires
546 registration fails to apply to register the center upon a change
547 of ownership and operates the center under the new ownership,
548 the owner is subject to a fine of \$10,000.

549 Section 6. Subsection (2) of section 459.005, Florida
550 Statutes, is amended to read:

551 459.005 Rulemaking authority.—

552 ~~(2) A physician who performs liposuction procedures in~~
553 ~~which more than 1,000 cubic centimeters of supernatant fat is~~
554 ~~removed, level 2 procedures lasting more than 5 minutes, and all~~
555 ~~level 3 surgical procedures in an office setting must register~~
556 ~~the office with the department unless that office is licensed as~~
557 ~~a facility under chapter 395. The department shall inspect the~~
558 ~~physician's office annually unless the office is accredited by a~~
559 ~~nationally recognized accrediting agency or an accrediting~~
560 ~~organization subsequently approved by the Board of Osteopathic~~
561 ~~Medicine. The actual costs for registration and inspection or~~
562 ~~accreditation shall be paid by the person seeking to register~~
563 ~~and operate the office setting in which office surgery is~~
564 ~~performed.~~

565 Section 7. Section 459.0138, Florida Statutes, is created
566 to read:

567 459.0138 Office surgery centers.—

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

569 (a) "Designated physician" means a physician licensed
570 under this chapter or chapter 459 that practices at the office
571 surgery center location for which the physician has assumed
572 responsibility for complying with all requirements related to
573 registration and operation of the center in this section and
574 rules of the board.

575 (b) "Office surgery center" means any facility where a

576 physician performs liposuction procedures in which more than
577 1,000 cubic centimeters of supernatant fat are removed, level 2
578 procedures lasting more than 5 minutes, and all level 3 surgical
579 procedures in an office setting, or any facility in which
580 surgery is performed outside of any facility licensed under
581 chapter 390 or chapter 395.

582 (2) REGISTRATION.—

583 (a) An office surgery center must register with the
584 department unless the center is:

- 585 1. Licensed as a facility pursuant to chapter 395; or
586 2. Affiliated with an accredited medical school at which
587 training is provided for medical students, residents, or
588 fellows.

589 (b) Office surgery center locations shall be registered
590 separately regardless of whether the center is operated under
591 the same business name or management as another center. The
592 actual costs for registration shall be paid by the person
593 seeking to register and operate the office center in which
594 office surgery is performed.

595 (c) As a part of registration, an office surgery center
596 must have a designated physician. Within 10 days after
597 termination of a designated physician, the center must notify
598 the department of the identity of another designated physician
599 for that center. Failing to have a designated physician
600 practicing at the location of the registered center may result

601 in the suspension of the center's certificate of registration as
602 described in s. 456.073(8) or agency action under s. 120.60(6).

603 (d) The department shall deny registration to an office
604 surgery center that is:

605 1. Not fully owned by a physician licensed under this
606 chapter or chapter 459 or a group of physicians licensed under
607 this chapter or chapter 459;

608 2. Not a health care center licensed under part X of
609 chapter 400; or

610 3. Owned by or any contractual or employment relationship
611 with a physician licensed under this chapter or chapter 459 who:

612 a. Had hospital privileges revoked in the last 5 years.

613 b. Does not have a clear and active license with the
614 department; or

615 c. Had a license disciplined by the department or another
616 jurisdiction in the last 5 years for an offense related to
617 standard of care.

618 (e) If the department finds that an office surgery center
619 does not meet the requirements of paragraph (c) or is owned,
620 directly or indirectly, by a person meeting criteria listed in
621 paragraph (d), the department shall revoke the certificate of
622 registration previously issued by the department.

623 (f) The department may revoke the office surgery center's
624 certificate of registration and prohibit all physicians
625 associated with the center from practicing at that location

626 based upon an annual inspection and evaluation of the factors
627 described in subsection (4).

628 (g) If the registration is revoked or suspended, the
629 designated physician of the center, the owner or lessor of the
630 center property, the manager, and the proprietor shall:

631 1. Cease to operate the facility as an office surgery
632 center as of the effective date of the suspension or revocation.

633 2. Be responsible for removing all signs and symbols
634 identifying the premises as an office surgery center.

635 (h) Upon the effective date of the suspension or
636 revocation, the designated physician of the office surgery
637 center shall advise the department of the disposition of the
638 medicinal drugs located on the premises. The disposition is
639 subject to the supervision and approval of the department.
640 Medicinal drugs that are purchased or held by a center that is
641 not registered may be deemed adulterated pursuant to s. 499.006.

642 (i) If the office surgery center's registration is
643 revoked, any person named in the registration documents of the
644 center, including persons owning or operating the center, may
645 not, as an individual or as a part of a group, apply to operate
646 an office surgery center for 5 years after the date the
647 registration is revoked.

648 (j) The period of suspension for the registration of an
649 office surgery center shall be prescribed by the department, but
650 may not exceed 2 years.

651 (k) A change of ownership of a registered office surgery
652 center requires submission of a new registration application. An
653 office surgery registration may not be transferred.

654 (3) PHYSICIAN RESPONSIBILITIES.—These responsibilities
655 apply to any physician who provides professional services in an
656 office surgery center as required in subsection (2).

657 (a)1. A physician may not practice medicine in an office
658 surgery center, as described in subsection (5), if the office
659 surgery center is not registered with the department as required
660 by this section. A physician who violates this paragraph is
661 subject to disciplinary action by his or her appropriate medical
662 regulatory board.

663 2. Surgical procedures performed in an office surgery
664 center may not include any procedure that may result in blood
665 loss of more than 10 percent of estimated blood volume in a
666 patient with a normal hemoglobin; require major or prolonged
667 intracranial, intrathoracic, abdominal, or major joint
668 replacement procedures, except for laparoscopic procedures;
669 involve major blood vessels performed with direct visualization
670 by open exposure of the major vessel, except for percutaneous
671 endovascular intervention; or are generally emergent or life
672 threatening in nature.

673 (b) The designated physician of an office surgery center
674 shall notify the applicable board in writing of the date of
675 termination of employment within 10 days after terminating his

676 or her employment with a center registered under subsection (2).
677 Each physician practicing in an office surgery center shall
678 advise the board, in writing, within 10 calendar days after
679 beginning or ending his or her practice at an office surgery
680 center.

681 (c) Each physician practicing in an office surgery center
682 is responsible for ensuring compliance with the following:

683 1. Facility and physical operations requirements,
684 including:

685 a. An office surgery center which shall be located and
686 operated at a publicly accessible fixed location.

687 b. The public display of a visible printed sign that
688 clearly identifies the name, hours of operations, and the street
689 address of the center.

690 c. Maintaining a publicly listed telephone number and
691 other methods of communication available to the public.

692 d. Emergency lighting and communications.

693 e. A reception and waiting area.

694 f. A restroom.

695 g. An administrative area, including room for storage of
696 medical records, supplies, and equipment.

697 h. Private patient examination rooms.

698 i. Treatment rooms, if treatment is being provided to the
699 patients.

700 j. The public display of a visible printed sign located in

701 a conspicuous place in the waiting room with the name and
702 contact information of the center's designated physician and the
703 names of all physicians practicing in the center.

704 k. Compliance with ss. 499.0121 and 893.07, if the center
705 stores and dispenses prescription drugs.

706 2. Infection control requirements, including:

707 a. The maintenance of equipment and supplies to support
708 infection prevention and control activities.

709 b. The identification of infection risks that shall be
710 based on the following:

711 (I) Geographic location, community, and population served.

712 (II) The provided care, treatment, and services.

713 (III) An analysis of its infection surveillance and
714 control data.

715 c. Center maintenance of written infection prevention
716 policies and procedures that address prioritized risks and limit
717 the following:

718 (I) Unprotected exposure to pathogens.

719 (II) Transmission of infections associated with procedures
720 performed in the center.

721 (III) Transmission of infections associated with the
722 center's use of medical equipment, devices, and supplies.

723 3. Health and safety requirements, including:

724 a. Being structurally sound, in good repair, clean, and
725 free from health and safety hazards, including its grounds,

726 buildings, furniture, appliances, and equipment.

727 b. Having evacuation procedures in the event of an
728 emergency, which shall include provisions for the evacuation of
729 disabled patients and employees.

730 c. Having a written facility-specific disaster plan
731 setting forth actions that will be taken in the event of center
732 closure due to unforeseen disasters and shall include provisions
733 for the protection of medical records and any controlled
734 substances.

735 d. Having at least one employee on the premises during
736 patient care hours who is certified in Basic Life Support and is
737 trained in reacting to accidents and medical emergencies until
738 emergency medical personnel arrive.

739 (d) The designated physician of an office surgery center
740 is responsible for ensuring the center complies with the
741 following quality assurance requirements:

742 1. The center shall maintain an ongoing quality assurance
743 program that objectively and systematically monitors and
744 evaluates the quality and appropriateness of patient care,
745 evaluates methods to improve patient care, identifies and
746 corrects deficiencies within the facility, alerts the designated
747 physician to identify and resolve recurring problems, and
748 provides for opportunities to improve the facility's performance
749 and to enhance and improve the quality of care provided to the
750 public.

751 2. The designated physician shall establish a quality
752 assurance program that includes the following components:

753 a. Identification, investigation, and analysis of the
754 frequency and causes of adverse incidents to patients.

755 b. Identification of trends or patterns of incidents.

756 c. Development of measures to correct, reduce, minimize,
757 or eliminate the risk of adverse incidents to patients.

758 d. Documentation of the functions provided in this
759 subparagraph and periodic review no less than quarterly of such
760 information by the designated physician.

761 (e) The designated physician for each office surgery
762 center shall report all adverse incidents to the department as
763 set forth in s. 458.351.

