

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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

3 Representative Pigman offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (3), (6), and (7) of section
 8 464.003, Florida Statutes, are amended, and subsections (8)
 9 through (23) are redesignated as subsections (6) through (21),
 10 respectively, to read:

11 464.003 Definitions.—As used in this part, the term:

12 (3) "Advanced practice registered nurse" ~~"Advanced~~
 13 ~~registered nurse practitioner"~~ means any person licensed in this
 14 state to practice professional nursing and who is licensed
 15 ~~certified~~ in an advanced or specialized nursing practice,
 16 including certified nurse midwives, certified nurse

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17 practitioners, certified registered nurse anesthetists, clinical
18 nurse specialists ~~certified nurse midwives~~, and psychiatric
19 nurses ~~nurse practitioners~~.

20 ~~(6) "Clinical nurse specialist" means any person licensed~~
21 ~~in this state to practice professional nursing and certified in~~
22 ~~clinical nurse specialist practice.~~

23 ~~(7) "Clinical nurse specialist practice" means the~~
24 ~~delivery and management of advanced practice nursing care to~~
25 ~~individuals or groups, including the ability to:~~

26 ~~(a) Assess the health status of individuals and families~~
27 ~~using methods appropriate to the population and area of~~
28 ~~practice.~~

29 ~~(b) Diagnose human responses to actual or potential health~~
30 ~~problems.~~

31 ~~(c) Plan for health promotion, disease prevention, and~~
32 ~~therapeutic intervention in collaboration with the patient or~~
33 ~~client.~~

34 ~~(d) Implement therapeutic interventions based on the nurse~~
35 ~~specialist's area of expertise and within the scope of advanced~~
36 ~~nursing practice, including, but not limited to, direct nursing~~
37 ~~care, counseling, teaching, and collaboration with other~~
38 ~~licensed health care providers.~~

39 ~~(e) Coordinate health care as necessary and appropriate~~
40 ~~and evaluate with the patient or client the effectiveness of~~
41 ~~care.~~

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42 Section 2. Section 464.0115, Florida Statutes, is
43 repealed.

44 Section 3. Section 464.012, Florida Statutes, as amended
45 by section 3 of chapter 2017-134, Laws of Florida, is amended to
46 read:

47 464.012 Licensure ~~Certification~~ of advanced practice
48 registered nurses ~~advanced registered nurse practitioners~~; fees;
49 controlled substance prescribing.-

50 (1) Any nurse desiring to be licensed ~~certified~~ as an
51 advanced practice registered nurse ~~must advanced registered~~
52 ~~nurse practitioner~~ shall apply to the department and submit
53 proof that he or she holds a current license to practice
54 professional nursing or holds an active multistate license to
55 practice professional nursing pursuant to s. 464.0095 and that
56 he or she meets one or more of the following requirements as
57 determined by the board:

58 (a) Certification by an appropriate specialty board. Such
59 certification ~~is shall be~~ required for initial state licensure
60 ~~certification~~ and any licensure renewal ~~recertification~~ as a
61 certified nurse midwife, certified nurse practitioner, certified
62 registered nurse anesthetist, clinical nurse specialist, or
63 psychiatric nurse, ~~or nurse midwife~~. The board may by rule
64 provide for provisional state licensure ~~certification~~ of
65 ~~graduate~~ certified registered nurse anesthetists, clinical nurse
66 specialists, certified nurse practitioners, psychiatric nurses,

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67 and certified nurse midwives for a period of time determined to
68 be appropriate for preparing for and passing the national
69 certification examination.

70 (b) Graduation from a program leading to a master's degree
71 in a nursing clinical specialty area with preparation in
72 specialized practitioner skills. For applicants graduating on or
73 after October 1, 1998, graduation from a master's degree program
74 is shall be required for initial licensure certification as a
75 certified nurse practitioner under paragraph (4) (a) ~~(4) (e)~~.

76 1. For applicants graduating on or after October 1, 2001,
77 graduation from a master's degree program is shall be required
78 for initial licensure certification as a certified registered
79 nurse anesthetist who may perform the acts listed in under
80 paragraph (4) (b) ~~(4) (a)~~.

81 2. For applicants graduating on or after October 1, 1998,
82 graduation from a master's degree program is required for the
83 initial licensure as a certified nurse midwife who may perform
84 the acts listed in (4) (c).

85 3. For applicants graduating on or after July 1, 2007,
86 graduation from a master's degree program is required for the
87 initial licensure as a clinical nurse specialist who may perform
88 the acts listed in (4) (d).

89 (2) (a) The board shall provide by rule the appropriate
90 requirements for advanced practice registered nurses for
91 advanced registered nurse practitioners in the advanced nursing

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92 | practices categories of certified nurse midwives, certified
93 | nurse practitioners, certified registered nurse anesthetists
94 | ~~anesthetist, clinical certified nurse specialists midwife, and~~
95 | psychiatric nurses nurse practitioner.

96 | (3) An advanced practice registered nurse ~~advanced~~
97 | ~~registered nurse practitioner~~ shall perform those functions
98 | authorized in this section within the framework of an
99 | established protocol that ~~which~~ must be maintained on site at
100 | the location or locations at which an advanced practice
101 | registered nurse ~~advanced registered nurse practitioner~~
102 | practices. In the case of multiple supervising physicians in the
103 | same group, an advanced practice registered nurse ~~advanced~~
104 | ~~registered nurse practitioner~~ must enter into a supervisory
105 | protocol with at least one physician within the physician group
106 | practice. A practitioner currently licensed under chapter 458,
107 | chapter 459, or chapter 466 shall maintain supervision for
108 | directing the specific course of medical treatment. Within the
109 | established framework, an advanced practice registered nurse
110 | ~~advanced registered nurse practitioner~~ may:

111 | (a) Prescribe, dispense, administer, or order any drug;
112 | however, an advanced practice registered nurse ~~advanced~~
113 | ~~registered nurse practitioner~~ may prescribe or dispense a
114 | controlled substance as defined in s. 893.03 only if the
115 | advanced practice registered nurse ~~advanced registered nurse~~
116 | ~~practitioner~~ has graduated from a program leading to a master's

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117 or doctoral degree in a clinical nursing specialty area with
118 training in specialized practitioner skills.

119 (b) Initiate appropriate therapies for certain conditions.

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

122 (d) Order diagnostic tests and physical and occupational
123 therapy.

124 (e) Order any medication for administration to a patient
125 in a facility licensed under chapter 395 or part II of chapter
126 400, notwithstanding any provisions in chapter 465 or chapter
127 893.

128 (4) In addition to the general functions specified in
129 subsection (3), an advanced practice registered nurse ~~advanced~~
130 ~~registered nurse practitioner~~ may perform the following acts
131 within his or her specialty:

132 (a) The certified nurse practitioner may perform any or
133 all of the following acts within the framework of established
134 protocol:

135 1. Manage selected medical problems.

136 2. Order physical and occupational therapy.

137 3. Initiate, monitor, or alter therapies for certain
138 uncomplicated acute illnesses.

139 4. Monitor and manage patients with stable chronic
140 diseases.

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141 5. Establish behavioral problems and diagnosis and make
142 treatment recommendations.

143 ~~(b)-(a)~~ The certified registered nurse anesthetist may, to
144 the extent authorized by established protocol approved by the
145 medical staff of the facility in which the anesthetic service is
146 performed, perform any or all of the following:

147 1. Determine the health status of the patient as it
148 relates to the risk factors and to the anesthetic management of
149 the patient through the performance of the general functions.

150 2. Based on history, physical assessment, and supplemental
151 laboratory results, determine, with the consent of the
152 responsible physician, the appropriate type of anesthesia within
153 the framework of the protocol.

154 3. Order under the protocol preanesthetic medication.

155 4. Perform under the protocol procedures commonly used to
156 render the patient insensible to pain during the performance of
157 surgical, obstetrical, therapeutic, or diagnostic clinical
158 procedures. These procedures include ordering and administering
159 regional, spinal, and general anesthesia; inhalation agents and
160 techniques; intravenous agents and techniques; and techniques of
161 hypnosis.

162 5. Order or perform monitoring procedures indicated as
163 pertinent to the anesthetic health care management of the
164 patient.

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165 6. Support life functions during anesthesia health care,
166 including induction and intubation procedures, the use of
167 appropriate mechanical supportive devices, and the management of
168 fluid, electrolyte, and blood component balances.

169 7. Recognize and take appropriate corrective action for
170 abnormal patient responses to anesthesia, adjunctive medication,
171 or other forms of therapy.

172 8. Recognize and treat a cardiac arrhythmia while the
173 patient is under anesthetic care.

174 9. Participate in management of the patient while in the
175 postanesthesia recovery area, including ordering the
176 administration of fluids and drugs.

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

179 (c)~~(b)~~ The certified nurse midwife may, to the extent
180 authorized by an established protocol which has been approved by
181 the medical staff of the health care facility in which the
182 midwifery services are performed, or approved by the nurse
183 midwife's physician backup when the delivery is performed in a
184 patient's home, perform any or all of the following:

185 1. Perform superficial minor surgical procedures.

186 2. Manage the patient during labor and delivery to include
187 amniotomy, episiotomy, and repair.

188 3. Order, initiate, and perform appropriate anesthetic
189 procedures.

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190 4. Perform postpartum examination.

191 5. Order appropriate medications.

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

193 7. Manage the medical care of the normal obstetrical
194 patient and the initial care of a newborn patient.

195 ~~(c) The nurse practitioner may perform any or all of the~~
196 ~~following acts within the framework of established protocol:~~

197 ~~1. Manage selected medical problems.~~

198 ~~2. Order physical and occupational therapy.~~

199 ~~3. Initiate, monitor, or alter therapies for certain~~
200 ~~uncomplicated acute illnesses.~~

201 ~~4. Monitor and manage patients with stable chronic~~
202 ~~diseases.~~

203 ~~5. Establish behavioral problems and diagnosis and make~~
204 ~~treatment recommendations.~~

205 (d) The clinical nurse specialist may perform any or all
206 of the following acts within the framework of established
207 protocol:

208 1. Assess the health status of individuals and families
209 using methods appropriate to the population and area of
210 practice.

211 2. Diagnose human responses to actual or potential health
212 problems.

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213 3. Plan for health promotion, disease prevention, and
214 therapeutic intervention in collaboration with the patient or
215 client.

216 4. Implement therapeutic interventions based on the nurse
217 specialist's area of expertise and within the scope of advanced
218 nursing practice, including, but not limited to, direct nursing
219 care, counseling, teaching, and collaboration with other
220 licensed health care providers.

221 5. Coordinate health care as necessary and appropriate and
222 evaluate with the patient or client the effectiveness of care.

223 (e)-(5) A psychiatric nurse, who meets the requirements in
224 s. 394.555(35) as defined in s. 394.455, within the framework of
225 an established protocol with a psychiatrist, may prescribe
226 psychotropic controlled substances for the treatment of mental
227 disorders.

228 (5)-(6) The board shall approve for licensure ~~certify~~, and
229 the department shall issue a license ~~certificate~~ to, any nurse
230 meeting the qualifications in this section. The board shall
231 establish an application fee not to exceed \$100 and a biennial
232 renewal fee not to exceed \$50. The board is authorized to adopt
233 such other rules as are necessary to implement the provisions of
234 this section.

235 (6)-(7)(a) The board shall establish a committee to
236 recommend a formulary of controlled substances that an advanced
237 practice registered nurse ~~advanced registered nurse practitioner~~

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238 may not prescribe or may prescribe only for specific uses or in
239 limited quantities. The committee must consist of three advanced
240 practice registered nurses ~~advanced registered nurse~~
241 ~~practitioners~~ licensed under this section, recommended by the
242 board; three physicians licensed under chapter 458 or chapter
243 459 who have work experience with advanced practice registered
244 nurses ~~advanced registered nurse practitioners~~, recommended by
245 the Board of Medicine; and a pharmacist licensed under chapter
246 465 who is a doctor of pharmacy, recommended by the Board of
247 Pharmacy. The committee may recommend an evidence-based
248 formulary applicable to all advanced practice registered nurses
249 ~~advanced registered nurse practitioners~~ which is limited by
250 specialty certification, is limited to approved uses of
251 controlled substances, or is subject to other similar
252 restrictions the committee finds are necessary to protect the
253 health, safety, and welfare of the public. The formulary must
254 restrict the prescribing of psychiatric mental health controlled
255 substances for children younger than 18 years of age to advanced
256 practice registered nurses ~~advanced registered nurse~~
257 ~~practitioners~~ who also are psychiatric nurses as defined in s.
258 394.455. The formulary must also limit the prescribing of
259 Schedule II controlled substances as listed in s. 893.03 to a 7-
260 day supply, except that such restriction does not apply to
261 controlled substances that are psychiatric medications
262 prescribed by psychiatric nurses as defined in s. 394.455.

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263 (b) The board shall adopt by rule the recommended
264 formulary and any revision to the formulary which it finds is
265 supported by evidence-based clinical findings presented by the
266 Board of Medicine, the Board of Osteopathic Medicine, or the
267 Board of Dentistry.

268 (c) The formulary required under this subsection does not
269 apply to a controlled substance that is dispensed for
270 administration pursuant to an order, including an order for
271 medication authorized by subparagraph (4) (b)3., subparagraph
272 (4) (b)4., or subparagraph (4) (b)9 ~~subparagraph (4) (a)3.,~~
273 ~~subparagraph (4) (a)4., or subparagraph (4) (a)9.~~

274 (d) The board shall adopt the committee's initial
275 recommendation no later than October 31, 2016.

276 ~~(7)-(8)~~ This section shall be known as "The Barbara Lumpkin
277 Prescribing Act."

278 (8) The department and board shall establish a transition
279 timeline and process for practitioners certified as of September
280 30, 2018, as advanced registered nurse practitioners or clinical
281 nurse specialists, to convert a certificate in good standing to
282 a license that becomes effective on October 1, 2018, to practice
283 as an advanced practice registered nurse. An advanced registered
284 nurse practitioner or a clinical nurse specialist holding a
285 certificate to practice in good standing on September 30, 2018,
286 may continue to practice with all rights, authorizations, and
287 responsibilities authorized under this section for licensure as

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288 an advanced practice registered nurse and may use the applicable
289 title under s. 464.015 after the effective date of this act
290 while the department and board complete the transition from
291 certification to licensure, as established under this act. This
292 subsection may not be construed to limit or restrict the
293 department's or board's disciplinary authority or enforcement
294 responsibilities for safe nursing practice. This subsection
295 expires on October 1, 2020.

296 Section 4. Subsection (2) of section 960.28, Florida
297 Statutes, is amended to read:

298 960.28 Payment for victims' initial forensic physical
299 examinations.—

300 (2) The Crime Victims' Services Office of the department
301 shall pay for medical expenses connected with an initial
302 forensic physical examination of a victim of sexual battery as
303 defined in chapter 794 or a lewd or lascivious offense as
304 defined in chapter 800. Such payment shall be made regardless of
305 whether the victim is covered by health or disability insurance
306 and whether the victim participates in the criminal justice
307 system or cooperates with law enforcement. The payment shall be
308 made only out of moneys allocated to the Crime Victims' Services
309 Office for the purposes of this section, and the payment may not
310 exceed \$500 with respect to any violation. The department shall
311 develop and maintain separate protocols for the initial forensic
312 physical examination of adults and children. Payment under this

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313 section is limited to medical expenses connected with the
314 initial forensic physical examination, and payment may be made
315 to a medical provider using an examiner qualified under part I
316 of chapter 464, excluding s. 464.003(14) ~~s. 464.003(16)~~; chapter
317 458; or chapter 459. Payment made to the medical provider by the
318 department shall be considered by the provider as payment in
319 full for the initial forensic physical examination associated
320 with the collection of evidence. The victim may not be required
321 to pay, directly or indirectly, the cost of an initial forensic
322 physical examination performed in accordance with this section.

323 Section 5. Paragraph (c) of subsection (5) and paragraph
324 (a) of subsection (6) of section 39.303, Florida Statutes, are
325 amended to read:

326 39.303 Child protection teams and sexual abuse treatment
327 programs; services; eligible cases.—

328 (5) All abuse and neglect cases transmitted for
329 investigation to a circuit by the hotline must be simultaneously
330 transmitted to the child protection team for review. For the
331 purpose of determining whether a face-to-face medical evaluation
332 by a child protection team is necessary, all cases transmitted
333 to the child protection team which meet the criteria in
334 subsection (4) must be timely reviewed by:

335 (c) An advanced practice registered nurse ~~advanced~~
336 ~~registered nurse practitioner~~ licensed under chapter 464 who has

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337 a specialty in pediatrics or family medicine and is a member of
338 a child protection team;

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

341 (a) The child was examined for the alleged abuse or
342 neglect by a physician who is not a member of the child
343 protection team, and a consultation between the child protection
344 team medical director or a child protection team board-certified
345 pediatrician, advanced practice registered nurse ~~advanced~~
346 ~~registered nurse practitioner~~, physician assistant working under
347 the supervision of a child protection team medical director or a
348 child protection team board-certified pediatrician, or
349 registered nurse working under the direct supervision of a child
350 protection team medical director or a child protection team
351 board-certified pediatrician, and the examining physician
352 concludes that a further medical evaluation is unnecessary;

353
354 Notwithstanding paragraphs (a), (b), and (c), a child protection
355 team medical director or a child protection team pediatrician,
356 as authorized in subsection (5), may determine that a face-to-
357 face medical evaluation is necessary.

358 Section 6. Paragraph (b) of subsection (1) of section
359 39.304, Florida Statutes, is amended to read:

360 39.304 Photographs, medical examinations, X rays, and
361 medical treatment of abused, abandoned, or neglected child.—

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362 (1)

363 (b) If the areas of trauma visible on a child indicate a
364 need for a medical examination, or if the child verbally
365 complains or otherwise exhibits distress as a result of injury
366 through suspected child abuse, abandonment, or neglect, or is
367 alleged to have been sexually abused, the person required to
368 investigate may cause the child to be referred for diagnosis to
369 a licensed physician or an emergency department in a hospital
370 without the consent of the child's parents or legal custodian.
371 Such examination may be performed by any licensed physician or
372 an advanced practice registered nurse ~~advanced registered nurse~~
373 ~~practitioner~~ licensed pursuant to part I of chapter 464. Any
374 licensed physician, or advanced practice registered nurse
375 ~~advanced registered nurse practitioner~~ licensed pursuant to part
376 I of chapter 464, who has reasonable cause to suspect that an
377 injury was the result of child abuse, abandonment, or neglect
378 may authorize a radiological examination to be performed on the
379 child without the consent of the child's parent or legal
380 custodian.

381 Section 7. Paragraph (a) of subsection (1) of section
382 90.503, Florida Statutes, is amended to read:

383 90.503 Psychotherapist-patient privilege.—

384 (1) For purposes of this section:

385 (a) A "psychotherapist" is:

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386 1. A person authorized to practice medicine in any state
387 or nation, or reasonably believed by the patient so to be, who
388 is engaged in the diagnosis or treatment of a mental or
389 emotional condition, including alcoholism and other drug
390 addiction;

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

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

400 4. Treatment personnel of facilities licensed by the state
401 pursuant to chapter 394, chapter 395, or chapter 397, of
402 facilities designated by the Department of Children and Families
403 pursuant to chapter 394 as treatment facilities, or of
404 facilities defined as community mental health centers pursuant
405 to s. 394.907(1), who are engaged primarily in the diagnosis or
406 treatment of a mental or emotional condition, including
407 alcoholism and other drug addiction; or

408 5. An advanced practice registered nurse licensed advanced
409 ~~registered nurse practitioner certified~~ under s. 464.012, whose
410 primary scope of practice is the diagnosis or treatment of

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411 mental or emotional conditions, including chemical abuse, and
412 limited only to actions performed in accordance with part I of
413 chapter 464.

414 Section 8. Paragraph (d) of subsection (2) of section
415 110.12315, Florida Statutes, is amended to read:

416 110.12315 Prescription drug program.—The state employees'
417 prescription drug program is established. This program shall be
418 administered by the Department of Management Services, according
419 to the terms and conditions of the plan as established by the
420 relevant provisions of the annual General Appropriations Act and
421 implementing legislation, subject to the following conditions:

422 (2) In providing for reimbursement of pharmacies for
423 prescription drugs and supplies dispensed to members of the
424 state group health insurance plan and their dependents under the
425 state employees' prescription drug program:

426 (d) The department shall establish the reimbursement
427 schedule for prescription drugs and supplies dispensed under the
428 program. Reimbursement rates for a prescription drug or supply
429 must be based on the cost of the generic equivalent drug or
430 supply if a generic equivalent exists, unless the physician,
431 advanced practice registered nurse ~~advanced registered nurse~~
432 ~~practitioner~~, or physician assistant prescribing the drug or
433 supply clearly states on the prescription that the brand name
434 drug or supply is medically necessary or that the drug or supply
435 is included on the formulary of drugs and supplies that may not

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436 be interchanged as provided in chapter 465, in which case
437 reimbursement must be based on the cost of the brand name drug
438 or supply as specified in the reimbursement schedule adopted by
439 the department.

440 Section 9. Paragraph (f) of subsection (3) of section
441 121.0515, Florida Statutes, is amended to read:

442 121.0515 Special Risk Class.—

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

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

- 450 1. Dietitian (class codes 5203 and 5204);
- 451 2. Public health nutrition consultant (class code 5224);
- 452 3. Psychological specialist (class codes 5230 and 5231);
- 453 4. Psychologist (class code 5234);
- 454 5. Senior psychologist (class codes 5237 and 5238);
- 455 6. Regional mental health consultant (class code 5240);
- 456 7. Psychological Services Director—DCF (class code 5242);
- 457 8. Pharmacist (class codes 5245 and 5246);
- 458 9. Senior pharmacist (class codes 5248 and 5249);
- 459 10. Dentist (class code 5266);
- 460 11. Senior dentist (class code 5269);

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1337 (2018)

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- 461 12. Registered nurse (class codes 5290 and 5291);
462 13. Senior registered nurse (class codes 5292 and 5293);
463 14. Registered nurse specialist (class codes 5294 and
464 5295);
465 15. Clinical associate (class codes 5298 and 5299);
466 16. Advanced practice registered nurse ~~Advanced registered~~
467 ~~nurse practitioner~~ (class codes 5297 and 5300);
468 17. Advanced practice registered nurse ~~Advanced registered~~
469 ~~nurse practitioner~~ specialist (class codes 5304 and 5305);
470 18. Registered nurse supervisor (class codes 5306 and
471 5307);
472 19. Senior registered nurse supervisor (class codes 5308
473 and 5309);
474 20. Registered nursing consultant (class codes 5312 and
475 5313);
476 21. Quality management program supervisor (class code
477 5314);
478 22. Executive nursing director (class codes 5320 and
479 5321);
480 23. Speech and hearing therapist (class code 5406); or
481 24. Pharmacy manager (class code 5251);
482 Section 10. Paragraph (a) of subsection (3) of section
483 252.515, Florida Statutes, is amended to read:
484 252.515 Postdisaster Relief Assistance Act; immunity from
485 civil liability.—

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- 486 (3) As used in this section, the term:
- 487 (a) "Emergency first responder" means:
- 488 1. A physician licensed under chapter 458.
- 489 2. An osteopathic physician licensed under chapter 459.
- 490 3. A chiropractic physician licensed under chapter 460.
- 491 4. A podiatric physician licensed under chapter 461.
- 492 5. A dentist licensed under chapter 466.
- 493 6. An advanced practice registered nurse licensed ~~advanced~~
- 494 ~~registered nurse practitioner certified~~ under s. 464.012.
- 495 7. A physician assistant licensed under s. 458.347 or s.
- 496 459.022.
- 497 8. A worker employed by a public or private hospital in
- 498 the state.
- 499 9. A paramedic as defined in s. 401.23(17).
- 500 10. An emergency medical technician as defined in s.
- 501 401.23(11).
- 502 11. A firefighter as defined in s. 633.102.
- 503 12. A law enforcement officer as defined in s. 943.10.
- 504 13. A member of the Florida National Guard.
- 505 14. Any other personnel designated as emergency personnel
- 506 by the Governor pursuant to a declared emergency.
- 507 Section 11. Paragraph (c) of subsection (1) of section
- 508 310.071, Florida Statutes, is amended to read:
- 509 310.071 Deputy pilot certification.—

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

513 (c) Be in good physical and mental health, as evidenced by
514 documentary proof of having satisfactorily passed a complete
515 physical examination administered by a licensed physician within
516 the preceding 6 months. The board shall adopt rules to establish
517 requirements for passing the physical examination, which rules
518 shall establish minimum standards for the physical or mental
519 capabilities necessary to carry out the professional duties of a
520 certificated deputy pilot. Such standards shall include zero
521 tolerance for any controlled substance regulated under chapter
522 893 unless that individual is under the care of a physician, an
523 advanced practice registered nurse ~~advanced registered nurse~~
524 ~~practitioner~~, or a physician assistant and that controlled
525 substance was prescribed by that physician, advanced practice
526 registered nurse ~~advanced registered nurse practitioner~~, or
527 physician assistant. To maintain eligibility as a certificated
528 deputy pilot, each certificated deputy pilot must annually
529 provide documentary proof of having satisfactorily passed a
530 complete physical examination administered by a licensed
531 physician. The physician must know the minimum standards and
532 certify that the certificateholder satisfactorily meets the
533 standards. The standards for certificateholders shall include a
534 drug test.

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535 Section 12. Subsection (3) of section 310.073, Florida
536 Statutes, is amended to read:

537 310.073 State pilot licensing.—In addition to meeting
538 other requirements specified in this chapter, each applicant for
539 license as a state pilot must:

540 (3) Be in good physical and mental health, as evidenced by
541 documentary proof of having satisfactorily passed a complete
542 physical examination administered by a licensed physician within
543 the preceding 6 months. The board shall adopt rules to establish
544 requirements for passing the physical examination, which rules
545 shall establish minimum standards for the physical or mental
546 capabilities necessary to carry out the professional duties of a
547 licensed state pilot. Such standards shall include zero
548 tolerance for any controlled substance regulated under chapter
549 893 unless that individual is under the care of a physician, an
550 advanced practice registered nurse ~~advanced registered nurse~~
551 ~~practitioner~~, or a physician assistant and that controlled
552 substance was prescribed by that physician, advanced practice
553 registered nurse ~~advanced registered nurse practitioner~~, or
554 physician assistant. To maintain eligibility as a licensed state
555 pilot, each licensed state pilot must annually provide
556 documentary proof of having satisfactorily passed a complete
557 physical examination administered by a licensed physician. The
558 physician must know the minimum standards and certify that the

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559 licensee satisfactorily meets the standards. The standards for
560 licensees shall include a drug test.

561 Section 13. Paragraph (b) of subsection (3) of section
562 310.081, Florida Statutes, is amended to read:

563 310.081 Department to examine and license state pilots and
564 certificate deputy pilots; vacancies.-

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

567 (b) Are in good physical and mental health as evidenced by
568 documentary proof of having satisfactorily passed a physical
569 examination administered by a licensed physician or physician
570 assistant within each calendar year. The board shall adopt rules
571 to establish requirements for passing the physical examination,
572 which rules shall establish minimum standards for the physical
573 or mental capabilities necessary to carry out the professional
574 duties of a licensed state pilot or a certificated deputy pilot.
575 Such standards shall include zero tolerance for any controlled
576 substance regulated under chapter 893 unless that individual is
577 under the care of a physician, an advanced practice registered
578 nurse ~~advanced registered nurse practitioner~~, or a physician
579 assistant and that controlled substance was prescribed by that
580 physician, advanced practice registered nurse ~~advanced~~
581 ~~registered nurse practitioner~~, or physician assistant. To
582 maintain eligibility as a certificated deputy pilot or licensed
583 state pilot, each certificated deputy pilot or licensed state

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584 pilot must annually provide documentary proof of having
585 satisfactorily passed a complete physical examination
586 administered by a licensed physician. The physician must know
587 the minimum standards and certify that the certificateholder or
588 licensee satisfactorily meets the standards. The standards for
589 certificateholders and for licensees shall include a drug test.