764
765 This section does not excuse a physician from providing any
766 treatment or performing any medical duty without the proper
767 equipment and materials as required by the standard of care or
768 rules adopted by the board. This section does not supersede the
769 level of care, skill, and treatment recognized in general law
770 related to health care licensure.

771 (4) INSPECTION.—

772 (a) The department shall inspect the office surgery center
773 annually, including a review of the patient records, to ensure
774 that it complies with this section and the rules of the board
775 adopted pursuant to subsection (5) unless the center is

776 accredited by a nationally recognized accrediting agency
777 approved by the board.

778 (b) The actual costs for inspection or accreditation shall
779 be paid by the person seeking to register and operate the office
780 center in which office surgery is performed.

781 (c) During an onsite inspection, the department shall make
782 a reasonable attempt to discuss each violation with the owner or
783 designated physician of the office surgery center before issuing
784 a formal written notification.

785 (d) Any action taken to correct a violation shall be
786 documented in writing by the owner or designated physician of
787 the office surgery center and verified by follow-up visits by
788 departmental personnel.

789 (5) RULEMAKING.—The board shall adopt rules:

790 (a) Necessary to administer the registration and
791 inspection of office surgery centers which establish the
792 specific requirements, procedures, forms, and fees.

793 (b) Setting forth training requirements for all facility
794 health care practitioners who are not regulated by another
795 board.

796 (6) PENALTIES; ENFORCEMENT.—

797 (a) The department may impose an administrative fine on an
798 office surgery center of up to \$5,000 per violation for
799 violating the requirements of this section; chapter 499, the
800 Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the

801 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
802 the Comprehensive Drug Abuse Prevention and Control Act; chapter
803 893, the Florida Comprehensive Drug Abuse Prevention and Control
804 Act; or the rules of the department.

805 (b) In determining whether a penalty is to be imposed upon
806 a center, and in determining the amount of the fine, the
807 department shall consider the following factors:

808 1. The gravity of the violation, including the probability
809 that death or serious physical or emotional harm to a patient
810 has resulted, or could have resulted, from the center's actions
811 or the actions of the physician, the severity of the action or
812 potential harm, and the extent to which the provisions of the
813 applicable laws or rules were violated.

814 2. What actions, if any, the owner or designated physician
815 took to correct the violations.

816 3. Whether there were any previous violations at the
817 center.

818 4. The financial benefits that the center derived from
819 committing or continuing to commit the violation.

820 (c) Each day a violation continues after the date fixed
821 for termination of the violation as ordered by the department
822 constitutes an additional, separate, and distinct violation.

823 (d) The department may impose a fine and, in the case of
824 an owner-operated office surgery center, revoke or deny a
825 center's registration if the center's designated physician

826 | knowingly and intentionally misrepresents actions taken to
 827 | correct a violation.

828 | (e) An owner or designated physician of an office surgery
 829 | center who concurrently operates an unregistered center is
 830 | subject to an administrative fine of \$5,000 per day.

831 | (f) If the owner of an office surgery center that requires
 832 | registration fails to apply to register the center upon a change
 833 | of ownership and operates the center under the new ownership,
 834 | the owner is subject to a fine of \$10,000.

835 | Section 8. Section 460.4166, Florida Statutes, is
 836 | repealed.

837 | Section 9. Section 463.006, Florida Statutes, is amended
 838 | to read:

839 | 463.006 Licensure and certification by examination.—

840 | (1) Any person desiring to be a licensed practitioner
 841 | pursuant to this chapter shall apply to the department ~~to take~~
 842 | ~~the licensure and certification examinations.~~ The department
 843 | shall license ~~examine~~ each applicant who the board determines
 844 | has:

845 | (a) Completed the application forms as required by the
 846 | board, remitted an application fee for certification not to
 847 | exceed \$250, ~~remitted an examination fee for certification not~~
 848 | ~~to exceed \$250,~~ and remitted a ~~an examination~~ fee for licensure
 849 | not to exceed \$325, all as set by the board.

850 | (b) Submitted proof satisfactory to the department that

851 she or he:

852 1. Is at least 18 years of age.

853 2. Has graduated from an accredited school or college of
854 optometry approved by rule of the board.

855 ~~3. Is of good moral character.~~

856 3.4. Has successfully completed at least 110 hours of
857 transcript-quality coursework and clinical training in general
858 and ocular pharmacology as determined by the board, at an
859 institution that:

860 a. Has facilities for both didactic and clinical
861 instructions in pharmacology; and

862 b. Is accredited by a regional or professional accrediting
863 organization that is recognized and approved by the Commission
864 on Recognition of Postsecondary Accreditation or the United
865 States Department of Education.

866 ~~4.5.~~ Has completed at least 1 year of supervised
867 experience in differential diagnosis of eye disease or disorders
868 as part of the optometric training or in a clinical setting as
869 part of the optometric experience.

870 5. Has obtained a passing score, as established by rule of
871 the board, on the licensure examination of the National Board of
872 Examiners in Optometry or a similar nationally recognized
873 examination approved by the board.

874 ~~(2) The examination shall consist of the appropriate~~
875 ~~subjects, including applicable state laws and rules and general~~

876 ~~and ocular pharmacology with emphasis on the use and side~~
877 ~~effects of ocular pharmaceutical agents. The board may by rule~~
878 ~~substitute a national examination as part or all of the~~
879 ~~examination and may by rule offer a practical examination in~~
880 ~~addition to the written examination.~~

881 (2)~~(3)~~ Each applicant who successfully passes the
882 examination and otherwise meets the requirements of this chapter
883 is entitled to be licensed as a practitioner and to be certified
884 to administer and prescribe ocular pharmaceutical agents in the
885 diagnosis and treatment of ocular conditions.

886 Section 10. Section 463.0061, Florida Statutes, is created
887 to read:

888 463.0061 Licensure by endorsement; requirements; fees.—

889 (1) Any person desiring to be a licensed practitioner
890 pursuant to this chapter shall apply to the department. The
891 department shall issue a license by endorsement to any applicant
892 who, upon applying to the department on forms furnished by the
893 department and remitting a nonrefundable application fee set by
894 the board not to exceed \$250 and a licensure fee not to exceed
895 \$325, the board certifies:

896 (a) Has graduated from an accredited school or college of
897 optometry accredited by a regional or professional accrediting
898 organization that is recognized and approved by the Commission
899 on Recognition of Postsecondary Accreditation or the United
900 States Department of Education.

901 (b) Has obtained an overall passing score, as established
902 by rule of the board, on the licensure examination of the
903 National Board of Examiners in Optometry or a similar nationally
904 recognized examination approved by the board.

905 (c) Has submitted evidence of an active, licensed practice
906 of optometry in another jurisdiction, for at least 5 of the
907 immediately preceding 7 years, or evidence of successful
908 completion of a board-approved clinical competency examination
909 within the year preceding the filing of an application for
910 licensure. For purposes of this paragraph, "active licensed
911 practice of optometry" means that practice of optometry by
912 optometrists, including those employed by any federal or state
913 governmental entity in community or public health.

914 (d) Has successfully completed the clinical skills portion
915 of the examination developed by the National Board of Examiners
916 in Optometry. In addition to an overall passing score on the
917 clinical skills portion, an applicant must obtain a score of 75
918 percent or better on each of the biomicroscopy, binocular
919 indirect ophthalmoscopy, and dilated biomicroscopy and
920 noncontact fundus lens evaluation skills individually.

921 (e) Has successfully completed a written examination on
922 applicable general laws and rules governing the practice of
923 optometry.

924 (f) Has obtained a passing score on either the Treatment
925 and Management of Ocular Disease examination in the Patient

926 Assessment and Management portion of the examination developed
927 by the National Board of Examiners in Optometry or the stand
928 alone Treatment and Management of Ocular Disease examination
929 developed by the National Board of Examiners in Optometry.

930 (2) The applicant shall submit evidence of completing a
931 total of at least 30 hours of board-approved continuing
932 education for the 2 calendar years immediately preceding
933 application.

934 (3) The department shall not issue a license by
935 endorsement to any applicant who is under investigation in any
936 jurisdiction for an act or offense which would constitute a
937 violation of this chapter until such time as the investigation
938 is complete, at which time the provisions of s. 463.016 shall
939 apply. Furthermore, the department may not issue an unrestricted
940 license to any individual who has committed any act or offense
941 in any jurisdiction constituting the basis for disciplining an
942 optometrist pursuant to s. 463.016. If the board finds that an
943 individual has committed an act or offense constituting the
944 basis for disciplining an optometrist pursuant to s. 463.016,
945 the board may enter an order imposing one or more of the terms
946 set forth in subsection (4).

947 (4) When the board determines that an applicant for
948 licensure by endorsement has failed to satisfy each of the
949 appropriate requirements in this section, it may enter an order
950 requiring one or more of the following:

951 (a) Refusal to certify to the department an application
 952 for licensure or certification;

953 (b) Certify to the department an application for licensure
 954 or certification with restrictions on the scope of practice of
 955 the licensee; or

956 (c) Certify to the department an application for licensure
 957 or certification with a probationary period subject to
 958 conditions specified by the board, including, but not limited
 959 to, requiring the optometrist to submit to treatment, attend
 960 continuing education courses, submit to reexamination, or work
 961 under the supervision of another licensed optometrist.

962 Section 11. Section 464.006, Florida Statutes, is amended
 963 to read:

964 464.006 Rulemaking authority.—The board may ~~has authority~~
 965 ~~to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to
 966 implement the provisions of this part conferring duties upon it
 967 and establish standards of care.