590

591 Upon resignation or in the case of disability permanently
592 affecting a pilot's ability to serve, the state license or
593 certificate issued under this chapter shall be revoked by the
594 department.

595 Section 14. Paragraph (b) of subsection (1) of section
596 320.0848, Florida Statutes, is amended to read:

597 320.0848 Persons who have disabilities; issuance of
598 disabled parking permits; temporary permits; permits for certain
599 providers of transportation services to persons who have
600 disabilities.-

601 (1)

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

606 a. Inability to walk without the use of or assistance from
607 a brace, cane, crutch, prosthetic device, or other assistive
608 device, or without the assistance of another person. If the

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609 assistive device significantly restores the person's ability to
610 walk to the extent that the person can walk without severe
611 limitation, the person is not eligible for the exemption parking
612 permit.

613 b. The need to permanently use a wheelchair.

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

619 d. Use of portable oxygen.

620 e. Restriction by cardiac condition to the extent that the
621 person's functional limitations are classified in severity as
622 Class III or Class IV according to standards set by the American
623 Heart Association.

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

626 2. The certification of disability which is required under
627 subparagraph 1. must be provided by a physician licensed under
628 chapter 458, chapter 459, or chapter 460, by a podiatric
629 physician licensed under chapter 461, by an optometrist licensed
630 under chapter 463, by an advanced practice registered nurse
631 ~~advanced registered nurse practitioner~~ licensed under chapter
632 464 under the protocol of a licensed physician as stated in this
633 subparagraph, by a physician assistant licensed under chapter

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634 458 or chapter 459, or by a similarly licensed physician from
635 another state if the application is accompanied by documentation
636 of the physician's licensure in the other state and a form
637 signed by the out-of-state physician verifying his or her
638 knowledge of this state's eligibility guidelines.

639 Section 15. Paragraph (c) of subsection (1) of section
640 381.00315, Florida Statutes, is amended to read:

641 381.00315 Public health advisories; public health
642 emergencies; isolation and quarantines.—The State Health Officer
643 is responsible for declaring public health emergencies, issuing
644 public health advisories, and ordering isolation or quarantines.

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

646 (c) "Public health emergency" means any occurrence, or
647 threat thereof, whether natural or manmade, which results or may
648 result in substantial injury or harm to the public health from
649 infectious disease, chemical agents, nuclear agents, biological
650 toxins, or situations involving mass casualties or natural
651 disasters. Before declaring a public health emergency, the State
652 Health Officer shall, to the extent possible, consult with the
653 Governor and shall notify the Chief of Domestic Security. The
654 declaration of a public health emergency shall continue until
655 the State Health Officer finds that the threat or danger has
656 been dealt with to the extent that the emergency conditions no
657 longer exist and he or she terminates the declaration. However,
658 a declaration of a public health emergency may not continue for

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659 longer than 60 days unless the Governor concurs in the renewal
660 of the declaration. The State Health Officer, upon declaration
661 of a public health emergency, may take actions that are
662 necessary to protect the public health. Such actions include,
663 but are not limited to:

664 1. Directing manufacturers of prescription drugs or over-
665 the-counter drugs who are permitted under chapter 499 and
666 wholesalers of prescription drugs located in this state who are
667 permitted under chapter 499 to give priority to the shipping of
668 specified drugs to pharmacies and health care providers within
669 geographic areas that have been identified by the State Health
670 Officer. The State Health Officer must identify the drugs to be
671 shipped. Manufacturers and wholesalers located in the state must
672 respond to the State Health Officer's priority shipping
673 directive before shipping the specified drugs.

674 2. Notwithstanding chapters 465 and 499 and rules adopted
675 thereunder, directing pharmacists employed by the department to
676 compound bulk prescription drugs and provide these bulk
677 prescription drugs to physicians and nurses of county health
678 departments or any qualified person authorized by the State
679 Health Officer for administration to persons as part of a
680 prophylactic or treatment regimen.

681 3. Notwithstanding s. 456.036, temporarily reactivating
682 the inactive license of the following health care practitioners,
683 when such practitioners are needed to respond to the public

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684 health emergency: physicians licensed under chapter 458 or
685 chapter 459; physician assistants licensed under chapter 458 or
686 chapter 459; licensed practical nurses, registered nurses, and
687 advanced practice registered nurses ~~advanced registered nurse~~
688 ~~practitioners~~ licensed under part I of chapter 464; respiratory
689 therapists licensed under part V of chapter 468; and emergency
690 medical technicians and paramedics certified under part III of
691 chapter 401. Only those health care practitioners specified in
692 this paragraph who possess an unencumbered inactive license and
693 who request that such license be reactivated are eligible for
694 reactivation. An inactive license that is reactivated under this
695 paragraph shall return to inactive status when the public health
696 emergency ends or before the end of the public health emergency
697 if the State Health Officer determines that the health care
698 practitioner is no longer needed to provide services during the
699 public health emergency. Such licenses may only be reactivated
700 for a period not to exceed 90 days without meeting the
701 requirements of s. 456.036 or chapter 401, as applicable.

702 4. Ordering an individual to be examined, tested,
703 vaccinated, treated, isolated, or quarantined for communicable
704 diseases that have significant morbidity or mortality and
705 present a severe danger to public health. Individuals who are
706 unable or unwilling to be examined, tested, vaccinated, or
707 treated for reasons of health, religion, or conscience may be
708 subjected to isolation or quarantine.

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709 a. Examination, testing, vaccination, or treatment may be
710 performed by any qualified person authorized by the State Health
711 Officer.

712 b. If the individual poses a danger to the public health,
713 the State Health Officer may subject the individual to isolation
714 or quarantine. If there is no practical method to isolate or
715 quarantine the individual, the State Health Officer may use any
716 means necessary to vaccinate or treat the individual.

717
718 Any order of the State Health Officer given to effectuate this
719 paragraph shall be immediately enforceable by a law enforcement
720 officer under s. 381.0012.

721 Section 16. Subsection (3) of section 381.00593, Florida
722 Statutes, is amended to read:

723 381.00593 Public school volunteer health care practitioner
724 program.—

725 (3) For purposes of this section, the term "health care
726 practitioner" means a physician licensed under chapter 458; an
727 osteopathic physician licensed under chapter 459; a chiropractic
728 physician licensed under chapter 460; a podiatric physician
729 licensed under chapter 461; an optometrist licensed under
730 chapter 463; an advanced practice registered nurse ~~advanced~~
731 ~~registered nurse practitioner~~, registered nurse, or licensed
732 practical nurse licensed under part I of chapter 464; a
733 pharmacist licensed under chapter 465; a dentist or dental

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734 hygienist licensed under chapter 466; a midwife licensed under
735 chapter 467; a speech-language pathologist or audiologist
736 licensed under part I of chapter 468; a dietitian/nutritionist
737 licensed under part X of chapter 468; or a physical therapist
738 licensed under chapter 486.

739 Section 17. Paragraph (c) of subsection (1) of section
740 383.14, Florida Statutes, is amended to read:

741 383.14 Screening for metabolic disorders, other hereditary
742 and congenital disorders, and environmental risk factors.—

743 (1) SCREENING REQUIREMENTS.—To help ensure access to the
744 maternal and child health care system, the Department of Health
745 shall promote the screening of all newborns born in Florida for
746 metabolic, hereditary, and congenital disorders known to result
747 in significant impairment of health or intellect, as screening
748 programs accepted by current medical practice become available
749 and practical in the judgment of the department. The department
750 shall also promote the identification and screening of all
751 newborns in this state and their families for environmental risk
752 factors such as low income, poor education, maternal and family
753 stress, emotional instability, substance abuse, and other high-
754 risk conditions associated with increased risk of infant
755 mortality and morbidity to provide early intervention,
756 remediation, and prevention services, including, but not limited
757 to, parent support and training programs, home visitation, and
758 case management. Identification, perinatal screening, and

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759 intervention efforts shall begin prior to and immediately
760 following the birth of the child by the attending health care
761 provider. Such efforts shall be conducted in hospitals,
762 perinatal centers, county health departments, school health
763 programs that provide prenatal care, and birthing centers, and
764 reported to the Office of Vital Statistics.

765 (c) Release of screening results.—Notwithstanding any law
766 to the contrary, the State Public Health Laboratory may release,
767 directly or through the Children's Medical Services program, the
768 results of a newborn's hearing and metabolic tests or screenings
769 to the newborn's health care practitioner, the newborn's parent
770 or legal guardian, the newborn's personal representative, or a
771 person designated by the newborn's parent or legal guardian. As
772 used in this paragraph, the term "health care practitioner"
773 means a physician or physician assistant licensed under chapter
774 458; an osteopathic physician or physician assistant licensed
775 under chapter 459; an advanced practice registered nurse
776 ~~advanced registered nurse practitioner~~, registered nurse, or
777 licensed practical nurse licensed under part I of chapter 464; a
778 midwife licensed under chapter 467; a speech-language
779 pathologist or audiologist licensed under part I of chapter 468;
780 or a dietician or nutritionist licensed under part X of chapter
781 468.

782 Section 18. Paragraph (c) of subsection (1) of section
783 383.141, Florida Statutes, is amended to read:

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784 383.141 Prenatally diagnosed conditions; patient to be
785 provided information; definitions; information clearinghouse;
786 advisory council.-

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

788 (c) "Health care provider" means a practitioner licensed
789 or registered under chapter 458 or chapter 459 or an advanced
790 practice registered nurse licensed ~~advanced registered nurse~~
791 ~~practitioner certified~~ under chapter 464.

792 Section 19. Paragraph (a) of subsection (7) of section
793 384.27, Florida Statutes, is amended to read:

794 384.27 Physical examination and treatment.-

795 (7)(a) A health care practitioner licensed under chapter
796 458, ~~or~~ chapter 459, ~~or certified under~~ s. 464.012 may provide
797 expedited partner therapy if the following requirements are met:

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

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

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

805 Section 20. Paragraph (a) of subsection (3) of section
806 390.0111, Florida Statutes, is amended to read:

807 390.0111 Termination of pregnancies.-

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808 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
809 be performed or induced except with the voluntary and informed
810 written consent of the pregnant woman or, in the case of a
811 mental incompetent, the voluntary and informed written consent
812 of her court-appointed guardian.

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

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

819 a. The nature and risks of undergoing or not undergoing
820 the proposed procedure that a reasonable patient would consider
821 material to making a knowing and willful decision of whether to
822 terminate a pregnancy.

823 b. The probable gestational age of the fetus, verified by
824 an ultrasound, at the time the termination of pregnancy is to be
825 performed.

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

831 (II) The person performing the ultrasound must offer the
832 woman the opportunity to view the live ultrasound images and

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833 | hear an explanation of them. If the woman accepts the
834 | opportunity to view the images and hear the explanation, a
835 | physician or a registered nurse, licensed practical nurse,
836 | advanced practice registered nurse ~~advanced registered nurse~~
837 | ~~practitioner~~, or physician assistant working in conjunction with
838 | the physician must contemporaneously review and explain the
839 | images to the woman before the woman gives informed consent to
840 | having an abortion procedure performed.

841 | (III) The woman has a right to decline to view and hear
842 | the explanation of the live ultrasound images after she is
843 | informed of her right and offered an opportunity to view the
844 | images and hear the explanation. If the woman declines, the
845 | woman shall complete a form acknowledging that she was offered
846 | an opportunity to view and hear the explanation of the images
847 | but that she declined that opportunity. The form must also
848 | indicate that the woman's decision was not based on any undue
849 | influence from any person to discourage her from viewing the
850 | images or hearing the explanation and that she declined of her
851 | own free will.

852 | (IV) Unless requested by the woman, the person performing
853 | the ultrasound may not offer the opportunity to view the images
854 | and hear the explanation and the explanation may not be given
855 | if, at the time the woman schedules or arrives for her
856 | appointment to obtain an abortion, a copy of a restraining
857 | order, police report, medical record, or other court order or

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858 documentation is presented which provides evidence that the
859 woman is obtaining the abortion because the woman is a victim of
860 rape, incest, domestic violence, or human trafficking or that
861 the woman has been diagnosed as having a condition that, on the
862 basis of a physician's good faith clinical judgment, would
863 create a serious risk of substantial and irreversible impairment
864 of a major bodily function if the woman delayed terminating her
865 pregnancy.

866 c. The medical risks to the woman and fetus of carrying
867 the pregnancy to term.

868

869 The physician may provide the information required in this
870 subparagraph within 24 hours before the procedure if requested
871 by the woman at the time she schedules or arrives for her
872 appointment to obtain an abortion and if she presents to the
873 physician a copy of a restraining order, police report, medical
874 record, or other court order or documentation evidencing that
875 she is obtaining the abortion because she is a victim of rape,
876 incest, domestic violence, or human trafficking.

877 2. Printed materials prepared and provided by the
878 department have been provided to the pregnant woman, if she
879 chooses to view these materials, including:

880 a. A description of the fetus, including a description of
881 the various stages of development.

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882 b. A list of entities that offer alternatives to
883 terminating the pregnancy.

884 c. Detailed information on the availability of medical
885 assistance benefits for prenatal care, childbirth, and neonatal
886 care.

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

890

891 Nothing in this paragraph is intended to prohibit a physician
892 from providing any additional information which the physician
893 deems material to the woman's informed decision to terminate her
894 pregnancy.

895 Section 21. Paragraphs (c), (e), and (f) of subsection (3)
896 of section 390.012, Florida Statutes, are amended to read:

897 390.012 Powers of agency; rules; disposal of fetal
898 remains.—

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

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

905 1. The abortion clinic designate a medical director who is
906 licensed to practice medicine in this state, and all physicians

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907 who perform abortions in the clinic have admitting privileges at
908 a hospital within reasonable proximity to the clinic, unless the
909 clinic has a written patient transfer agreement with a hospital
910 within reasonable proximity to the clinic which includes the
911 transfer of the patient's medical records held by both the
912 clinic and the treating physician.

913 2. If a physician is not present after an abortion is
914 performed, a registered nurse, licensed practical nurse,
915 advanced practice registered nurse ~~advanced registered nurse~~
916 ~~practitioner~~, or physician assistant be present and remain at
917 the clinic to provide postoperative monitoring and care until
918 the patient is discharged.

919 3. Surgical assistants receive training in counseling,
920 patient advocacy, and the specific responsibilities associated
921 with the services the surgical assistants provide.

922 4. Volunteers receive training in the specific
923 responsibilities associated with the services the volunteers
924 provide, including counseling and patient advocacy as provided
925 in the rules adopted by the director for different types of
926 volunteers based on their responsibilities.

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

929 1. That a physician, registered nurse, licensed practical
930 nurse, advanced practice registered nurse ~~advanced registered~~

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931 ~~nurse practitioner~~, or physician assistant is available to all
932 patients throughout the abortion procedure.

933 2. Standards for the safe conduct of abortion procedures
934 that conform to obstetric standards in keeping with established
935 standards of care regarding the estimation of fetal age as
936 defined in rule.

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

939 4. Appropriate precautions, such as the establishment of
940 intravenous access at least for patients undergoing post-first
941 trimester abortions.

942 5. Appropriate monitoring of the vital signs and other
943 defined signs and markers of the patient's status throughout the
944 abortion procedure and during the recovery period until the
945 patient's condition is deemed to be stable in the recovery room.

946 (f) Rules that prescribe minimum recovery room standards.
947 At a minimum, these rules must require that:

948 1. Postprocedure recovery rooms be supervised and staffed
949 to meet the patients' needs.

950 2. Immediate postprocedure care consist of observation in
951 a supervised recovery room for as long as the patient's
952 condition warrants.

953 3. A registered nurse, licensed practical nurse, advanced
954 practice registered nurse ~~advanced registered nurse~~
955 ~~practitioner~~, or physician assistant who is trained in the

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956 management of the recovery area and is capable of providing
957 basic cardiopulmonary resuscitation and related emergency
958 procedures remain on the premises of the abortion clinic until
959 all patients are discharged.

960 4. A physician sign the discharge order and be readily
961 accessible and available until the last patient is discharged to
962 facilitate the transfer of emergency cases if hospitalization of
963 the patient or viable fetus is necessary.

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

971 6. Written instructions with regard to postabortion
972 coitus, signs of possible problems, and general aftercare which
973 are specific to the patient be given to each patient. The
974 instructions must include information regarding access to
975 medical care for complications, including a telephone number for
976 use in the event of a medical emergency.

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

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980 8. The physician ensure that, with the patient's consent,
981 a registered nurse, licensed practical nurse, advanced practice
982 registered nurse ~~advanced registered nurse practitioner~~, or
983 physician assistant from the abortion clinic makes a good faith
984 effort to contact the patient by telephone within 24 hours after
985 surgery to assess the patient's recovery.

986 9. Equipment and services be readily accessible to provide
987 appropriate emergency resuscitative and life support procedures
988 pending the transfer of the patient or viable fetus to the
989 hospital.

990 Section 22. Subsections (35) and (44) of section 394.455,
991 Florida Statutes, are amended to read:

992 394.455 Definitions.—As used in this part, the term:

993 (35) "Psychiatric nurse" means an advanced practice
994 registered nurse licensed ~~advanced registered nurse practitioner~~
995 ~~certified~~ under s. 464.012 who has a master's or doctoral degree
996 in psychiatric nursing, holds a national advanced practice
997 certification as a psychiatric mental health advanced practice
998 nurse, and has 2 years of post-master's clinical experience
999 under the supervision of a physician.

1000 (44) "Service provider" means a receiving facility, a
1001 facility licensed under chapter 397, a treatment facility, an
1002 entity under contract with the department to provide mental
1003 health or substance abuse services, a community mental health
1004 center or clinic, a psychologist, a clinical social worker, a

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1005 marriage and family therapist, a mental health counselor, a
1006 physician, a psychiatrist, an advanced practice registered nurse
1007 ~~advanced registered nurse practitioner~~, a psychiatric nurse, or
1008 a qualified professional as defined in s. 39.01.

1009 Section 23. Paragraphs (a) and (b) of subsection (2) and
1010 subsection (4) of section 395.0191, Florida Statutes, are
1011 amended to read:

1012 395.0191 Staff membership and clinical privileges.—

1013 (2) (a) Each licensed facility shall establish rules and
1014 procedures for consideration of an application for clinical
1015 privileges submitted by an advanced practice registered nurse
1016 ~~advanced registered nurse practitioner~~ licensed and certified
1017 under part I of chapter 464, in accordance with the provisions
1018 of this section. No licensed facility shall deny such
1019 application solely because the applicant is licensed under part
1020 I of chapter 464 or because the applicant is not a participant
1021 in the Florida Birth-Related Neurological Injury Compensation
1022 Plan.

1023 (b) An advanced practice registered nurse ~~advanced~~
1024 ~~registered nurse practitioner~~ who is certified as a registered
1025 nurse anesthetist licensed under part I of chapter 464 shall
1026 administer anesthesia under the onsite medical direction of a
1027 professional licensed under chapter 458, chapter 459, or chapter
1028 466, and in accordance with an established protocol approved by

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1029 the medical staff. The medical direction shall specifically
1030 address the needs of the individual patient.

1031 (4) Nothing herein shall restrict in any way the authority
1032 of the medical staff of a licensed facility to review for
1033 approval or disapproval all applications for appointment and
1034 reappointment to all categories of staff and to make
1035 recommendations on each applicant to the governing board,
1036 including the delineation of privileges to be granted in each
1037 case. In making such recommendations and in the delineation of
1038 privileges, each applicant shall be considered individually
1039 pursuant to criteria for a doctor licensed under chapter 458,
1040 chapter 459, chapter 461, or chapter 466, or for an advanced
1041 practice registered nurse ~~advanced registered nurse practitioner~~
1042 ~~licensed and certified~~ under part I of chapter 464, or for a
1043 psychologist licensed under chapter 490, as applicable. The
1044 applicant's eligibility for staff membership or clinical
1045 privileges shall be determined by the applicant's background,
1046 experience, health, training, and demonstrated competency; the
1047 applicant's adherence to applicable professional ethics; the
1048 applicant's reputation; and the applicant's ability to work with
1049 others and by such other elements as determined by the governing
1050 board, consistent with this part.

1051 Section 24. Subsection (34) of section 397.311, Florida
1052 Statutes, is amended to read:

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1053 397.311 Definitions.—As used in this chapter, except part
1054 VIII, the term:

1055 (34) "Qualified professional" means a physician or a
1056 physician assistant licensed under chapter 458 or chapter 459; a
1057 professional licensed under chapter 490 or chapter 491; an
1058 advanced practice registered nurse ~~advanced registered nurse~~
1059 ~~practitioner~~ licensed under part I of chapter 464; or a person
1060 who is certified through a department-recognized certification
1061 process for substance abuse treatment services and who holds, at
1062 a minimum, a bachelor's degree. A person who is certified in
1063 substance abuse treatment services by a state-recognized
1064 certification process in another state at the time of employment
1065 with a licensed substance abuse provider in this state may
1066 perform the functions of a qualified professional as defined in
1067 this chapter but must meet certification requirements contained
1068 in this subsection no later than 1 year after his or her date of
1069 employment.

1070 Section 25. Section 397.4012, Florida Statutes, is amended
1071 to read:

1072 397.4012 Exemptions from licensure.—The following are
1073 exempt from the licensing provisions of this chapter:

1074 (1) A hospital or hospital-based component licensed under
1075 chapter 395.

1076 (2) A nursing home facility as defined in s. 400.021.

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- 1077 (3) A substance abuse education program established
1078 pursuant to s. 1003.42.
- 1079 (4) A facility or institution operated by the Federal
1080 Government.
- 1081 (5) A physician or physician assistant licensed under
1082 chapter 458 or chapter 459.
- 1083 (6) A psychologist licensed under chapter 490.
- 1084 (7) A social worker, marriage and family therapist, or
1085 mental health counselor licensed under chapter 491.
- 1086 (8) A legally cognizable church or nonprofit religious
1087 organization or denomination providing substance abuse services,
1088 including prevention services, which are solely religious,
1089 spiritual, or ecclesiastical in nature. A church or nonprofit
1090 religious organization or denomination providing any of the
1091 licensed service components itemized under s. 397.311(26) is not
1092 exempt from substance abuse licensure but retains its exemption
1093 with respect to all services which are solely religious,
1094 spiritual, or ecclesiastical in nature.
- 1095 (9) Facilities licensed under chapter 393 which, in
1096 addition to providing services to persons with developmental
1097 disabilities, also provide services to persons developmentally
1098 at risk as a consequence of exposure to alcohol or other legal
1099 or illegal drugs while in utero.
- 1100 (10) DUI education and screening services provided
1101 pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291.

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1102 Persons or entities providing treatment services must be
1103 licensed under this chapter unless exempted from licensing as
1104 provided in this section.

1105 (11) A facility licensed under s. 394.875 as a crisis
1106 stabilization unit.

1107

1108 The exemptions from licensure in this section do not apply to
1109 any service provider that receives an appropriation, grant, or
1110 contract from the state to operate as a service provider as
1111 defined in this chapter or to any substance abuse program
1112 regulated pursuant to s. 397.4014. Furthermore, this chapter may
1113 not be construed to limit the practice of a physician or
1114 physician assistant licensed under chapter 458 or chapter 459, a
1115 psychologist licensed under chapter 490, a psychotherapist
1116 licensed under chapter 491, or an advanced practice registered
1117 nurse ~~advanced registered nurse practitioner~~ licensed under part
1118 I of chapter 464, who provides substance abuse treatment, so
1119 long as the physician, physician assistant, psychologist,
1120 psychotherapist, or advanced practice registered nurse ~~advanced~~
1121 ~~registered nurse practitioner~~ does not represent to the public
1122 that he or she is a licensed service provider and does not
1123 provide services to individuals pursuant to part V of this
1124 chapter. Failure to comply with any requirement necessary to
1125 maintain an exempt status under this section is a misdemeanor of

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1126 the first degree, punishable as provided in s. 775.082 or s.
1127 775.083.

1128 Section 26. Subsections (4), (7), and (8) of section
1129 397.427, Florida Statutes, are amended to read:

1130 397.427 Medication-assisted treatment service providers;
1131 rehabilitation program; needs assessment and provision of
1132 services; persons authorized to issue takeout medication;
1133 unlawful operation; penalty.—

1134 (4) Notwithstanding s. 465.019(2), a physician assistant,
1135 a registered nurse, an advanced practice registered nurse
1136 ~~advanced registered nurse practitioner~~, or a licensed practical
1137 nurse working for a licensed service provider may deliver
1138 takeout medication for opiate treatment to persons enrolled in a
1139 maintenance treatment program for medication-assisted treatment
1140 for opiate addiction if:

1141 (a) The medication-assisted treatment program for opiate
1142 addiction has an appropriate valid permit issued pursuant to
1143 rules adopted by the Board of Pharmacy;

1144 (b) The medication for treatment of opiate addiction has
1145 been delivered pursuant to a valid prescription written by the
1146 program's physician licensed pursuant to chapter 458 or chapter
1147 459;

1148 (c) The medication for treatment of opiate addiction which
1149 is ordered appears on a formulary and is prepackaged and

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1150 prelabeled with dosage instructions and distributed from a
1151 source authorized under chapter 499;

1152 (d) Each licensed provider adopts written protocols which
1153 provide for supervision of the physician assistant, registered
1154 nurse, advanced practice registered nurse ~~advanced registered~~
1155 ~~nurse practitioner~~, or licensed practical nurse by a physician
1156 licensed pursuant to chapter 458 or chapter 459 and for the
1157 procedures by which patients' medications may be delivered by
1158 the physician assistant, registered nurse, advanced practice
1159 registered nurse ~~advanced registered nurse practitioner~~, or
1160 licensed practical nurse. Such protocols shall be signed by the
1161 supervising physician and either the administering registered
1162 nurse, the advanced practice registered nurse ~~advanced~~
1163 ~~registered nurse practitioner~~, or the licensed practical nurse.

1164 (e) Each licensed service provider maintains and has
1165 available for inspection by representatives of the Board of
1166 Pharmacy all medical records and patient care protocols,
1167 including records of medications delivered to patients, in
1168 accordance with the board.

1169 (7) A physician assistant, a registered nurse, an advanced
1170 practice registered nurse ~~advanced registered nurse~~
1171 ~~practitioner~~, or a licensed practical nurse working for a
1172 licensed service provider may deliver medication as prescribed
1173 by rule if:

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1174 (a) The service provider is authorized to provide
1175 medication-assisted treatment;

1176 (b) The medication has been administered pursuant to a
1177 valid prescription written by the program's physician who is
1178 licensed under chapter 458 or chapter 459; and

1179 (c) The medication ordered appears on a formulary or meets
1180 federal requirements for medication-assisted treatment.

1181 (8) Each licensed service provider that provides
1182 medication-assisted treatment must adopt written protocols as
1183 specified by the department and in accordance with federally
1184 required rules, regulations, or procedures. The protocol shall
1185 provide for the supervision of the physician assistant,
1186 registered nurse, advanced practice registered nurse ~~advanced~~
1187 ~~registered nurse practitioner~~, or licensed practical nurse
1188 working under the supervision of a physician who is licensed
1189 under chapter 458 or chapter 459. The protocol must specify how
1190 the medication will be used in conjunction with counseling or
1191 psychosocial treatment and that the services provided will be
1192 included on the treatment plan. The protocol must specify the
1193 procedures by which medication-assisted treatment may be
1194 administered by the physician assistant, registered nurse,
1195 advanced practice registered nurse ~~advanced registered nurse~~
1196 ~~practitioner~~, or licensed practical nurse. These protocols shall
1197 be signed by the supervising physician and the administering
1198 physician assistant, registered nurse, advanced practice

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1199 | registered nurse ~~advanced registered nurse practitioner~~, or
1200 | licensed practical nurse.