968 Section 12. Section 464.202, Florida Statutes, is amended
 969 to read:

970 464.202 Duties and powers of the board.—The board shall
 971 maintain, or contract with or approve another entity to
 972 maintain, a state registry of certified nursing assistants. The
 973 registry must consist of the name of each certified nursing
 974 assistant in this state; other identifying information defined
 975 by board rule; certification status; the effective date of

976 certification; other information required by state or federal
977 law; information regarding any crime or any abuse, neglect, or
978 exploitation as provided under chapter 435; and any disciplinary
979 action taken against the certified nursing assistant. The
980 registry shall be accessible to the public, the
981 certificateholder, employers, and other state agencies. The
982 board shall adopt by rule testing procedures for use in
983 certifying nursing assistants and shall adopt rules regulating
984 the practice of certified nursing assistants, including
985 discipline and establishing standards of care and specifying the
986 scope of practice authorized and the level of supervision
987 required for the practice of certified nursing assistants. The
988 board may contract with or approve another entity or
989 organization to provide the examination services, including the
990 development and administration of examinations. The board shall
991 require that the contract provider offer certified nursing
992 assistant applications via the Internet, and may require the
993 contract provider to accept certified nursing assistant
994 applications for processing via the Internet. The board shall
995 require the contract provider to provide the preliminary results
996 of the certified nursing examination on the date the test is
997 administered. The provider shall pay all reasonable costs and
998 expenses incurred by the board in evaluating the provider's
999 application and performance during the delivery of services,
1000 including examination services and procedures for maintaining

1001 the certified nursing assistant registry.

1002 Section 13. Paragraph (c) of subsection (1) of section
1003 464.203, Florida Statutes, is amended to read:

1004 464.203 Certified nursing assistants; certification
1005 requirement.—

1006 (1) The board shall issue a certificate to practice as a
1007 certified nursing assistant to any person who demonstrates a
1008 minimum competency to read and write and successfully passes the
1009 required background screening pursuant to s. 400.215. If the
1010 person has successfully passed the required background screening
1011 pursuant to s. 400.215 or s. 408.809 within 90 days before
1012 applying for a certificate to practice and the person's
1013 background screening results are not retained in the
1014 clearinghouse created under s. 435.12, the board shall waive the
1015 requirement that the applicant successfully pass an additional
1016 background screening pursuant to s. 400.215. The person must
1017 also meet one of the following requirements:

1018 (c) Is currently certified in another state or territory,
1019 and the District of Columbia; is listed on that state's
1020 certified nursing assistant registry; and has not been found to
1021 have committed abuse, neglect, or exploitation in that state.

1022 Section 14. Subsection (1) of section 464.204, Florida
1023 Statutes, is amended to read:

1024 464.204 Denial, suspension, or revocation of
1025 certification; disciplinary actions.—

1026 (1) The following acts constitute grounds for which the
 1027 board may impose disciplinary sanctions as specified in
 1028 subsection (2):

1029 (a) Obtaining or attempting to obtain certification or an
 1030 exemption, or possessing or attempting to possess certification
 1031 or a letter of exemption, by bribery, misrepresentation, deceit,
 1032 or through an error of the board.

1033 (b) ~~Intentionally~~ Violating any provision of this chapter,
 1034 chapter 456, or the rules adopted by the board.

1035 Section 15. Subsection (7) is added to section 465.019,
 1036 Florida Statutes, to read:

1037 465.019 Institutional pharmacies; permits.—

1038 (7) An institutional pharmacy must pass an onsite
 1039 inspection by the department as a prerequisite to the issuance
 1040 of an initial permit or a permit for a change of location. The
 1041 inspection must be completed within 90 days before the issuance
 1042 of the permit.

1043 Section 16. Section 465.0193, Florida Statutes, is amended
 1044 to read:

1045 465.0193 Nuclear pharmacy permits.—Any person desiring a
 1046 permit to operate a nuclear pharmacy shall apply to the
 1047 department. If the board certifies that the application complies
 1048 with applicable law, the department shall issue the permit. No
 1049 permit shall be issued unless a duly licensed and qualified
 1050 nuclear pharmacist is designated as being responsible for

1051 activities described in s. 465.0126. A nuclear pharmacy must
1052 pass an onsite inspection by the department as a prerequisite to
1053 the issuance of an initial permit or a permit for a change of
1054 location. The inspection must be completed within 90 days before
1055 the issuance of the permit. The permittee shall notify the
1056 department within 10 days of any change of the licensed
1057 pharmacist responsible for the compounding and dispensing of
1058 nuclear pharmaceuticals.

1059 Section 17. Section 465.0195, Florida Statutes, is created
1060 to read:

1061 465.0195 Pharmacy or outsourcing facility; sterile
1062 compounding permit.—Before a pharmacy or outsourcing facility
1063 located in this state dispenses, creates, delivers, ships, or
1064 mails, in any manner, a compounded sterile product, the pharmacy
1065 or outsourcing facility must hold a sterile compounding permit.

1066 (1) An application for a sterile compounding permit shall
1067 be submitted on a form furnished by the board. The board may
1068 require such information as it deems reasonably necessary to
1069 carry out the purposes of this section.

1070 (2) If the board certifies that the application complies
1071 with applicable laws and rules of the board governing
1072 pharmacies, the department shall issue the permit.

1073 (3) A pharmacy or outsourcing facility must pass an onsite
1074 inspection by the department as a prerequisite to the issuance
1075 of an initial permit or a permit for a change of location. The

1076 inspection must be completed within 90 days prior to the
1077 issuance of the permit. The board may adopt by rule, standards
1078 for the conducting of an onsite inspection for issuance of a
1079 sterile compounding permit.

1080 (4) A permit may not be issued unless a licensed
1081 pharmacist is designated to undertake the professional
1082 supervision of the compounding and dispensing of all drugs
1083 dispensed by the permittee.

1084 (5) A permittee must notify the department within 10 days
1085 after any change of the licensed pharmacist under subsection
1086 (4). Each permittee that employs or otherwise uses registered
1087 pharmacy technicians shall have a written policy and procedures
1088 manual specifying those duties, tasks, and functions that a
1089 registered pharmacy technician is authorized to perform.

1090 (6) The board may adopt by rule, standards of practice for
1091 sterile compounding. In adopting such rules, the board shall
1092 give due consideration to the standards and requirements
1093 provided in chapter 797 of the United States Pharmacopeia, or
1094 other professionally accepted standards deemed authoritative by
1095 the board. In adopting such rules for an outsourcing facility,
1096 the board shall consider the standards and requirements of
1097 current good manufacturing practices as set forth by federal law
1098 and any other professionally accepted standards deemed
1099 authoritative by the board.

1100 (7) All provisions relating to pharmacy permits found in

1101 ss. 465.022 and 465.023, are applicable to permits issued
1102 pursuant to this section.

1103 Section 18. Section 465.0196, Florida Statutes, is amended
1104 to read:

1105 465.0196 Special pharmacy permits.—Any person desiring a
1106 permit to operate a special pharmacy shall apply to the
1107 department for a special pharmacy permit. If the board certifies
1108 that the application complies with the applicable laws and rules
1109 of the board governing the practice of the profession of
1110 pharmacy, the department shall issue the permit. A special
1111 pharmacy must pass an onsite inspection by the department as a
1112 prerequisite to the issuance of an initial permit or a permit
1113 for a change of location. The inspection must be completed
1114 within 90 days before the issuance of the permit. A permit may
1115 not be issued unless a licensed pharmacist is designated to
1116 undertake the professional supervision of the compounding and
1117 dispensing of all drugs dispensed by the pharmacy. The licensed
1118 pharmacist shall be responsible for maintaining all drug records
1119 and for providing for the security of the area in the facility
1120 in which the compounding, storing, and dispensing of medicinal
1121 drugs occurs. The permittee shall notify the department within
1122 10 days after any change of the licensed pharmacist responsible
1123 for such duties. Each permittee that employs or otherwise uses
1124 registered pharmacy technicians shall have a written policy and
1125 procedures manual specifying those duties, tasks, and functions

1126 that a registered pharmacy technician is allowed to perform.

1127 Section 19. Subsection (2) of section 465.0197, Florida
 1128 Statutes, is amended to read:

1129 465.0197 Internet pharmacy permits.—

1130 (2) An Internet pharmacy must obtain a permit under this
 1131 section to sell medicinal drugs to persons in this state. An
 1132 Internet pharmacy must pass an onsite inspection by the
 1133 department as a prerequisite to the issuance of an initial
 1134 permit or a permit for a change of location. The inspection must
 1135 be completed within 90 days prior to the issuance of the permit.

1136 Section 20. Subsection (4) of section 466.006, Florida
 1137 Statutes, is amended to read:

1138 466.006 Examination of dentists.—

1139 (4) Notwithstanding any other provision of law in chapter
 1140 456 pertaining to the clinical dental licensure examination or
 1141 national examinations, to be licensed as a dentist in this
 1142 state, an applicant must successfully complete the following:

1143 (a) A written examination on the laws and rules of the
 1144 state regulating the practice of dentistry;

1145 (b)1. A practical or clinical examination, which shall be
 1146 the American Dental Licensing Examination produced by the
 1147 American Board of Dental Examiners, Inc., or its successor
 1148 entity, if any, that is administered in this state ~~and graded by~~
 1149 ~~dentists licensed in this state and employed by the department~~
 1150 ~~for just such purpose,~~ provided that the board has attained, and

1151 continues to maintain thereafter, representation on the board of
1152 directors of the American Board of Dental Examiners, the
1153 examination development committee of the American Board of
1154 Dental Examiners, and such other committees of the American
1155 Board of Dental Examiners as the board deems appropriate by rule
1156 to assure that the standards established herein are maintained
1157 organizationally. A passing score on the American Dental
1158 Licensing Examination administered in this state ~~and graded by~~
1159 ~~dentists who are licensed in this state~~ is valid for 365 days
1160 after the date the official examination results are published.