1201 | Section 27. Section 397.679, Florida Statutes, is amended
1202 | to read:

1203 | 397.679 Emergency admission; circumstances justifying.—A
1204 | person who meets the criteria for involuntary admission in s.
1205 | 397.675 may be admitted to a hospital or to a licensed
1206 | detoxification facility or addictions receiving facility for
1207 | emergency assessment and stabilization, or to a less intensive
1208 | component of a licensed service provider for assessment only,
1209 | upon receipt by the facility of a certificate by a physician, an
1210 | advanced practice registered nurse ~~advanced registered nurse~~
1211 | ~~practitioner~~, a psychiatric nurse, a clinical psychologist, a
1212 | clinical social worker, a marriage and family therapist, a
1213 | mental health counselor, a physician assistant working under the
1214 | scope of practice of the supervising physician, or a master's-
1215 | level-certified addictions professional for substance abuse
1216 | services, if the certificate is specific to substance abuse
1217 | impairment, and the completion of an application for emergency
1218 | admission.

1219 | Section 28. Subsection (1) of section 397.6793, Florida
1220 | Statutes, is amended to read:

1221 | 397.6793 Professional's certificate for emergency
1222 | admission.—

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1223 (1) A physician, a clinical psychologist, a physician
1224 assistant working under the scope of practice of the supervising
1225 physician, a psychiatric nurse, an advanced practice registered
1226 nurse ~~advanced registered nurse practitioner~~, a mental health
1227 counselor, a marriage and family therapist, a master's-level-
1228 certified addictions professional for substance abuse services,
1229 or a clinical social worker may execute a professional's
1230 certificate for emergency admission. The professional's
1231 certificate must include the name of the person to be admitted,
1232 the relationship between the person and the professional
1233 executing the certificate, the relationship between the
1234 applicant and the professional, any relationship between the
1235 professional and the licensed service provider, a statement that
1236 the person has been examined and assessed within the preceding 5
1237 days after the application date, and factual allegations with
1238 respect to the need for emergency admission, including:

1239 (a) The reason for the belief that the person is substance
1240 abuse impaired;

1241 (b) The reason for the belief that because of such
1242 impairment the person has lost the power of self-control with
1243 respect to substance abuse; and

1244 (c)1. The reason for the belief that, without care or
1245 treatment, the person is likely to suffer from neglect or refuse
1246 to care for himself or herself; that such neglect or refusal
1247 poses a real and present threat of substantial harm to his or

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1248 her well-being; and that it is not apparent that such harm may
1249 be avoided through the help of willing family members or friends
1250 or the provision of other services, or there is substantial
1251 likelihood that the person has inflicted or, unless admitted, is
1252 likely to inflict, physical harm on himself, herself, or
1253 another; or

1254 2. The reason for the belief that the person's refusal to
1255 voluntarily receive care is based on judgment so impaired by
1256 reason of substance abuse that the person is incapable of
1257 appreciating his or her need for care and of making a rational
1258 decision regarding his or her need for care.

1259 Section 29. Subsection (8) of section 400.021, Florida
1260 Statutes, is amended to read:

1261 400.021 Definitions.—When used in this part, unless the
1262 context otherwise requires, the term:

1263 (8) "Geriatric outpatient clinic" means a site for
1264 providing outpatient health care to persons 60 years of age or
1265 older, which is staffed by a registered nurse, a physician
1266 assistant, or a licensed practical nurse under the direct
1267 supervision of a registered nurse, advanced practice registered
1268 nurse ~~advanced registered nurse practitioner~~, physician
1269 assistant, or physician.

1270 Section 30. Subsection (3) of section 400.462, Florida
1271 Statutes, is amended to read:

1272 400.462 Definitions.—As used in this part, the term:

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1273 (3) "Advanced practice registered nurse" ~~"Advanced~~
1274 ~~registered nurse practitioner"~~ means a person licensed in this
1275 state to practice professional nursing and certified in advanced
1276 or specialized nursing practice, as defined in s. 464.003.

1277 Section 31. Section 400.487, Florida Statutes, is amended
1278 to read:

1279 400.487 Home health service agreements; physician's,
1280 physician assistant's, and advanced practice registered nurse's
1281 ~~advanced registered nurse practitioner's~~ treatment orders;
1282 patient assessment; establishment and review of plan of care;
1283 provision of services; orders not to resuscitate.—

1284 (1) Services provided by a home health agency must be
1285 covered by an agreement between the home health agency and the
1286 patient or the patient's legal representative specifying the
1287 home health services to be provided, the rates or charges for
1288 services paid with private funds, and the sources of payment,
1289 which may include Medicare, Medicaid, private insurance,
1290 personal funds, or a combination thereof. A home health agency
1291 providing skilled care must make an assessment of the patient's
1292 needs within 48 hours after the start of services.

1293 (2) When required by the provisions of chapter 464; part
1294 I, part III, or part V of chapter 468; or chapter 486, the
1295 attending physician, physician assistant, or advanced practice
1296 registered nurse ~~advanced registered nurse practitioner~~, acting
1297 within his or her respective scope of practice, shall establish

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1298 treatment orders for a patient who is to receive skilled care.
1299 The treatment orders must be signed by the physician, physician
1300 assistant, or advanced practice registered nurse ~~advanced~~
1301 ~~registered nurse practitioner~~ before a claim for payment for the
1302 skilled services is submitted by the home health agency. If the
1303 claim is submitted to a managed care organization, the treatment
1304 orders must be signed within the time allowed under the provider
1305 agreement. The treatment orders shall be reviewed, as frequently
1306 as the patient's illness requires, by the physician, physician
1307 assistant, or advanced practice registered nurse ~~advanced~~
1308 ~~registered nurse practitioner~~ in consultation with the home
1309 health agency.

1310 (3) A home health agency shall arrange for supervisory
1311 visits by a registered nurse to the home of a patient receiving
1312 home health aide services in accordance with the patient's
1313 direction, approval, and agreement to pay the charge for the
1314 visits.

1315 (4) Each patient has the right to be informed of and to
1316 participate in the planning of his or her care. Each patient
1317 must be provided, upon request, a copy of the plan of care
1318 established and maintained for that patient by the home health
1319 agency.

1320 (5) When nursing services are ordered, the home health
1321 agency to which a patient has been admitted for care must
1322 provide the initial admission visit, all service evaluation

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1323 visits, and the discharge visit by a direct employee. Services
1324 provided by others under contractual arrangements to a home
1325 health agency must be monitored and managed by the admitting
1326 home health agency. The admitting home health agency is fully
1327 responsible for ensuring that all care provided through its
1328 employees or contract staff is delivered in accordance with this
1329 part and applicable rules.

1330 (6) The skilled care services provided by a home health
1331 agency, directly or under contract, must be supervised and
1332 coordinated in accordance with the plan of care.

1333 (7) Home health agency personnel may withhold or withdraw
1334 cardiopulmonary resuscitation if presented with an order not to
1335 resuscitate executed pursuant to s. 401.45. The agency shall
1336 adopt rules providing for the implementation of such orders.
1337 Home health personnel and agencies shall not be subject to
1338 criminal prosecution or civil liability, nor be considered to
1339 have engaged in negligent or unprofessional conduct, for
1340 withholding or withdrawing cardiopulmonary resuscitation
1341 pursuant to such an order and rules adopted by the agency.

1342 Section 32. Paragraph (a) of subsection (13) of section
1343 400.506, Florida Statutes, is amended to read:

1344 400.506 Licensure of nurse registries; requirements;
1345 penalties.—

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1346 (13) All persons referred for contract in private
1347 residences by a nurse registry must comply with the following
1348 requirements for a plan of treatment:

1349 (a) When, in accordance with the privileges and
1350 restrictions imposed upon a nurse under part I of chapter 464,
1351 the delivery of care to a patient is under the direction or
1352 supervision of a physician or when a physician is responsible
1353 for the medical care of the patient, a medical plan of treatment
1354 must be established for each patient receiving care or treatment
1355 provided by a licensed nurse in the home. The original medical
1356 plan of treatment must be timely signed by the physician,
1357 physician assistant, or advanced practice registered nurse
1358 ~~advanced registered nurse practitioner~~, acting within his or her
1359 respective scope of practice, and reviewed in consultation with
1360 the licensed nurse at least every 2 months. Any additional order
1361 or change in orders must be obtained from the physician,
1362 physician assistant, or advanced practice registered nurse
1363 ~~advanced registered nurse practitioner~~ and reduced to writing
1364 and timely signed by the physician, physician assistant, or
1365 advanced practice registered nurse ~~advanced registered nurse~~
1366 ~~practitioner~~. The delivery of care under a medical plan of
1367 treatment must be substantiated by the appropriate nursing notes
1368 or documentation made by the nurse in compliance with nursing
1369 practices established under part I of chapter 464.

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1370 Section 33. Subsections (5) and (7) of section 400.9973,
1371 Florida Statutes, are amended to read:

1372 400.9973 Client admission, transfer, and discharge.—

1373 (5) A client admitted to a transitional living facility
1374 must be admitted upon prescription by a licensed physician,
1375 physician assistant, or advanced practice registered nurse
1376 ~~advanced registered nurse practitioner~~ and must remain under the
1377 care of a licensed physician, physician assistant, or advanced
1378 practice registered nurse ~~advanced registered nurse practitioner~~
1379 for the duration of the client's stay in the facility.

1380 (7) A person may not be admitted to a transitional living
1381 facility if the person:

1382 (a) Presents significant risk of infection to other
1383 clients or personnel. A health care practitioner must provide
1384 documentation that the person is free of apparent signs and
1385 symptoms of communicable disease;

1386 (b) Is a danger to himself or herself or others as
1387 determined by a physician, physician assistant, advanced
1388 practice registered nurse, ~~or advanced registered nurse~~
1389 ~~practitioner~~ or a mental health practitioner licensed under
1390 chapter 490 or chapter 491, unless the facility provides
1391 adequate staffing and support to ensure patient safety;

1392 (c) Is bedridden; or

1393 (d) Requires 24-hour nursing supervision.

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1394 Section 34. Subsection (1) and paragraphs (a) and (b) of
1395 subsection (2) of section 400.9974, Florida Statutes, are
1396 amended to read:

1397 400.9974 Client comprehensive treatment plans; client
1398 services.—

1399 (1) A transitional living facility shall develop a
1400 comprehensive treatment plan for each client as soon as
1401 practicable but no later than 30 days after the initial
1402 comprehensive treatment plan is developed. The comprehensive
1403 treatment plan must be developed by an interdisciplinary team
1404 consisting of the case manager, the program director, the
1405 advanced practice registered nurse ~~advanced registered nurse~~
1406 ~~practitioner~~, and appropriate therapists. The client or, if
1407 appropriate, the client's representative must be included in
1408 developing the comprehensive treatment plan. The comprehensive
1409 treatment plan must be reviewed and updated if the client fails
1410 to meet projected improvements outlined in the plan or if a
1411 significant change in the client's condition occurs. The
1412 comprehensive treatment plan must be reviewed and updated at
1413 least once monthly.

1414 (2) The comprehensive treatment plan must include:

1415 (a) Orders obtained from the physician, physician
1416 assistant, or advanced practice registered nurse ~~advanced~~
1417 ~~registered nurse practitioner~~ and the client's diagnosis,

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1418 medical history, physical examination, and rehabilitative or
1419 restorative needs.

1420 (b) A preliminary nursing evaluation, including orders for
1421 immediate care provided by the physician, physician assistant,
1422 or advanced practice registered nurse ~~advanced registered nurse~~
1423 ~~practitioner~~, which shall be completed when the client is
1424 admitted.

1425 Section 35. Section 400.9976, Florida Statutes, is amended
1426 to read:

1427 400.9976 Administration of medication.—

1428 (1) An individual medication administration record must be
1429 maintained for each client. A dose of medication, including a
1430 self-administered dose, shall be properly recorded in the
1431 client's record. A client who self-administers medication shall
1432 be given a pill organizer. Medication must be placed in the pill
1433 organizer by a nurse. A nurse shall document the date and time
1434 that medication is placed into each client's pill organizer. All
1435 medications must be administered in compliance with orders of a
1436 physician, physician assistant, or advanced practice registered
1437 nurse ~~advanced registered nurse practitioner~~.

1438 (2) If an interdisciplinary team determines that self-
1439 administration of medication is an appropriate objective, and if
1440 the physician, physician assistant, or advanced practice
1441 registered nurse ~~advanced registered nurse practitioner~~ does not
1442 specify otherwise, the client must be instructed by the

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1443 physician, physician assistant, or advanced practice registered
1444 nurse ~~advanced registered nurse practitioner~~ to self-administer
1445 his or her medication without the assistance of a staff person.
1446 All forms of self-administration of medication, including
1447 administration orally, by injection, and by suppository, shall
1448 be included in the training. The client's physician, physician
1449 assistant, or advanced practice registered nurse ~~advanced~~
1450 ~~registered nurse practitioner~~ must be informed of the
1451 interdisciplinary team's decision that self-administration of
1452 medication is an objective for the client. A client may not
1453 self-administer medication until he or she demonstrates the
1454 competency to take the correct medication in the correct dosage
1455 at the correct time, to respond to missed doses, and to contact
1456 the appropriate person with questions.

1457 (3) Medication administration discrepancies and adverse
1458 drug reactions must be recorded and reported immediately to a
1459 physician, physician assistant, or advanced practice registered
1460 nurse ~~advanced registered nurse practitioner~~.

1461 Section 36. Subsections (2) through (5) of section
1462 400.9979, Florida Statutes, are amended to read:

1463 400.9979 Restraint and seclusion; client safety.—

1464 (2) The use of physical restraints must be ordered and
1465 documented by a physician, physician assistant, or advanced
1466 practice registered nurse ~~advanced registered nurse practitioner~~
1467 and must be consistent with the policies and procedures adopted

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1468 by the facility. The client or, if applicable, the client's
1469 representative shall be informed of the facility's physical
1470 restraint policies and procedures when the client is admitted.

1471 (3) The use of chemical restraints shall be limited to
1472 prescribed dosages of medications as ordered by a physician,
1473 physician assistant, or advanced practice registered nurse
1474 ~~advanced registered nurse practitioner~~ and must be consistent
1475 with the client's diagnosis and the policies and procedures
1476 adopted by the facility. The client and, if applicable, the
1477 client's representative shall be informed of the facility's
1478 chemical restraint policies and procedures when the client is
1479 admitted.