1161 2.a. As an alternative to the requirements of subparagraph
1162 1., an applicant may submit scores from an American Dental
1163 Licensing Examination previously administered in a jurisdiction
1164 other than this state after October 1, 2011, and such
1165 examination results shall be recognized as valid for the purpose
1166 of licensure in this state. A passing score on the American
1167 Dental Licensing Examination administered out-of-state shall be
1168 the same as the passing score for the American Dental Licensing
1169 Examination administered in this state ~~and graded by dentists~~
1170 ~~who are licensed in this state~~. The examination results are
1171 valid for 365 days after the date the official examination
1172 results are published. The applicant must have completed the
1173 examination after October 1, 2011.

1174 b. This subparagraph may not be given retroactive
1175 application.

1176 3. If the date of an applicant's passing American Dental
1177 Licensing Examination scores from an examination previously
1178 administered in a jurisdiction other than this state under
1179 subparagraph 2. is older than 365 days, then such scores shall
1180 nevertheless be recognized as valid for the purpose of licensure
1181 in this state, but only if the applicant demonstrates that all
1182 of the following additional standards have been met:

1183 a.(I) The applicant completed the American Dental
1184 Licensing Examination after October 1, 2011.

1185 (II) This sub-subparagraph may not be given retroactive
1186 application;

1187 b. The applicant graduated from a dental school accredited
1188 by the American Dental Association Commission on Dental
1189 Accreditation or its successor entity, if any, or any other
1190 dental accrediting organization recognized by the United States
1191 Department of Education. Provided, however, if the applicant did
1192 not graduate from such a dental school, the applicant may submit
1193 proof of having successfully completed a full-time supplemental
1194 general dentistry program accredited by the American Dental
1195 Association Commission on Dental Accreditation of at least 2
1196 consecutive academic years at such accredited sponsoring
1197 institution. Such program must provide didactic and clinical
1198 education at the level of a D.D.S. or D.M.D. program accredited
1199 by the American Dental Association Commission on Dental
1200 Accreditation;

1201 c. The applicant currently possesses a valid and active
 1202 dental license in good standing, with no restriction, which has
 1203 never been revoked, suspended, restricted, or otherwise
 1204 disciplined, from another state or territory of the United
 1205 States, the District of Columbia, or the Commonwealth of Puerto
 1206 Rico;

1207 d. The applicant submits proof that he or she has never
 1208 been reported to the National Practitioner Data Bank, the
 1209 Healthcare Integrity and Protection Data Bank, or the American
 1210 Association of Dental Boards Clearinghouse. This sub-
 1211 subparagraph does not apply if the applicant successfully
 1212 appealed to have his or her name removed from the data banks of
 1213 these agencies;

1214 e.(I) In the 5 years immediately preceding the date of
 1215 application for licensure in this state, the applicant must
 1216 submit proof of having been consecutively engaged in the full-
 1217 time practice of dentistry in another state or territory of the
 1218 United States, the District of Columbia, or the Commonwealth of
 1219 Puerto Rico, or, if the applicant has been licensed in another
 1220 state or territory of the United States, the District of
 1221 Columbia, or the Commonwealth of Puerto Rico for less than 5
 1222 years, the applicant must submit proof of having been engaged in
 1223 the full-time practice of dentistry since the date of his or her
 1224 initial licensure.

1225 (II) As used in this section, "full-time practice" is

1226 defined as a minimum of 1,200 hours per year for each and every
 1227 year in the consecutive 5-year period or, where applicable, the
 1228 period since initial licensure, and must include any combination
 1229 of the following:

1230 (A) Active clinical practice of dentistry providing direct
 1231 patient care.

1232 (B) Full-time practice as a faculty member employed by a
 1233 dental or dental hygiene school approved by the board or
 1234 accredited by the American Dental Association Commission on
 1235 Dental Accreditation.

1236 (C) Full-time practice as a student at a postgraduate
 1237 dental education program approved by the board or accredited by
 1238 the American Dental Association Commission on Dental
 1239 Accreditation.

1240 (III) The board shall develop rules to determine what type
 1241 of proof of full-time practice is required and to recoup the
 1242 cost to the board of verifying full-time practice under this
 1243 section. Such proof must, at a minimum, be:

1244 (A) Admissible as evidence in an administrative
 1245 proceeding;

1246 (B) Submitted in writing;

1247 (C) Submitted by the applicant under oath with penalties
 1248 of perjury attached;

1249 (D) Further documented by an affidavit of someone
 1250 unrelated to the applicant who is familiar with the applicant's

1251 practice and testifies with particularity that the applicant has
 1252 been engaged in full-time practice; and

1253 (E) Specifically found by the board to be both credible
 1254 and admissible.

1255 (IV) An affidavit of only the applicant is not acceptable
 1256 proof of full-time practice unless it is further attested to by
 1257 someone unrelated to the applicant who has personal knowledge of
 1258 the applicant's practice. If the board deems it necessary to
 1259 assess credibility or accuracy, the board may require the
 1260 applicant or the applicant's witnesses to appear before the
 1261 board and give oral testimony under oath;

1262 f. The applicant must submit documentation that he or she
 1263 has completed, or will complete, prior to licensure in this
 1264 state, continuing education equivalent to this state's
 1265 requirements for the last full reporting biennium;

1266 g. The applicant must prove that he or she has never been
 1267 convicted of, or pled nolo contendere to, regardless of
 1268 adjudication, any felony or misdemeanor related to the practice
 1269 of a health care profession in any jurisdiction;

1270 h. The applicant must successfully pass a written
 1271 examination on the laws and rules of this state regulating the
 1272 practice of dentistry and must successfully pass the computer-
 1273 based diagnostic skills examination; and

1274 i. The applicant must submit documentation that he or she
 1275 has successfully completed the National Board of Dental

1276 Examiners dental examination.

1277 Section 21. Paragraph (b) of subsection (4) and paragraph
1278 (a) of subsection (6) of section 466.007, Florida Statutes, are
1279 amended to read:

1280 466.007 Examination of dental hygienists.—

1281 (4) Effective July 1, 2012, to be licensed as a dental
1282 hygienist in this state, an applicant must successfully complete
1283 the following:

1284 (b) A practical or clinical examination approved by the
1285 board. The examination shall be the Dental Hygiene Examination
1286 produced by the American Board of Dental Examiners, Inc. (ADEX)
1287 or its successor entity, if any, if the board finds that the
1288 successor entity's clinical examination meets or exceeds the
1289 provisions of this section. The board shall approve the ADEX
1290 Dental Hygiene Examination if the board has attained and
1291 continues to maintain representation on the ADEX House of
1292 Representatives, the ADEX Dental Hygiene Examination Development
1293 Committee, and such other ADEX Dental Hygiene committees as the
1294 board deems appropriate through rulemaking to ensure that the
1295 standards established in this section are maintained
1296 organizationally. The ADEX Dental Hygiene Examination or the
1297 examination produced by its successor entity is a comprehensive
1298 examination in which an applicant must demonstrate skills within
1299 the dental hygiene scope of practice on a live patient and any
1300 other components that the board deems necessary for the

1301 applicant to successfully demonstrate competency for the purpose
 1302 of licensure. ~~The ADEX Dental Hygiene Examination or the~~
 1303 ~~examination by the successor entity administered in this state~~
 1304 ~~shall be graded by dentists and dental hygienists licensed in~~
 1305 ~~this state who are employed by the department for this purpose.~~

1306 (6) (a) A passing score on the ADEX Dental Hygiene
 1307 Examination administered out of state shall be considered the
 1308 same as a passing score for the ADEX Dental Hygiene Examination
 1309 administered in this state ~~and graded by licensed dentists and~~
 1310 ~~dental hygienists.~~

1311 Section 22. Subsections (9) through (15) are added to
 1312 section 466.017, Florida Statutes, to read:

1313 466.017 Prescription of drugs; anesthesia.-

1314 (9) Any adverse incident that occurs in an office
 1315 maintained by a dentist must be reported to the department. The
 1316 required notification to the department must be submitted in
 1317 writing by certified mail and postmarked within 48 hours after
 1318 the incident occurs.

1319 (10) A dentist practicing in this state must notify the
 1320 board in writing by certified mail within 48 hours of any
 1321 mortality or other adverse incident that occurs in the dentist's
 1322 outpatient facility. A complete written report must be filed
 1323 with the board within 30 days after the mortality or other
 1324 adverse incident.

1325 (11) For purposes of notification to the department

1326 pursuant to this section, the term "adverse incident" means any
1327 mortality that occurs during or as the result of a dental
1328 procedure, or an incident that results in the temporary or
1329 permanent physical or mental injury that requires
1330 hospitalization or emergency room treatment of a dental patient
1331 that occurred during or as a direct result of the use of general
1332 anesthesia, deep sedation, conscious sedation, pediatric
1333 conscious sedation, oral sedation, minimal sedation
1334 (anxiolysis), nitrous oxide, or local anesthesia.

1335 (12) Any certified registered dental hygienist
1336 administering local anesthesia must notify the board, in writing
1337 by registered mail within 48 hours of any adverse incident that
1338 was related to or the result of the administration of local
1339 anesthesia. A complete written report must be filed with the
1340 board within 30 days after the mortality or other adverse
1341 incident.

1342 (13) A failure by the dentist or dental hygienist to
1343 timely and completely comply with all the reporting requirements
1344 in this section is the basis for disciplinary action by the
1345 board pursuant to s. 466.028(1).

1346 (14) The department shall review each incident and
1347 determine whether it involved conduct by a health care
1348 professional subject to disciplinary action, in which case s.
1349 456.073 applies. Disciplinary action, if any, shall be taken by
1350 the board under which the health care professional is licensed.

1351 (15) The board may adopt rules to administer this section.
 1352 Section 23. Sections 466.032, 466.033, 466.034, 466.035,
 1353 466.036, 466.037, 466.038, and 466.039, Florida Statutes, are
 1354 repealed.

1355 Section 24. Subsection (1) of section 468.701, Florida
 1356 Statutes, is amended to read:

1357 468.701 Definitions.—As used in this part, the term:

1358 (1) "Athletic trainer" means a person licensed under this
 1359 part who has met the requirements under this part, including
 1360 education requirements as set forth by the Commission on
 1361 Accreditation of Athletic Training Education or its successor
 1362 and necessary credentials from the Board of Certification. An
 1363 athletic trainer must work within his or her scope of practice
 1364 as established in the rules adopted by the board under s.
 1365 468.705. An individual who is licensed as an athletic trainer
 1366 may not otherwise provide, offer to provide, or represent that
 1367 he or she is qualified to provide any care or services beyond
 1368 his or her scope of practice, or that he or she lacks the
 1369 education, training, or experience to provide, or that he or she
 1370 is otherwise prohibited by law from providing.

1371 Section 25. Section 468.707, Florida Statutes, is amended
 1372 to read:

1373 468.707 Licensure requirements.—Any person desiring to be
 1374 licensed as an athletic trainer shall apply to the department on
 1375 a form approved by the department. An applicant shall also

1376 provide records or other evidence, as determined by the board,
 1377 to prove he or she has met the requirements of this section. The
 1378 department shall license each applicant who:

1379 (1) Has completed the application form and remitted the
 1380 required fees.

1381 (2) ~~For a person who applies on or after July 1, 2016,~~ Has
 1382 submitted to background screening pursuant to s. 456.0135. The
 1383 board may require a background screening for an applicant whose
 1384 license has expired or who is undergoing disciplinary action.

1385 (3) (a) Has obtained a baccalaureate or higher degree from
 1386 a college or university professional athletic training degree
 1387 program accredited by the Commission on Accreditation of
 1388 Athletic Training Education or its successor recognized and
 1389 approved by the United States Department of Education or the
 1390 Commission on Recognition of Postsecondary Accreditation,
 1391 approved by the board, or recognized by the Board of
 1392 Certification, and has passed the national examination to be
 1393 certified by the Board of Certification, or-

1394 (b) ~~(4)~~ Has obtained, at a minimum, a bachelor's degree and
 1395 has completed the Board of Certification internship requirements
 1396 and ~~If graduated before 2004,~~ has a current certification from
 1397 the Board of Certification.

1398 (4) ~~(5)~~ Has current certification in both cardiopulmonary
 1399 resuscitation and the use of an automated external defibrillator
 1400 set forth in the continuing education requirements as determined

1401 by the board pursuant to s. 468.711.

1402 (5)~~(6)~~ Has completed any other requirements as determined
 1403 by the department and approved by the board.

1404 Section 26. Subsection (3) of section 468.711, Florida
 1405 Statutes, is amended to read:

1406 468.711 Renewal of license; continuing education.—

1407 (3) If initially licensed after January 1, 1998, the
 1408 licensee must be currently certified by the Board of
 1409 Certification or its successor agency and maintain that
 1410 certification in good standing without lapse.

1411 Section 27. Subsection (2) of section 468.723, Florida
 1412 Statutes, is amended to read:

1413 468.723 Exemptions.—This part does not prevent or
 1414 restrict:

1415 (2) An athletic training student acting under the direct
 1416 supervision of a licensed athletic trainer. For purposes of this
 1417 subsection, "direct supervision" means the physical presence of
 1418 an athletic trainer so that the athletic trainer is immediately
 1419 available to the athletic training student and able to intervene
 1420 on behalf of the athletic training student. The supervision must
 1421 be in accordance with rules adopted by the board ~~the standards~~
 1422 ~~set forth by the Commission on Accreditation of Athletic~~
 1423 ~~Training Education or its successor.~~

1424 Section 28. Subsections (1), (3), and (4) of section
 1425 468.803, Florida Statutes, are amended to read:

1426 468.803 License, registration, and examination
 1427 requirements.—

1428 (1) The department shall issue a license to practice
 1429 orthotics, prosthetics, or pedorthics, or a registration for a
 1430 resident to practice orthotics or prosthetics, to qualified
 1431 applicants. Licenses shall be granted independently in
 1432 orthotics, prosthetics, or pedorthics, but a person may be
 1433 licensed in more than one such discipline, and a prosthetist-
 1434 orthotist license may be granted to persons meeting the
 1435 requirements for both a prosthetist and an orthotist license.
 1436 Registrations shall be granted independently in orthotics or
 1437 prosthetics, and a person may be registered in both fields at
 1438 the same time or jointly in orthotics and prosthetics as a dual
 1439 registration.

1440 (3) A person seeking to attain the required orthotics or
 1441 prosthetics experience in this state must be approved by the
 1442 board and registered as a resident by the department. Although a
 1443 registration may be held in both practice fields, for
 1444 independent registrations the board shall not approve a second
 1445 registration until at least 1 year after the issuance of the
 1446 first registration. Notwithstanding subsection (2), an applicant
 1447 for independent registrations who has been approved by the board
 1448 and registered by the department in one practice field may apply
 1449 for registration in the second practice field without an
 1450 additional state or national criminal history check during the

1451 | period in which the first registration is valid. Each
 1452 | independent registration or dual registration is valid for 2
 1453 | years from the date of issuance unless otherwise revoked by the
 1454 | department upon recommendation of the board. The board shall set
 1455 | a registration fee not to exceed \$500 to be paid by the
 1456 | applicant. A registration may be renewed once by the department
 1457 | upon recommendation of the board for a period no longer than 1
 1458 | year, as such renewal is defined by the board by rule. The
 1459 | registration renewal fee shall not exceed one-half the current
 1460 | registration fee. To be considered by the board for approval of
 1461 | registration as a resident, the applicant must have:

1462 | (a) A Bachelor of Science or higher-level postgraduate
 1463 | degree in Orthotics and Prosthetics from a regionally accredited
 1464 | college or university recognized by the Commission on
 1465 | Accreditation of Allied Health Education Programs or, at a
 1466 | minimum, a bachelor's degree from a regionally accredited
 1467 | college or university and a certificate in orthotics from a
 1468 | program recognized by the Commission on Accreditation of Allied
 1469 | Health Education Programs, or its equivalent, as determined by
 1470 | the board;~~or~~

1471 | (b) A Bachelor of Science or higher-level postgraduate
 1472 | degree in Orthotics and Prosthetics from a regionally accredited
 1473 | college or university recognized by the Commission on
 1474 | Accreditation of Allied Health Education Programs or, at a
 1475 | minimum, a bachelor's degree from a regionally accredited

1476 college or university and a certificate in prosthetics from a
1477 program recognized by the Commission on Accreditation of Allied
1478 Health Education Programs, or its equivalent, as determined by
1479 the board; or

1480 (c) A Bachelor of Science or higher-level postgraduate
1481 degree in Orthotics and Prosthetics from a regionally accredited
1482 college or university recognized by the Commission on
1483 Accreditation of Allied Health Education Programs or, at a
1484 minimum, a bachelor's degree from a regionally accredited
1485 college or university and a dual certificate in both orthotics
1486 and prosthetics from programs recognized by the Commission on
1487 Accreditation of Allied Health Education Programs, or its
1488 equivalent, as determined by the board.

1489 (4) The department may develop and administer a state
1490 examination for an orthotist or a prosthetist license, or the
1491 board may approve the existing examination of a national
1492 standards organization. The examination must be predicated on a
1493 minimum of a baccalaureate-level education and formalized
1494 specialized training in the appropriate field. Each examination
1495 must demonstrate a minimum level of competence in basic
1496 scientific knowledge, written problem solving, and practical
1497 clinical patient management. The board shall require an
1498 examination fee not to exceed the actual cost to the board in
1499 developing, administering, and approving the examination, which
1500 fee must be paid by the applicant. To be considered by the board

1501 for examination, the applicant must have:

1502 (a) For an examination in orthotics:

1503 1. A Bachelor of Science or higher-level postgraduate

1504 degree in Orthotics and Prosthetics from a regionally accredited

1505 college or university recognized by the Commission on

1506 Accreditation of Allied Health Education Programs or, at a

1507 minimum, a bachelor's degree from a regionally accredited

1508 college or university and a certificate in orthotics from a

1509 program recognized by the Commission on Accreditation of Allied

1510 Health Education Programs, or its equivalent, as determined by

1511 the board; and

1512 2. An approved orthotics internship of 1 year of qualified

1513 experience, as determined by the board, or an orthotic residency

1514 program or dual residency program recognized by the board.

1515 (b) For an examination in prosthetics:

1516 1. A Bachelor of Science or higher-level postgraduate

1517 degree in Orthotics and Prosthetics from a regionally accredited

1518 college or university recognized by the Commission on

1519 Accreditation of Allied Health Education Programs or, at a

1520 minimum, a bachelor's degree from a regionally accredited

1521 college or university and a certificate in prosthetics from a

1522 program recognized by the Commission on Accreditation of Allied

1523 Health Education Programs, or its equivalent, as determined by

1524 the board; and

1525 2. An approved prosthetics internship of 1 year of

1526 | qualified experience, as determined by the board, or a
 1527 | prosthetic residency program or dual residency program
 1528 | recognized by the board.

1529 | Section 29. Subsection (5) of section 480.033, Florida
 1530 | Statutes, is amended to read:

1531 | 480.033 Definitions.—As used in this act:

1532 | (5) "Apprentice" means a person approved by the board to
 1533 | study colonic irrigation ~~massage~~ under the instruction of a
 1534 | licensed massage therapist practicing colonic irrigation.

1535 | Section 30. Subsections (1) and (2) of section 480.041,
 1536 | Florida Statutes, are amended, and subsection (8) is added to
 1537 | that section, to read:

1538 | 480.041 Massage therapists; qualifications; licensure;
 1539 | endorsement.—

1540 | (1) Any person is qualified for licensure as a massage
 1541 | therapist under this act who:

1542 | (a) Is at least 18 years of age or has received a high
 1543 | school diploma or high school equivalency diploma;

1544 | (b) Has completed a course of study at a board-approved
 1545 | massage school ~~or has completed an apprenticeship program~~ that
 1546 | meets standards adopted by the board; and

1547 | (c) Has received a passing grade on a national ~~an~~
 1548 | examination designated ~~administered~~ by the board ~~department~~.