1480 (4) Based on the assessment by a physician, physician
1481 assistant, or advanced practice registered nurse ~~advanced~~
1482 ~~registered nurse practitioner~~, if a client exhibits symptoms
1483 that present an immediate risk of injury or death to himself or
1484 herself or others, a physician, physician assistant, or advanced
1485 practice registered nurse ~~advanced registered nurse practitioner~~
1486 may issue an emergency treatment order to immediately administer
1487 rapid-response psychotropic medications or other chemical
1488 restraints. Each emergency treatment order must be documented
1489 and maintained in the client's record.

1490 (a) An emergency treatment order is not effective for more
1491 than 24 hours.

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1492 (b) Whenever a client is medicated under this subsection,
1493 the client's representative or a responsible party and the
1494 client's physician, physician assistant, or advanced practice
1495 registered nurse ~~advanced registered nurse practitioner~~ shall be
1496 notified as soon as practicable.

1497 (5) A client who is prescribed and receives a medication
1498 that can serve as a chemical restraint for a purpose other than
1499 an emergency treatment order must be evaluated by his or her
1500 physician, physician assistant, or advanced practice registered
1501 nurse ~~advanced registered nurse practitioner~~ at least monthly to
1502 assess:

1503 (a) The continued need for the medication.

1504 (b) The level of the medication in the client's blood.

1505 (c) The need for adjustments to the prescription.

1506 Section 37. Subsections (1) and (2) of section 401.445,
1507 Florida Statutes, are amended to read:

1508 401.445 Emergency examination and treatment of
1509 incapacitated persons.—

1510 (1) No recovery shall be allowed in any court in this
1511 state against any emergency medical technician, paramedic, or
1512 physician as defined in this chapter, any advanced practice
1513 registered nurse licensed ~~advanced registered nurse practitioner~~
1514 ~~certified~~ under s. 464.012, or any physician assistant licensed
1515 under s. 458.347 or s. 459.022, or any person acting under the
1516 direct medical supervision of a physician, in an action brought

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1517 for examining or treating a patient without his or her informed
1518 consent if:

1519 (a) The patient at the time of examination or treatment is
1520 intoxicated, under the influence of drugs, or otherwise
1521 incapable of providing informed consent as provided in s.
1522 766.103;

1523 (b) The patient at the time of examination or treatment is
1524 experiencing an emergency medical condition; and

1525 (c) The patient would reasonably, under all the
1526 surrounding circumstances, undergo such examination, treatment,
1527 or procedure if he or she were advised by the emergency medical
1528 technician, paramedic, physician, advanced practice registered
1529 nurse ~~advanced registered nurse practitioner~~, or physician
1530 assistant in accordance with s. 766.103(3).

1531
1532 Examination and treatment provided under this subsection shall
1533 be limited to reasonable examination of the patient to determine
1534 the medical condition of the patient and treatment reasonably
1535 necessary to alleviate the emergency medical condition or to
1536 stabilize the patient.

1537 (2) In examining and treating a person who is apparently
1538 intoxicated, under the influence of drugs, or otherwise
1539 incapable of providing informed consent, the emergency medical
1540 technician, paramedic, physician, advanced practice registered
1541 nurse ~~advanced registered nurse practitioner~~, or physician

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1542 assistant, or any person acting under the direct medical
1543 supervision of a physician, shall proceed wherever possible with
1544 the consent of the person. If the person reasonably appears to
1545 be incapacitated and refuses his or her consent, the person may
1546 be examined, treated, or taken to a hospital or other
1547 appropriate treatment resource if he or she is in need of
1548 emergency attention, without his or her consent, but
1549 unreasonable force shall not be used.

1550 Section 38. Subsection (1) of section 409.905, Florida
1551 Statutes, is amended to read:

1552 409.905 Mandatory Medicaid services.—The agency may make
1553 payments for the following services, which are required of the
1554 state by Title XIX of the Social Security Act, furnished by
1555 Medicaid providers to recipients who are determined to be
1556 eligible on the dates on which the services were provided. Any
1557 service under this section shall be provided only when medically
1558 necessary and in accordance with state and federal law.
1559 Mandatory services rendered by providers in mobile units to
1560 Medicaid recipients may be restricted by the agency. Nothing in
1561 this section shall be construed to prevent or limit the agency
1562 from adjusting fees, reimbursement rates, lengths of stay,
1563 number of visits, number of services, or any other adjustments
1564 necessary to comply with the availability of moneys and any
1565 limitations or directions provided for in the General
1566 Appropriations Act or chapter 216.

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1567 (1) ADVANCED PRACTICE REGISTERED NURSE ~~ADVANCED REGISTERED~~
1568 ~~NURSE PRACTITIONER~~ SERVICES.—The agency shall pay for services
1569 provided to a recipient by a licensed advanced practice
1570 registered nurse ~~advanced registered nurse practitioner~~ who has
1571 a valid collaboration agreement with a licensed physician on
1572 file with the Department of Health or who provides anesthesia
1573 services in accordance with established protocol required by
1574 state law and approved by the medical staff of the facility in
1575 which the anesthetic service is performed. Reimbursement for
1576 such services must be provided in an amount that equals not less
1577 than 80 percent of the reimbursement to a physician who provides
1578 the same services, unless otherwise provided for in the General
1579 Appropriations Act.

1580 Section 39. Paragraph (a) of subsection (3) and subsection
1581 (7) of section 409.908, Florida Statutes, are amended to read:

1582 409.908 Reimbursement of Medicaid providers.—Subject to
1583 specific appropriations, the agency shall reimburse Medicaid
1584 providers, in accordance with state and federal law, according
1585 to methodologies set forth in the rules of the agency and in
1586 policy manuals and handbooks incorporated by reference therein.
1587 These methodologies may include fee schedules, reimbursement
1588 methods based on cost reporting, negotiated fees, competitive
1589 bidding pursuant to s. 287.057, and other mechanisms the agency
1590 considers efficient and effective for purchasing services or
1591 goods on behalf of recipients. If a provider is reimbursed based

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1592 on cost reporting and submits a cost report late and that cost
1593 report would have been used to set a lower reimbursement rate
1594 for a rate semester, then the provider's rate for that semester
1595 shall be retroactively calculated using the new cost report, and
1596 full payment at the recalculated rate shall be effected
1597 retroactively. Medicare-granted extensions for filing cost
1598 reports, if applicable, shall also apply to Medicaid cost
1599 reports. Payment for Medicaid compensable services made on
1600 behalf of Medicaid eligible persons is subject to the
1601 availability of moneys and any limitations or directions
1602 provided for in the General Appropriations Act or chapter 216.
1603 Further, nothing in this section shall be construed to prevent
1604 or limit the agency from adjusting fees, reimbursement rates,
1605 lengths of stay, number of visits, or number of services, or
1606 making any other adjustments necessary to comply with the
1607 availability of moneys and any limitations or directions
1608 provided for in the General Appropriations Act, provided the
1609 adjustment is consistent with legislative intent.

1610 (3) Subject to any limitations or directions provided for
1611 in the General Appropriations Act, the following Medicaid
1612 services and goods may be reimbursed on a fee-for-service basis.
1613 For each allowable service or goods furnished in accordance with
1614 Medicaid rules, policy manuals, handbooks, and state and federal
1615 law, the payment shall be the amount billed by the provider, the
1616 provider's usual and customary charge, or the maximum allowable

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1617 fee established by the agency, whichever amount is less, with
1618 the exception of those services or goods for which the agency
1619 makes payment using a methodology based on capitation rates,
1620 average costs, or negotiated fees.

1621 (a) Advanced practice registered nurse ~~Advanced registered~~
1622 ~~nurse practitioner~~ services.

1623 (7) A provider of family planning services shall be
1624 reimbursed the lesser of the amount billed by the provider or an
1625 all-inclusive amount per type of visit for physicians and
1626 advanced practice registered nurses ~~advanced registered nurse~~
1627 ~~practitioners~~, as established by the agency in a fee schedule.

1628 Section 40. Paragraph (a) of subsection (1) of section
1629 409.973, Florida Statutes, is amended to read:

1630 409.973 Benefits.—

1631 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
1632 minimum, the following services:

1633 (a) Advanced practice registered nurse ~~Advanced registered~~
1634 ~~nurse practitioner~~ services.

1635 Section 41. Effective March 1, 2019, subsection (1) of
1636 section 409.973, Florida Statutes, as amended by section 1 of
1637 chapter 2016-109, Laws of Florida, is amended to read:

1638 409.973 Benefits.—

1639 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
1640 minimum, the following services:

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- 1641 (a) Advanced practice registered nurse ~~Advanced registered~~
1642 ~~nurse practitioner~~ services.
- 1643 (b) Ambulatory surgical treatment center services.
- 1644 (c) Birthing center services.
- 1645 (d) Chiropractic services.
- 1646 (e) Early periodic screening diagnosis and treatment
1647 services for recipients under age 21.
- 1648 (f) Emergency services.
- 1649 (g) Family planning services and supplies. Pursuant to 42
1650 C.F.R. s. 438.102, plans may elect to not provide these services
1651 due to an objection on moral or religious grounds, and must
1652 notify the agency of that election when submitting a reply to an
1653 invitation to negotiate.
- 1654 (h) Healthy start services, except as provided in s.
1655 409.975(4).
- 1656 (i) Hearing services.
- 1657 (j) Home health agency services.
- 1658 (k) Hospice services.
- 1659 (l) Hospital inpatient services.
- 1660 (m) Hospital outpatient services.
- 1661 (n) Laboratory and imaging services.
- 1662 (o) Medical supplies, equipment, prostheses, and orthoses.
- 1663 (p) Mental health services.
- 1664 (q) Nursing care.
- 1665 (r) Optical services and supplies.

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- 1666 (s) Optometrist services.
1667 (t) Physical, occupational, respiratory, and speech
1668 therapy services.
1669 (u) Physician services, including physician assistant
1670 services.
1671 (v) Podiatric services.
1672 (w) Prescription drugs.
1673 (x) Renal dialysis services.
1674 (y) Respiratory equipment and supplies.
1675 (z) Rural health clinic services.
1676 (aa) Substance abuse treatment services.
1677 (bb) Transportation to access covered services.

1678 Section 42. Paragraph (a) of subsection (2) and paragraph
1679 (a) of subsection (7) of section 429.918, Florida Statutes, are
1680 amended to read:

1681 429.918 Licensure designation as a specialized Alzheimer's
1682 services adult day care center.—

1683 (2) As used in this section, the term:

1684 (a) "ADRD participant" means a participant who has a
1685 documented diagnosis of Alzheimer's disease or a dementia-
1686 related disorder (ADRD) from a licensed physician, licensed
1687 physician assistant, or a licensed advanced practice registered
1688 nurse ~~advanced registered nurse practitioner~~.

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1689 (7) (a) An ADRD participant admitted to an adult day care
1690 center having a license designated under this section, or the
1691 caregiver when applicable, must:

1692 1. Require ongoing supervision to maintain the highest
1693 level of medical or custodial functioning and have a
1694 demonstrated need for a responsible party to oversee his or her
1695 care.

1696 2. Not actively demonstrate aggressive behavior that
1697 places himself, herself, or others at risk of harm.

1698 3. Provide the following medical documentation signed by a
1699 licensed physician, licensed physician assistant, or a licensed
1700 advanced practice registered nurse ~~advanced registered nurse~~
1701 ~~practitioner~~:

1702 a. Any physical, health, or emotional conditions that
1703 require medical care.

1704 b. A listing of the ADRD participant's current prescribed
1705 and over-the-counter medications and dosages, diet restrictions,
1706 mobility restrictions, and other physical limitations.

1707 4. Provide documentation signed by a health care provider
1708 licensed in this state which indicates that the ADRD participant
1709 is free of the communicable form of tuberculosis and free of
1710 signs and symptoms of other communicable diseases.

1711 Section 43. Section 456.0391, Florida Statutes, is amended
1712 to read:

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1713 456.0391 Advanced practice registered nurses ~~Advanced~~
1714 ~~registered nurse practitioners~~; information required for
1715 licensure certification.—

1716 (1) (a) Each person who applies for initial licensure
1717 ~~certification~~ under s. 464.012 must, at the time of application,
1718 and each person licensed ~~certified~~ under s. 464.012 who applies
1719 for licensure certification renewal must, in conjunction with
1720 the renewal of such licensure certification and under procedures
1721 adopted by the Department of Health, and in addition to any
1722 other information that may be required from the applicant,
1723 furnish the following information to the Department of Health:

1724 1. The name of each school or training program that the
1725 applicant has attended, with the months and years of attendance
1726 and the month and year of graduation, and a description of all
1727 graduate professional education completed by the applicant,
1728 excluding any coursework taken to satisfy continuing education
1729 requirements.

1730 2. The name of each location at which the applicant
1731 practices.

1732 3. The address at which the applicant will primarily
1733 conduct his or her practice.

1734 4. Any certification or designation that the applicant has
1735 received from a specialty or certification board that is
1736 recognized or approved by the regulatory board or department to
1737 which the applicant is applying.

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1738 5. The year that the applicant received initial
1739 certification or licensure and began practicing the profession
1740 in any jurisdiction and the year that the applicant received
1741 initial certification or licensure in this state.

1742 6. Any appointment which the applicant currently holds to
1743 the faculty of a school related to the profession and an
1744 indication as to whether the applicant has had the
1745 responsibility for graduate education within the most recent 10
1746 years.

1747 7. A description of any criminal offense of which the
1748 applicant has been found guilty, regardless of whether
1749 adjudication of guilt was withheld, or to which the applicant
1750 has pled guilty or nolo contendere. A criminal offense committed
1751 in another jurisdiction which would have been a felony or
1752 misdemeanor if committed in this state must be reported. If the
1753 applicant indicates that a criminal offense is under appeal and
1754 submits a copy of the notice for appeal of that criminal
1755 offense, the department must state that the criminal offense is
1756 under appeal if the criminal offense is reported in the
1757 applicant's profile. If the applicant indicates to the
1758 department that a criminal offense is under appeal, the
1759 applicant must, within 15 days after the disposition of the
1760 appeal, submit to the department a copy of the final written
1761 order of disposition.

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1762 8. A description of any final disciplinary action taken
1763 within the previous 10 years against the applicant by a
1764 licensing or regulatory body in any jurisdiction, by a specialty
1765 board that is recognized by the board or department, or by a
1766 licensed hospital, health maintenance organization, prepaid
1767 health clinic, ambulatory surgical center, or nursing home.
1768 Disciplinary action includes resignation from or nonrenewal of
1769 staff membership or the restriction of privileges at a licensed
1770 hospital, health maintenance organization, prepaid health
1771 clinic, ambulatory surgical center, or nursing home taken in
1772 lieu of or in settlement of a pending disciplinary case related
1773 to competence or character. If the applicant indicates that the
1774 disciplinary action is under appeal and submits a copy of the
1775 document initiating an appeal of the disciplinary action, the
1776 department must state that the disciplinary action is under
1777 appeal if the disciplinary action is reported in the applicant's
1778 profile.

1779 (b) In addition to the information required under
1780 paragraph (a), each applicant for initial licensure
1781 ~~certification~~ or licensure ~~certification~~ renewal must provide
1782 the information required of licensees pursuant to s. 456.049.

1783 (2) The Department of Health shall send a notice to each
1784 person licensed ~~certified~~ under s. 464.012 at the licensee's
1785 ~~certification holder's~~ last known address of record regarding the
1786 requirements for information to be submitted by advanced

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1787 practice registered nurses ~~advanced registered nurse~~
1788 ~~practitioners~~ pursuant to this section in conjunction with the
1789 renewal of such license ~~certificate~~.

1790 (3) Each person licensed ~~certified~~ under s. 464.012 who
1791 has submitted information pursuant to subsection (1) must update
1792 that information in writing by notifying the Department of
1793 Health within 45 days after the occurrence of an event or the
1794 attainment of a status that is required to be reported by
1795 subsection (1). Failure to comply with the requirements of this
1796 subsection to update and submit information constitutes a ground
1797 for disciplinary action under chapter 464 and s. 456.072(1)(k).
1798 For failure to comply with the requirements of this subsection
1799 to update and submit information, the department or board, as
1800 appropriate, may:

1801 (a) Refuse to issue a license ~~certificate~~ to any person
1802 applying for initial licensure ~~certification~~ who fails to submit
1803 and update the required information.

1804 (b) Issue a citation to any certificateholder or licensee
1805 who fails to submit and update the required information and may
1806 fine the certificateholder or licensee up to \$50 for each day
1807 that the certificateholder or licensee is not in compliance with
1808 this subsection. The citation must clearly state that the
1809 certificateholder or licensee may choose, in lieu of accepting
1810 the citation, to follow the procedure under s. 456.073. If the
1811 certificateholder or licensee disputes the matter in the

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1812 citation, the procedures set forth in s. 456.073 must be
1813 followed. However, if the certificateholder or licensee does not
1814 dispute the matter in the citation with the department within 30
1815 days after the citation is served, the citation becomes a final
1816 order and constitutes discipline. Service of a citation may be
1817 made by personal service or certified mail, restricted delivery,
1818 to the subject at the certificateholder's or licensee's last
1819 known address.

1820 (4) (a) An applicant for initial licensure ~~certification~~
1821 under s. 464.012 must submit a set of fingerprints to the
1822 Department of Health on a form and under procedures specified by
1823 the department, along with payment in an amount equal to the
1824 costs incurred by the Department of Health for a national
1825 criminal history check of the applicant.

1826 (b) An applicant for renewed licensure ~~certification~~ who
1827 has not previously submitted a set of fingerprints to the
1828 Department of Health for purposes of certification must submit a
1829 set of fingerprints to the department as a condition of the
1830 initial renewal of his or her certificate after the effective
1831 date of this section. The applicant must submit the fingerprints
1832 on a form and under procedures specified by the department,
1833 along with payment in an amount equal to the costs incurred by
1834 the Department of Health for a national criminal history check.
1835 For subsequent renewals, the applicant for renewed licensure
1836 ~~certification~~ must only submit information necessary to conduct

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1837 a statewide criminal history check, along with payment in an
1838 amount equal to the costs incurred by the Department of Health
1839 for a statewide criminal history check.

1840 (c)1. The Department of Health shall submit the
1841 fingerprints provided by an applicant for initial licensure
1842 ~~certification~~ to the Florida Department of Law Enforcement for a
1843 statewide criminal history check, and the Florida Department of
1844 Law Enforcement shall forward the fingerprints to the Federal
1845 Bureau of Investigation for a national criminal history check of
1846 the applicant.

1847 2. The department shall submit the fingerprints provided
1848 by an applicant for the initial renewal of licensure
1849 ~~certification~~ to the Florida Department of Law Enforcement for a
1850 statewide criminal history check, and the Florida Department of
1851 Law Enforcement shall forward the fingerprints to the Federal
1852 Bureau of Investigation for a national criminal history check
1853 for the initial renewal of the applicant's certificate after the
1854 effective date of this section.

1855 3. For any subsequent renewal of the applicant's
1856 certificate, the department shall submit the required
1857 information for a statewide criminal history check of the
1858 applicant to the Florida Department of Law Enforcement.

1859 (d) Any applicant for initial licensure ~~certification~~ or
1860 renewal of licensure ~~certification~~ as an advanced practice
1861 registered nurse ~~advanced registered nurse practitioner~~ who

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1862 submits to the Department of Health a set of fingerprints and
1863 information required for the criminal history check required
1864 under this section shall not be required to provide a subsequent
1865 set of fingerprints or other duplicate information required for
1866 a criminal history check to the Agency for Health Care
1867 Administration, the Department of Juvenile Justice, or the
1868 Department of Children and Families for employment or licensure
1869 with such agency or department, if the applicant has undergone a
1870 criminal history check as a condition of initial licensure
1871 ~~certification~~ or renewal of licensure ~~certification~~ as an
1872 advanced practice registered nurse ~~advanced registered nurse~~
1873 ~~practitioner~~ with the Department of Health, notwithstanding any
1874 other provision of law to the contrary. In lieu of such
1875 duplicate submission, the Agency for Health Care Administration,
1876 the Department of Juvenile Justice, and the Department of
1877 Children and Families shall obtain criminal history information
1878 for employment or licensure of persons licensed ~~certified~~ under
1879 s. 464.012 by such agency or department from the Department of
1880 Health's health care practitioner credentialing system.

1881 (5) Each person who is required to submit information
1882 pursuant to this section may submit additional information to
1883 the Department of Health. Such information may include, but is
1884 not limited to:

1885 (a) Information regarding publications in peer-reviewed
1886 professional literature within the previous 10 years.

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1887 (b) Information regarding professional or community
1888 service activities or awards.

1889 (c) Languages, other than English, used by the applicant
1890 to communicate with patients or clients and identification of
1891 any translating service that may be available at the place where
1892 the applicant primarily conducts his or her practice.

1893 (d) An indication of whether the person participates in
1894 the Medicaid program.

1895 Section 44. Subsection (2) of section 456.0392, Florida
1896 Statutes, is amended to read:

1897 456.0392 Prescription labeling.—

1898 (2) A prescription for a drug that is not listed as a
1899 controlled substance in chapter 893 which is written by an
1900 advanced practice registered nurse licensed ~~advanced registered~~
1901 ~~nurse practitioner certified~~ under s. 464.012 is presumed,
1902 subject to rebuttal, to be valid and within the parameters of
1903 the prescriptive authority delegated by a practitioner licensed
1904 under chapter 458, chapter 459, or chapter 466.

1905 Section 45. Paragraph (a) of subsection (1) and subsection
1906 (6) of section 456.041, Florida Statutes, are amended to read:

1907 456.041 Practitioner profile; creation.—

1908 (1)(a) The Department of Health shall compile the
1909 information submitted pursuant to s. 456.039 into a practitioner
1910 profile of the applicant submitting the information, except that
1911 the Department of Health shall develop a format to compile

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1912 uniformly any information submitted under s. 456.039(4)(b).
1913 Beginning July 1, 2001, the Department of Health may compile the
1914 information submitted pursuant to s. 456.0391 into a
1915 practitioner profile of the applicant submitting the
1916 information. The protocol submitted pursuant to s. 464.012(3)
1917 must be included in the practitioner profile of the advanced
1918 practice registered nurse ~~advanced registered nurse~~
1919 ~~practitioner~~.

1920 (6) The Department of Health shall provide in each
1921 practitioner profile for every physician or advanced practice
1922 registered nurse ~~advanced registered nurse practitioner~~
1923 terminated for cause from participating in the Medicaid program,
1924 pursuant to s. 409.913, or sanctioned by the Medicaid program a
1925 statement that the practitioner has been terminated from
1926 participating in the Florida Medicaid program or sanctioned by
1927 the Medicaid program.

1928 Section 46. Subsection (1) of section 456.048, Florida
1929 Statutes, is amended to read:

1930 456.048 Financial responsibility requirements for certain
1931 health care practitioners.—

1932 (1) As a prerequisite for licensure or license renewal,
1933 the Board of Acupuncture, the Board of Chiropractic Medicine,
1934 the Board of Podiatric Medicine, and the Board of Dentistry
1935 shall, by rule, require that all health care practitioners
1936 licensed under the respective board, and the Board of Medicine

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1937 and the Board of Osteopathic Medicine shall, by rule, require
1938 that all anesthesiologist assistants licensed pursuant to s.
1939 458.3475 or s. 459.023, and the Board of Nursing shall, by rule,
1940 require that advanced practice registered nurses licensed
1941 ~~advanced registered nurse practitioners certified~~ under s.
1942 464.012, and the department shall, by rule, require that
1943 midwives maintain medical malpractice insurance or provide proof
1944 of financial responsibility in an amount and in a manner
1945 determined by the board or department to be sufficient to cover
1946 claims arising out of the rendering of or failure to render
1947 professional care and services in this state.

1948 Section 47. Subsection (7) of section 456.072, Florida
1949 Statutes, is amended to read:

1950 456.072 Grounds for discipline; penalties; enforcement.—

1951 (7) Notwithstanding subsection (2), upon a finding that a
1952 physician has prescribed or dispensed a controlled substance, or
1953 caused a controlled substance to be prescribed or dispensed, in
1954 a manner that violates the standard of practice set forth in s.
1955 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)
1956 or (s), or s. 466.028(1)(p) or (x), or that an advanced practice
1957 registered nurse ~~advanced registered nurse practitioner~~ has
1958 prescribed or dispensed a controlled substance, or caused a
1959 controlled substance to be prescribed or dispensed, in a manner
1960 that violates the standard of practice set forth in s.
1961 464.018(1)(n) or (p)6., the physician or advanced practice

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1962 registered nurse ~~advanced registered nurse practitioner~~ shall be
1963 suspended for a period of not less than 6 months and pay a fine
1964 of not less than \$10,000 per count. Repeated violations shall
1965 result in increased penalties.

1966 Section 48. Paragraph (g) of subsection (1) and subsection
1967 (2) of section 456.44, Florida Statutes, are amended to read:

1968 456.44 Controlled substance prescribing.—

1969 (1) DEFINITIONS.—As used in this section, the term:

1970 (g) "Registrant" means a physician, a physician assistant,
1971 or an advanced practice registered nurse ~~advanced registered~~
1972 ~~nurse practitioner~~ who meets the requirements of subsection (2).

1973 (2) REGISTRATION.—A physician licensed under chapter 458,
1974 chapter 459, chapter 461, or chapter 466, a physician assistant
1975 licensed under chapter 458 or chapter 459, or an advanced
1976 practice registered nurse licensed ~~advanced registered nurse~~
1977 ~~practitioner certified~~ under part I of chapter 464 who
1978 prescribes any controlled substance, listed in Schedule II,
1979 Schedule III, or Schedule IV as defined in s. 893.03, for the
1980 treatment of chronic nonmalignant pain, must:

1981 (a) Designate himself or herself as a controlled substance
1982 prescribing practitioner on his or her practitioner profile.

1983 (b) Comply with the requirements of this section and
1984 applicable board rules.

1985 Section 49. Paragraph (c) of subsection (2) of section
1986 458.3265, Florida Statutes, is amended to read:

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1987 458.3265 Pain-management clinics.—

1988 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
1989 apply to any physician who provides professional services in a
1990 pain-management clinic that is required to be registered in
1991 subsection (1).

1992 (c) A physician, a physician assistant, or an advanced
1993 practice registered nurse ~~advanced registered nurse practitioner~~
1994 must perform a physical examination of a patient on the same day
1995 that the physician prescribes a controlled substance to a
1996 patient at a pain-management clinic. If the physician prescribes
1997 more than a 72-hour dose of controlled substances for the
1998 treatment of chronic nonmalignant pain, the physician must
1999 document in the patient's record the reason for prescribing that
2000 quantity.

2001 Section 50. Paragraph (dd) of subsection (1) of section
2002 458.331, Florida Statutes, is amended to read:

2003 458.331 Grounds for disciplinary action; action by the
2004 board and department.—

2005 (1) The following acts constitute grounds for denial of a
2006 license or disciplinary action, as specified in s. 456.072(2):

2007 (dd) Failing to supervise adequately the activities of
2008 those physician assistants, paramedics, emergency medical
2009 technicians, advanced practice registered nurses ~~advanced~~
2010 ~~registered nurse practitioners~~, or anesthesiologist assistants
2011 acting under the supervision of the physician.

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2012 Section 51. Paragraph (a) of subsection (1) and subsection
2013 (3) of section 458.348, Florida Statutes, are amended to read:
2014 458.348 Formal supervisory relationships, standing orders,
2015 and established protocols; notice; standards.—

2016 (1) NOTICE.—

2017 (a) When a physician enters into a formal supervisory
2018 relationship or standing orders with an emergency medical
2019 technician or paramedic licensed pursuant to s. 401.27, which
2020 relationship or orders contemplate the performance of medical
2021 acts, or when a physician enters into an established protocol
2022 with an advanced practice registered nurse ~~advanced registered~~
2023 ~~nurse practitioner~~, which protocol contemplates the performance
2024 of medical acts set forth in s. 464.012(3) and (4), the
2025 physician shall submit notice to the board. The notice shall
2026 contain a statement in substantially the following form:

2027
2028 I, ...(name and professional license number of
2029 physician)..., of ...(address of physician)... have hereby
2030 entered into a formal supervisory relationship, standing orders,
2031 or an established protocol with ...(number of persons)...
2032 emergency medical technician(s), ...(number of persons)...
2033 paramedic(s), or ...(number of persons)... advanced practice
2034 registered nurse(s) ~~advanced registered nurse practitioner(s)~~.