1549 | (2) Every person desiring to be examined for licensure as
 1550 | a massage therapist shall apply to the department in writing

1551 upon forms prepared and furnished by the department. Such
1552 applicants shall be subject to the provisions of s. 480.046(1).
1553 ~~Applicants may take an examination administered by the~~
1554 ~~department only upon meeting the requirements of this section as~~
1555 ~~determined by the board.~~

1556 (8) A person issued a license as a massage apprentice
1557 before July 1, 2018, may continue that apprenticeship and
1558 perform massage therapy as permitted under that license until it
1559 expires. Upon completion of the apprenticeship, before July 1,
1560 2021, a massage apprentice may apply to the board for full
1561 licensure and be granted a license if all other applicable
1562 licensure requirements are met.

1563 Section 31. Section 480.042, Florida Statutes, is
1564 repealed.

1565 Section 32. Subsection (3) of section 480.046, Florida
1566 Statutes, is amended, and subsection (5) is added to that
1567 section, to read:

1568 480.046 Grounds for disciplinary action by the board.—

1569 (3) The board may ~~shall have the power to~~ revoke or
1570 suspend the license of a massage establishment licensed under
1571 this act, or ~~to~~ deny subsequent licensure of such an
1572 establishment, if the establishment is owned by an individual or
1573 entity who has a prior establishment license revoked, in either
1574 of the following cases:

1575 (a) Upon proof that a license has been obtained by fraud

1576 | or misrepresentation.

1577 | (b) Upon proof that the holder of a license is guilty of
 1578 | fraud or deceit or of gross negligence, incompetency, or
 1579 | misconduct in the operation of the establishment so licensed.

1580 | (c) Upon proof that the owner of a massage establishment
 1581 | or any individual or individuals providing massage therapy
 1582 | services within the establishment, in the aggregate or
 1583 | individually, have had three convictions of, or pleas of guilty
 1584 | or nolo contendere to, or dismissals of a criminal action after
 1585 | a successful completion of a pretrial intervention, diversion,
 1586 | or substance abuse program for any misdemeanor or felony,
 1587 | regardless of adjudication, a crime in any jurisdiction related
 1588 | to prostitution and related acts as defined in s. 796.07, which
 1589 | occurred at or within the establishment.

1590 | (5) An establishment may not apply for relicensure if
 1591 | disciplined under this section unless there is a change in
 1592 | ownership.

1593 | Section 33. Section 483.824, Florida Statutes, is amended
 1594 | to read:

1595 | 483.824 Qualifications of clinical laboratory director.—A
 1596 | clinical laboratory director must qualify as a clinical
 1597 | laboratory director according to Title 42, part 493, Code of
 1598 | Federal Regulations, must be a currently licensed laboratory
 1599 | director, have 4 years of clinical laboratory experience with 2
 1600 | years of experience in the specialty to be directed or be

1601 nationally board certified in the specialty to be directed, and
 1602 must meet one of the following requirements:

1603 (1) Be a physician licensed under chapter 458 or chapter
 1604 459;

1605 (2) Hold an earned doctoral degree in a chemical,
 1606 physical, or biological science from a regionally accredited
 1607 institution and maintain national certification requirements
 1608 equal to those required by the federal Centers for Medicare and
 1609 Medicaid Services or the federal Health Care Financing
 1610 Administration; or

1611 (3) For the subspecialty of oral pathology, be a physician
 1612 licensed under chapter 458 or chapter 459 or a dentist licensed
 1613 under chapter 466. The laboratory director, if qualified, may
 1614 perform the duties of the technical supervisor, clinical
 1615 consultant, general supervisor, and testing personnel, or
 1616 delegate these responsibilities to personnel meeting the
 1617 qualifications under 42 C.F.R. ss. 493.1447, 493.1453, 493.1459,
 1618 and 493.1487.

1619 Section 34. Subsection (3) of section 490.003, Florida
 1620 Statutes, is amended to read:

1621 490.003 Definitions.—As used in this chapter:

1622 (3) ~~(a) Prior to July 1, 1999, "doctoral-level~~
 1623 ~~psychological education" and "doctoral degree in psychology"~~
 1624 ~~mean a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology~~
 1625 ~~from:~~

1626 ~~1. An educational institution which, at the time the~~
1627 ~~applicant was enrolled and graduated, had institutional~~
1628 ~~accreditation from an agency recognized and approved by the~~
1629 ~~United States Department of Education or was recognized as a~~
1630 ~~member in good standing with the Association of Universities and~~
1631 ~~Colleges of Canada; and~~

1632 ~~2. A psychology program within that educational~~
1633 ~~institution which, at the time the applicant was enrolled and~~
1634 ~~graduated, had programmatic accreditation from an accrediting~~
1635 ~~agency recognized and approved by the United States Department~~
1636 ~~of Education or was comparable to such programs.~~

1637 ~~(b)~~ Effective July 1, 1999, "doctoral-level psychological
1638 education" and "doctoral degree in psychology" mean a Psy.D., an
1639 Ed.D. in psychology, or a Ph.D. in psychology from:

1640 (a)1. An educational institution which, at the time the
1641 applicant was enrolled and graduated, had institutional
1642 accreditation from an agency recognized and approved by the
1643 United States Department of Education or was recognized as a
1644 member in good standing with the Association of Universities and
1645 Colleges of Canada; and

1646 (b)2. A psychology program within that educational
1647 institution which, at the time the applicant was enrolled and
1648 graduated, had programmatic accreditation from the American
1649 Psychological Association ~~an agency recognized and approved by~~
1650 ~~the United States Department of Education.~~

1651 Section 35. Paragraph (b) of subsection (1) and paragraph
 1652 (b) of subsection (2) of section 490.005, Florida Statutes, are
 1653 amended to read:

1654 490.005 Licensure by examination.—

1655 (1) Any person desiring to be licensed as a psychologist
 1656 shall apply to the department to take the licensure examination.
 1657 The department shall license each applicant who the board
 1658 certifies has:

1659 (b) Submitted proof satisfactory to the board that the
 1660 applicant has:

1661 1. Received doctoral-level psychological education, as
 1662 defined in s. 490.003(3);

1663 2. Received the equivalent of a doctoral-level
 1664 psychological education, as defined in s. 490.003(3), from a
 1665 program at a school or university located outside the United
 1666 States of America ~~and Canada~~, which was officially recognized by
 1667 the government of the country in which it is located as an
 1668 institution or program to train students to practice
 1669 professional psychology. The burden of establishing that the
 1670 requirements of this provision have been met shall be upon the
 1671 applicant;

1672 ~~3. Received and submitted to the board, prior to July 1,~~
 1673 ~~1999, certification of an augmented doctoral-level psychological~~
 1674 ~~education from the program director of a doctoral-level~~
 1675 ~~psychology program accredited by a programmatic agency~~

1676 ~~recognized and approved by the United States Department of~~
 1677 ~~Education; or~~

1678 ~~4. Received and submitted to the board, prior to August~~
 1679 ~~31, 2001, certification of a doctoral-level program that at the~~
 1680 ~~time the applicant was enrolled and graduated maintained a~~
 1681 ~~standard of education and training comparable to the standard of~~
 1682 ~~training of programs accredited by a programmatic agency~~
 1683 ~~recognized and approved by the United States Department of~~
 1684 ~~Education. Such certification of comparability shall be provided~~
 1685 ~~by the program director of a doctoral-level psychology program~~
 1686 ~~accredited by a programmatic agency recognized and approved by~~
 1687 ~~the United States Department of Education.~~

1688 (2) Any person desiring to be licensed as a school
 1689 psychologist shall apply to the department to take the licensure
 1690 examination. The department shall license each applicant who the
 1691 department certifies has:

1692 (b) Submitted satisfactory proof to the department that
 1693 the applicant:

1694 1. Has received a doctorate, specialist, or equivalent
 1695 degree from a program primarily psychological in nature and has
 1696 completed 60 semester hours or 90 quarter hours of graduate
 1697 study, in areas related to school psychology as defined by rule
 1698 of the department, from a college or university which at the
 1699 time the applicant was enrolled and graduated was accredited by
 1700 an accrediting agency recognized and approved by the Council for

1701 Higher Education Accreditation, its successor, ~~Commission on~~
 1702 ~~Recognition of Postsecondary Accreditation~~ or an institution
 1703 which is publicly recognized as a member in good standing with
 1704 the Association of Universities and Colleges of Canada.

1705 2. Has had a minimum of 3 years of experience in school
 1706 psychology, 2 years of which must be supervised by an individual
 1707 who is a licensed school psychologist or who has otherwise
 1708 qualified as a school psychologist supervisor, by education and
 1709 experience, as set forth by rule of the department. A doctoral
 1710 internship may be applied toward the supervision requirement.

1711 3. Has passed an examination provided by the department.

1712 Section 36. Subsection (1) of section 490.006, Florida
 1713 Statutes, is amended to read:

1714 490.006 Licensure by endorsement.—

1715 (1) The department shall license a person as a
 1716 psychologist or school psychologist who, upon applying to the
 1717 department and remitting the appropriate fee, demonstrates to
 1718 the department or, in the case of psychologists, to the board
 1719 that the applicant:

1720 ~~(a) Holds a valid license or certificate in another state~~
 1721 ~~to practice psychology or school psychology, as applicable,~~
 1722 ~~provided that, when the applicant secured such license or~~
 1723 ~~certificate, the requirements were substantially equivalent to~~
 1724 ~~or more stringent than those set forth in this chapter at that~~
 1725 ~~time; and, if no Florida law existed at that time, then the~~

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1726 ~~requirements in the other state must have been substantially~~
1727 ~~equivalent to or more stringent than those set forth in this~~
1728 ~~chapter at the present time;~~

1729 (a) ~~(b)~~ Is a diplomate in good standing with the American
1730 Board of Professional Psychology, Inc.; or

1731 (b) ~~(c)~~ Possesses a doctoral degree in psychology ~~as~~
1732 ~~described in s. 490.003~~ and has at least 10 ~~20~~ years of
1733 experience as a licensed psychologist in any jurisdiction or
1734 territory of the United States within 25 years preceding the
1735 date of application.

1736 Section 37. Subsection (6) of section 491.0045, Florida
1737 Statutes, as amended by chapter 2016-80 and chapter 2016-241,
1738 Laws of Florida, is reenacted to read:

1739 491.0045 Intern registration; requirements.—

1740 (6) A registration issued on or before March 31, 2017,
1741 expires March 31, 2022, and may not be renewed or reissued. Any
1742 registration issued after March 31, 2017, expires 60 months
1743 after the date it is issued. The board may make a one-time
1744 exception from the requirements of this section in emergency or
1745 hardship cases, as defined by board rule, if ~~A subsequent intern~~
1746 ~~registration may not be issued unless~~ the candidate has passed
1747 the theory and practice examination described in s.
1748 491.005(1)(d), (3)(d), and (4)(d).

1749 Section 38. Subsections (3) and (4) of section 491.005,
1750 Florida Statutes, are amended to read:

1751 491.005 Licensure by examination.—

1752 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of

1753 documentation and payment of a fee not to exceed \$200, as set by

1754 board rule, plus the actual cost ~~to the department~~ for the

1755 purchase of the examination from the Association of Marital and

1756 Family Therapy Regulatory Board, or similar national

1757 organization, the department shall issue a license as a marriage

1758 and family therapist to an applicant who the board certifies:

1759 (a) Has submitted an application and paid the appropriate

1760 fee.

1761 (b)1. Has a minimum of a master's degree with major

1762 emphasis in marriage and family therapy from a program

1763 accredited by the Commission of Accreditation for Marriage and

1764 Family Therapy Education or from a Florida university program

1765 accredited by the Council for Accreditation of Counseling and

1766 Related Educational Programs, or a closely related field, and

1767 graduate courses approved by the Board of Clinical Social Work,

1768 Marriage and Family Therapy, and Mental Health Counseling. ~~has~~

1769 ~~completed all of the following requirements:~~

1770 ~~a. Thirty six semester hours or 48 quarter hours of~~

1771 ~~graduate coursework, which must include a minimum of 3 semester~~

1772 ~~hours or 4 quarter hours of graduate-level course credits in~~

1773 ~~each of the following nine areas: dynamics of marriage and~~

1774 ~~family systems; marriage therapy and counseling theory and~~

1775 ~~techniques; family therapy and counseling theory and techniques;~~

1776 ~~individual human development theories throughout the life cycle;~~
1777 ~~personality theory or general counseling theory and techniques;~~
1778 ~~psychopathology; human sexuality theory and counseling~~
1779 ~~techniques; psychosocial theory; and substance abuse theory and~~
1780 ~~counseling techniques. Courses in research, evaluation,~~
1781 ~~appraisal, assessment, or testing theories and procedures;~~
1782 ~~thesis or dissertation work; or practicums, internships, or~~
1783 ~~fieldwork may not be applied toward this requirement.~~

1784 ~~b. A minimum of one graduate-level course of 3 semester~~
1785 ~~hours or 4 quarter hours in legal, ethical, and professional~~
1786 ~~standards issues in the practice of marriage and family therapy~~
1787 ~~or a course determined by the board to be equivalent.~~

1788 ~~e. A minimum of one graduate-level course of 3 semester~~
1789 ~~hours or 4 quarter hours in diagnosis, appraisal, assessment,~~
1790 ~~and testing for individual or interpersonal disorder or~~
1791 ~~dysfunction; and a minimum of one 3-semester-hour or 4-quarter-~~
1792 ~~hour graduate-level course in behavioral research which focuses~~
1793 ~~on the interpretation and application of research data as it~~
1794 ~~applies to clinical practice. Credit for thesis or dissertation~~
1795 ~~work, practicums, internships, or fieldwork may not be applied~~
1796 ~~toward this requirement.~~

1797 ~~d. A minimum of one supervised clinical practicum,~~
1798 ~~internship, or field experience in a marriage and family~~
1799 ~~counseling setting, during which the student provided 180 direct~~
1800 ~~client contact hours of marriage and family therapy services~~

1801 ~~under the supervision of an individual who met the requirements~~
1802 ~~for supervision under paragraph (c). This requirement may be met~~
1803 ~~by a supervised practice experience which took place outside the~~
1804 ~~academic arena, but which is certified as equivalent to a~~
1805 ~~graduate-level practicum or internship program which required a~~
1806 ~~minimum of 180 direct client contact hours of marriage and~~
1807 ~~family therapy services currently offered within an academic~~
1808 ~~program of a college or university accredited by an accrediting~~
1809 ~~agency approved by the United States Department of Education, or~~
1810 ~~an institution which is publicly recognized as a member in good~~
1811 ~~standing with the Association of Universities and Colleges of~~
1812 ~~Canada or a training institution accredited by the Commission on~~
1813 ~~Accreditation for Marriage and Family Therapy Education~~
1814 ~~recognized by the United States Department of Education.~~
1815 ~~Certification shall be required from an official of such~~
1816 ~~college, university, or training institution.~~

1817 2. If the course title which appears on the applicant's
1818 transcript does not clearly identify the content of the
1819 coursework, the applicant shall be required to provide
1820 additional documentation, including, but not limited to, a
1821 syllabus or catalog description published for the course.

1822
1823 The required master's degree must have been received in an
1824 institution of higher education which at the time the applicant
1825 graduated was: fully accredited by a regional accrediting body

1826 recognized by the Commission on Recognition of Postsecondary
1827 Accreditation; publicly recognized as a member in good standing
1828 with the Association of Universities and Colleges of Canada; or
1829 an institution of higher education located outside the United
1830 States and Canada, which at the time the applicant was enrolled
1831 and at the time the applicant graduated maintained a standard of
1832 training substantially equivalent to the standards of training
1833 of those institutions in the United States which are accredited
1834 by a regional accrediting body recognized by the Commission on
1835 Recognition of Postsecondary Accreditation. Such foreign
1836 education and training must have been received in an institution
1837 or program of higher education officially recognized by the
1838 government of the country in which it is located as an
1839 institution or program to train students to practice as
1840 professional marriage and family therapists or psychotherapists.
1841 The burden of establishing that the requirements of this
1842 provision have been met shall be upon the applicant, and the
1843 board shall require documentation, such as, but not limited to,
1844 an evaluation by a foreign equivalency determination service, as
1845 evidence that the applicant's graduate degree program and
1846 education were equivalent to an accredited program in this
1847 country. An applicant with a master's degree from a program
1848 which did not emphasize marriage and family therapy may complete
1849 the coursework requirement in a training institution fully
1850 accredited by the Commission on Accreditation for Marriage and

1851 Family Therapy Education recognized by the United States
1852 Department of Education.

1853 (c) Has had at least 2 years of clinical experience during
1854 which 50 percent of the applicant's clients were receiving
1855 marriage and family therapy services, which must be at the post-
1856 master's level under the supervision of a licensed marriage and
1857 family therapist with at least 5 years of experience, or the
1858 equivalent, who is a qualified supervisor as determined by the
1859 board. An individual who intends to practice in Florida to
1860 satisfy the clinical experience requirements must register
1861 pursuant to s. 491.0045 before commencing practice. If a
1862 graduate has a master's degree with a major emphasis in marriage
1863 and family therapy or a closely related field that did not
1864 include all the coursework required under subparagraph (b)1.
1865 ~~sub-subparagraphs (b)1.a.-e.~~, credit for the post-master's level
1866 clinical experience shall not commence until the applicant has
1867 completed a minimum of 10 of the courses required under
1868 subparagraph (b)1. ~~sub-subparagraphs (b)1.a.-e.~~, as determined
1869 by the board, and at least 6 semester hours or 9 quarter hours
1870 of the course credits must have been completed in the area of
1871 marriage and family systems, theories, or techniques. Within the
1872 2 ~~3~~ years of required experience, the applicant shall provide
1873 direct individual, group, or family therapy and counseling, to
1874 include the following categories of cases: unmarried dyads,
1875 married couples, separating and divorcing couples, and family

1876 groups including children. A doctoral internship may be applied
 1877 toward the clinical experience requirement. A licensed mental
 1878 health professional must be on the premises when clinical
 1879 services are provided by a registered intern in a private
 1880 practice setting.

1881 (d) Has passed a theory and practice examination provided
 1882 by the department for this purpose.

1883 (e) Has demonstrated, in a manner designated by rule of
 1884 the board, knowledge of the laws and rules governing the
 1885 practice of clinical social work, marriage and family therapy,
 1886 and mental health counseling.

1887 (f) For the purposes of dual licensure, the department
 1888 shall license as a marriage and family therapist any person who
 1889 meets the requirements of s. 491.0057. Fees for dual licensure
 1890 shall not exceed those stated in this subsection.

1891 (4) MENTAL HEALTH COUNSELING.—Upon verification of
 1892 documentation and payment of a fee not to exceed \$200, as set by
 1893 board rule, plus the actual per applicant cost to the department
 1894 for purchase of the examination from the National Board of
 1895 Certified Counselors or its successor ~~Professional Examination~~
 1896 ~~Service for the National Academy of Certified Clinical Mental~~
 1897 ~~Health Counselors or a similar national organization,~~ the
 1898 department shall issue a license as a mental health counselor to
 1899 an applicant who the board certifies:

1900 (a) Has submitted an application and paid the appropriate

1901 fee.

1902 (b)1. Has a minimum of an earned master's degree from a
 1903 mental health counseling program accredited by the Council for
 1904 the Accreditation of Counseling and Related Educational Programs
 1905 that consists of at least 60 semester hours or 80 quarter hours
 1906 of clinical and didactic instruction, including a course in
 1907 human sexuality and a course in substance abuse. If the master's
 1908 degree is earned from a program related to the practice of
 1909 mental health counseling that is not accredited by the Council
 1910 for the Accreditation of Counseling and Related Educational
 1911 Programs, then the coursework and practicum, internship, or
 1912 fieldwork must consist of at least 60 semester hours or 80
 1913 quarter hours and meet the following requirements:

1914 a. Thirty-three semester hours or 44 quarter hours of
 1915 graduate coursework, which must include a minimum of 3 semester
 1916 hours or 4 quarter hours of graduate-level coursework in each of
 1917 the following 11 content areas: counseling theories and
 1918 practice; human growth and development; diagnosis and treatment
 1919 of psychopathology; human sexuality; group theories and
 1920 practice; individual evaluation and assessment; career and
 1921 lifestyle assessment; research and program evaluation; social
 1922 and cultural foundations; counseling in community settings; and
 1923 substance abuse. Courses in research, thesis or dissertation
 1924 work, practicums, internships, or fieldwork may not be applied
 1925 toward this requirement.

1926 b. A minimum of 3 semester hours or 4 quarter hours of
 1927 graduate-level coursework in legal, ethical, and professional
 1928 standards issues in the practice of mental health counseling,
 1929 which includes goals, objectives, and practices of professional
 1930 counseling organizations, codes of ethics, legal considerations,
 1931 standards of preparation, certifications and licensing, and the
 1932 role identity and professional obligations of mental health
 1933 counselors. Courses in research, thesis or dissertation work,
 1934 practicums, internships, or fieldwork may not be applied toward
 1935 this requirement.

1936 c. The equivalent, as determined by the board, of at least
 1937 700 ~~1,000~~ hours of university-sponsored supervised clinical
 1938 practicum, internship, or field experience as required in the
 1939 accrediting standards of the Council for Accreditation of
 1940 Counseling and Related Educational Programs for mental health
 1941 counseling programs. This experience may not be used to satisfy
 1942 the post-master's clinical experience requirement.

1943 2. If the course title which appears on the applicant's
 1944 transcript does not clearly identify the content of the
 1945 coursework, the applicant shall be required to provide
 1946 additional documentation, including, but not limited to, a
 1947 syllabus or catalog description published for the course.

1948
 1949 Education and training in mental health counseling must have
 1950 been received in an institution of higher education which at the

1951 | time the applicant graduated was: fully accredited by a regional
1952 | accrediting body recognized by the Commission on Recognition of
1953 | Postsecondary Accreditation; publicly recognized as a member in
1954 | good standing with the Association of Universities and Colleges
1955 | of Canada; or an institution of higher education located outside
1956 | the United States and Canada, which at the time the applicant
1957 | was enrolled and at the time the applicant graduated maintained
1958 | a standard of training substantially equivalent to the standards
1959 | of training of those institutions in the United States which are
1960 | accredited by a regional accrediting body recognized by the
1961 | Commission on Recognition of Postsecondary Accreditation. Such
1962 | foreign education and training must have been received in an
1963 | institution or program of higher education officially recognized
1964 | by the government of the country in which it is located as an
1965 | institution or program to train students to practice as mental
1966 | health counselors. The burden of establishing that the
1967 | requirements of this provision have been met shall be upon the
1968 | applicant, and the board shall require documentation, such as,
1969 | but not limited to, an evaluation by a foreign equivalency
1970 | determination service, as evidence that the applicant's graduate
1971 | degree program and education were equivalent to an accredited
1972 | program in this country.

1973 | (c) Has had at least 2 years of clinical experience in
1974 | mental health counseling, which must be at the post-master's
1975 | level under the supervision of a licensed mental health

1976 counselor or the equivalent who is a qualified supervisor as
 1977 determined by the board. An individual who intends to practice
 1978 in Florida to satisfy the clinical experience requirements must
 1979 register pursuant to s. 491.0045 before commencing practice. If
 1980 a graduate has a master's degree with a major related to the
 1981 practice of mental health counseling that did not include all
 1982 the coursework required under sub-subparagraphs (b)1.a.-b.,
 1983 credit for the post-master's level clinical experience shall not
 1984 commence until the applicant has completed a minimum of seven of
 1985 the courses required under sub-subparagraphs (b)1.a.-b., as
 1986 determined by the board, one of which must be a course in
 1987 psychopathology or abnormal psychology. A doctoral internship
 1988 may be applied toward the clinical experience requirement. A
 1989 licensed mental health professional must be on the premises when
 1990 clinical services are provided by a registered intern in a
 1991 private practice setting.

1992 (d) Has passed a theory and practice examination provided
 1993 by the department for this purpose.

1994 (e) Has demonstrated, in a manner designated by rule of
 1995 the board, knowledge of the laws and rules governing the
 1996 practice of clinical social work, marriage and family therapy,
 1997 and mental health counseling.

1998 Section 39. Paragraph (b) of subsection (1) of section
 1999 491.006, Florida Statutes, is amended to read:

2000 491.006 Licensure or certification by endorsement.—

2001 (1) The department shall license or grant a certificate to
 2002 a person in a profession regulated by this chapter who, upon
 2003 applying to the department and remitting the appropriate fee,
 2004 demonstrates to the board that he or she:

2005 (b)1. Holds an active valid license to practice and has
 2006 actively practiced the profession for which licensure is applied
 2007 in another state for 3 of the last 5 years immediately preceding
 2008 licensure.

2009 ~~2. Meets the education requirements of this chapter for~~
 2010 ~~the profession for which licensure is applied.~~

2011 2.3. Has passed a substantially equivalent licensing
 2012 examination in another state or has passed the licensure
 2013 examination in this state in the profession for which the
 2014 applicant seeks licensure.

2015 3.4. Holds a license in good standing, is not under
 2016 investigation for an act that would constitute a violation of
 2017 this chapter, and has not been found to have committed any act
 2018 that would constitute a violation of this chapter. The fees paid
 2019 by any applicant for certification as a master social worker
 2020 under this section are nonrefundable.

2021 Section 40. Subsection (3) of section 491.007, Florida
 2022 Statutes, is amended to read:

2023 491.007 Renewal of license, registration, or certificate.-

2024 ~~(3) The board or department shall prescribe by rule a~~
 2025 ~~method for the biennial renewal of an intern registration at a~~

2026 ~~fee set by rule, not to exceed \$100.~~

2027 Section 41. Subsection (2) of section 491.009, Florida
2028 Statutes, is amended to read:

2029 491.009 Discipline.—

2030 (2) The board ~~department~~, or, in the case of certified
2031 master social workers ~~psychologists~~, the department ~~board~~, may
2032 enter an order denying licensure or imposing any of the
2033 penalties in s. 456.072(2) against any applicant for licensure
2034 or licensee who is found guilty of violating any provision of
2035 subsection (1) of this section or who is found guilty of
2036 violating any provision of s. 456.072(1).

2037 Section 42. Subsection (3) of section 463.0057, Florida
2038 Statutes, is amended to read:

2039 463.0057 Optometric faculty certificate.—

2040 (3) The holder of a faculty certificate may engage in the
2041 practice of optometry as permitted by this section but may not
2042 administer or prescribe topical ocular pharmaceutical agents
2043 unless the certificateholder has satisfied the requirements of
2044 s. 463.006(1)(b)3. and 4. ~~s. 463.006(1)(b)4. and 5.~~ If a
2045 certificateholder wishes to administer or prescribe oral ocular
2046 pharmaceutical agents, the certificateholder must also satisfy
2047 the requirements of s. 463.0055(1)(b).

2048 Section 43. Paragraph (c) of subsection (2) of section
2049 491.0046, Florida Statutes, is amended to read:

2050 491.0046 Provisional license; requirements.—

2051 (2) The department shall issue a provisional clinical
 2052 social worker license, provisional marriage and family therapist
 2053 license, or provisional mental health counselor license to each
 2054 applicant who the board certifies has:

2055 (c) Has met the following minimum coursework requirements:

2056 1. For clinical social work, a minimum of 15 semester
 2057 hours or 22 quarter hours of the coursework required by s.
 2058 491.005(1)(b)2.b.

2059 2. For marriage and family therapy, 10 of the courses
 2060 required by s. 491.005(3)(b)1. ~~s. 491.005(3)(b)1.a.-e.~~, as
 2061 determined by the board, and at least 6 semester hours or 9
 2062 quarter hours of the course credits must have been completed in
 2063 the area of marriage and family systems, theories, or
 2064 techniques.

2065 3. For mental health counseling, a minimum of seven of the
 2066 courses required under s. 491.005(3)(b)1. ~~s. 491.005(4)(b)1.a.-~~
 2067 ~~e.~~

2068 Section 44. Subsection (11) of section 945.42, Florida
 2069 Statutes, is amended to read:

2070 945.42 Definitions; ss. 945.40-945.49.—As used in ss.
 2071 945.40-945.49, the following terms shall have the meanings
 2072 ascribed to them, unless the context shall clearly indicate
 2073 otherwise:

2074 (11) "Psychological professional" means a behavioral
 2075 practitioner who has an approved doctoral degree in psychology

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2076 | as defined in s. 490.003(3) ~~s. 490.003(3)(b)~~ and is employed by
2077 | the department or who is licensed as a psychologist pursuant to
2078 | chapter 490.

2079 | Section 45. This act shall take effect July 1, 2018.