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(3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

2036
2037 A physician who supervises an advanced practice registered nurse
2038 ~~advanced registered nurse practitioner~~ or physician assistant at
2039 a medical office other than the physician's primary practice
2040 location, where the advanced practice registered nurse ~~advanced~~
2041 ~~registered nurse practitioner~~ or physician assistant is not
2042 under the onsite supervision of a supervising physician, must
2043 comply with the standards set forth in this subsection. For the
2044 purpose of this subsection, a physician's "primary practice
2045 location" means the address reflected on the physician's profile
2046 published pursuant to s. 456.041.

2047 (a) A physician who is engaged in providing primary health
2048 care services may not supervise more than four offices in
2049 addition to the physician's primary practice location. For the
2050 purpose of this subsection, "primary health care" means health
2051 care services that are commonly provided to patients without
2052 referral from another practitioner, including obstetrical and
2053 gynecological services, and excludes practices providing
2054 primarily dermatologic and skin care services, which include
2055 aesthetic skin care services.

2056 (b) A physician who is engaged in providing specialty
2057 health care services may not supervise more than two offices in
2058 addition to the physician's primary practice location. For the
2059 purpose of this subsection, "specialty health care" means health
2060 care services that are commonly provided to patients with a

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2061 referral from another practitioner and excludes practices
2062 providing primarily dermatologic and skin care services, which
2063 include aesthetic skin care services.

2064 (c) A physician who supervises an advanced practice
2065 registered nurse ~~advanced registered nurse practitioner~~ or
2066 physician assistant at a medical office other than the
2067 physician's primary practice location, where the advanced
2068 practice registered nurse ~~advanced registered nurse practitioner~~
2069 or physician assistant is not under the onsite supervision of a
2070 supervising physician and the services offered at the office are
2071 primarily dermatologic or skin care services, which include
2072 aesthetic skin care services other than plastic surgery, must
2073 comply with the standards listed in subparagraphs 1.-4.
2074 Notwithstanding s. 458.347(4)(e)6., a physician supervising a
2075 physician assistant pursuant to this paragraph may not be
2076 required to review and cosign charts or medical records prepared
2077 by such physician assistant.

2078 1. The physician shall submit to the board the addresses
2079 of all offices where he or she is supervising an advanced
2080 practice registered nurse ~~advanced registered nurse practitioner~~
2081 or a physician's assistant which are not the physician's primary
2082 practice location.

2083 2. The physician must be board certified or board eligible
2084 in dermatology or plastic surgery as recognized by the board
2085 pursuant to s. 458.3312.

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2086 3. All such offices that are not the physician's primary
2087 place of practice must be within 25 miles of the physician's
2088 primary place of practice or in a county that is contiguous to
2089 the county of the physician's primary place of practice.
2090 However, the distance between any of the offices may not exceed
2091 75 miles.

2092 4. The physician may supervise only one office other than
2093 the physician's primary place of practice except that until July
2094 1, 2011, the physician may supervise up to two medical offices
2095 other than the physician's primary place of practice if the
2096 addresses of the offices are submitted to the board before July
2097 1, 2006. Effective July 1, 2011, the physician may supervise
2098 only one office other than the physician's primary place of
2099 practice, regardless of when the addresses of the offices were
2100 submitted to the board.

2101 (d) A physician who supervises an office in addition to
2102 the physician's primary practice location must conspicuously
2103 post in each of the physician's offices a current schedule of
2104 the regular hours when the physician is present in that office
2105 and the hours when the office is open while the physician is not
2106 present.

2107 (e) This subsection does not apply to health care services
2108 provided in facilities licensed under chapter 395 or in
2109 conjunction with a college of medicine, a college of nursing, an
2110 accredited graduate medical program, or a nursing education

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2111 program; not-for-profit, family-planning clinics that are not
2112 licensed pursuant to chapter 390; rural and federally qualified
2113 health centers; health care services provided in a nursing home
2114 licensed under part II of chapter 400, an assisted living
2115 facility licensed under part I of chapter 429, a continuing care
2116 facility licensed under chapter 651, or a retirement community
2117 consisting of independent living units and a licensed nursing
2118 home or assisted living facility; anesthesia services provided
2119 in accordance with law; health care services provided in a
2120 designated rural health clinic; health care services provided to
2121 persons enrolled in a program designed to maintain elderly
2122 persons and persons with disabilities in a home or community-
2123 based setting; university primary care student health centers;
2124 school health clinics; or health care services provided in
2125 federal, state, or local government facilities. Subsection (2)
2126 and this subsection do not apply to offices at which the
2127 exclusive service being performed is laser hair removal by an
2128 advanced practice registered nurse ~~advanced registered nurse~~
2129 ~~practitioner~~ or physician assistant.

2130 Section 52. Paragraph (c) of subsection (2) of section
2131 459.0137, Florida Statutes, is amended to read:

2132 459.0137 Pain-management clinics.—

2133 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
2134 apply to any osteopathic physician who provides professional

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2135 services in a pain-management clinic that is required to be
2136 registered in subsection (1).

2137 (c) An osteopathic physician, a physician assistant, or an
2138 advanced practice registered nurse ~~advanced registered nurse~~
2139 ~~practitioner~~ must perform a physical examination of a patient on
2140 the same day that the physician prescribes a controlled
2141 substance to a patient at a pain-management clinic. If the
2142 osteopathic physician prescribes more than a 72-hour dose of
2143 controlled substances for the treatment of chronic nonmalignant
2144 pain, the osteopathic physician must document in the patient's
2145 record the reason for prescribing that quantity.

2146 Section 53. Paragraph (hh) of subsection (1) of section
2147 459.015, Florida Statutes, is amended to read:

2148 459.015 Grounds for disciplinary action; action by the
2149 board and department.—

2150 (1) The following acts constitute grounds for denial of a
2151 license or disciplinary action, as specified in s. 456.072(2):

2152 (hh) Failing to supervise adequately the activities of
2153 those physician assistants, paramedics, emergency medical
2154 technicians, advanced practice registered nurses ~~advanced~~
2155 ~~registered nurse practitioners~~, anesthesiologist assistants, or
2156 other persons acting under the supervision of the osteopathic
2157 physician.

2158 Section 54. Paragraph (a) of subsection (1) and subsection
2159 (3) of section 459.025, Florida Statutes, are amended to read:

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2160 459.025 Formal supervisory relationships, standing orders,
2161 and established protocols; notice; standards.—

2162 (1) NOTICE.—

2163 (a) When an osteopathic physician enters into a formal
2164 supervisory relationship or standing orders with an emergency
2165 medical technician or paramedic licensed pursuant to s. 401.27,
2166 which relationship or orders contemplate the performance of
2167 medical acts, or when an osteopathic physician enters into an
2168 established protocol with an advanced practice registered nurse
2169 ~~advanced registered nurse practitioner~~, which protocol
2170 contemplates the performance of medical acts or acts set forth
2171 in s. 464.012(3) and (4), the osteopathic physician shall submit
2172 notice to the board. The notice must contain a statement in
2173 substantially the following form:

2174
2175 I, ...(name and professional license number of osteopathic
2176 physician)..., of ...(address of osteopathic physician)... have
2177 hereby entered into a formal supervisory relationship, standing
2178 orders, or an established protocol with ...(number of
2179 persons)... emergency medical technician(s), ...(number of
2180 persons)... paramedic(s), or ...(number of persons)... advanced
2181 practice registered nurse(s) ~~advanced registered nurse~~
2182 ~~practitioner(s)~~.

2183 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

2184 An osteopathic physician who supervises an advanced practice

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2185 registered nurse ~~advanced registered nurse practitioner~~ or
2186 physician assistant at a medical office other than the
2187 osteopathic physician's primary practice location, where the
2188 advanced practice registered nurse ~~advanced registered nurse~~
2189 ~~practitioner~~ or physician assistant is not under the onsite
2190 supervision of a supervising osteopathic physician, must comply
2191 with the standards set forth in this subsection. For the purpose
2192 of this subsection, an osteopathic physician's "primary practice
2193 location" means the address reflected on the physician's profile
2194 published pursuant to s. 456.041.

2195 (a) An osteopathic physician who is engaged in providing
2196 primary health care services may not supervise more than four
2197 offices in addition to the osteopathic physician's primary
2198 practice location. For the purpose of this subsection, "primary
2199 health care" means health care services that are commonly
2200 provided to patients without referral from another practitioner,
2201 including obstetrical and gynecological services, and excludes
2202 practices providing primarily dermatologic and skin care
2203 services, which include aesthetic skin care services.

2204 (b) An osteopathic physician who is engaged in providing
2205 specialty health care services may not supervise more than two
2206 offices in addition to the osteopathic physician's primary
2207 practice location. For the purpose of this subsection,
2208 "specialty health care" means health care services that are
2209 commonly provided to patients with a referral from another

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2210 practitioner and excludes practices providing primarily
2211 dermatologic and skin care services, which include aesthetic
2212 skin care services.

2213 (c) An osteopathic physician who supervises an advanced
2214 practice registered nurse ~~advanced registered nurse practitioner~~
2215 or physician assistant at a medical office other than the
2216 osteopathic physician's primary practice location, where the
2217 advanced practice registered nurse ~~advanced registered nurse~~
2218 ~~practitioner~~ or physician assistant is not under the onsite
2219 supervision of a supervising osteopathic physician and the
2220 services offered at the office are primarily dermatologic or
2221 skin care services, which include aesthetic skin care services
2222 other than plastic surgery, must comply with the standards
2223 listed in subparagraphs 1.-4. Notwithstanding s.
2224 459.022(4)(e)6., an osteopathic physician supervising a
2225 physician assistant pursuant to this paragraph may not be
2226 required to review and cosign charts or medical records prepared
2227 by such physician assistant.

2228 1. The osteopathic physician shall submit to the Board of
2229 Osteopathic Medicine the addresses of all offices where he or
2230 she is supervising or has a protocol with an advanced practice
2231 registered nurse ~~advanced registered nurse practitioner~~ or a
2232 physician ~~physician's~~ assistant which are not the osteopathic
2233 physician's primary practice location.

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2234 2. The osteopathic physician must be board certified or
2235 board eligible in dermatology or plastic surgery as recognized
2236 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

2237 3. All such offices that are not the osteopathic
2238 physician's primary place of practice must be within 25 miles of
2239 the osteopathic physician's primary place of practice or in a
2240 county that is contiguous to the county of the osteopathic
2241 physician's primary place of practice. However, the distance
2242 between any of the offices may not exceed 75 miles.

2243 4. The osteopathic physician may supervise only one office
2244 other than the osteopathic physician's primary place of practice
2245 except that until July 1, 2011, the osteopathic physician may
2246 supervise up to two medical offices other than the osteopathic
2247 physician's primary place of practice if the addresses of the
2248 offices are submitted to the Board of Osteopathic Medicine
2249 before July 1, 2006. Effective July 1, 2011, the osteopathic
2250 physician may supervise only one office other than the
2251 osteopathic physician's primary place of practice, regardless of
2252 when the addresses of the offices were submitted to the Board of
2253 Osteopathic Medicine.

2254 (d) An osteopathic physician who supervises an office in
2255 addition to the osteopathic physician's primary practice
2256 location must conspicuously post in each of the osteopathic
2257 physician's offices a current schedule of the regular hours when
2258 the osteopathic physician is present in that office and the

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2259 hours when the office is open while the osteopathic physician is
2260 not present.

2261 (e) This subsection does not apply to health care services
2262 provided in facilities licensed under chapter 395 or in
2263 conjunction with a college of medicine or college of nursing or
2264 an accredited graduate medical or nursing education program;
2265 offices where the only service being performed is hair removal
2266 by an advanced practice registered nurse ~~advanced registered~~
2267 ~~nurse practitioner~~ or physician assistant; not-for-profit,
2268 family-planning clinics that are not licensed pursuant to
2269 chapter 390; rural and federally qualified health centers;
2270 health care services provided in a nursing home licensed under
2271 part II of chapter 400, an assisted living facility licensed
2272 under part I of chapter 429, a continuing care facility licensed
2273 under chapter 651, or a retirement community consisting of
2274 independent living units and either a licensed nursing home or
2275 assisted living facility; anesthesia services provided in
2276 accordance with law; health care services provided in a
2277 designated rural health clinic; health care services provided to
2278 persons enrolled in a program designed to maintain elderly
2279 persons and persons with disabilities in a home or community-
2280 based setting; university primary care student health centers;
2281 school health clinics; or health care services provided in
2282 federal, state, or local government facilities.

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2283 Section 55. Subsection (2) of section 464.003, Florida
2284 Statutes, is amended to read:
2285 464.003 Definitions.—As used in this part, the term:
2286 (2) "Advanced or specialized nursing practice" means, in
2287 addition to the practice of professional nursing, the
2288 performance of advanced-level nursing acts approved by the board
2289 which, by virtue of postbasic specialized education, training,
2290 and experience, are appropriately performed by an advanced
2291 practice registered nurse ~~advanced registered nurse~~
2292 ~~practitioner~~. Within the context of advanced or specialized
2293 nursing practice, the advanced practice registered nurse
2294 ~~advanced registered nurse practitioner~~ may perform acts of
2295 nursing diagnosis and nursing treatment of alterations of the
2296 health status. The advanced practice registered nurse ~~advanced~~
2297 ~~registered nurse practitioner~~ may also perform acts of medical
2298 diagnosis and treatment, prescription, and operation as
2299 authorized within the framework of an established supervisory
2300 protocol. The department may, by rule, require that a copy of
2301 the protocol be filed with the department along with the notice
2302 required by s. 458.348.

2303 Section 56. Subsection (2) of section 464.004, Florida
2304 Statutes, is amended to read:
2305 464.004 Board of Nursing; membership; appointment; terms.—
2306 (2) Seven members of the board must be registered nurses
2307 who are residents of this state and who have been engaged in the

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2308 practice of professional nursing for at least 4 years, including
2309 at least one advanced practice registered nurse ~~advanced~~
2310 ~~registered nurse practitioner~~, one nurse educator member of an
2311 approved program, and one nurse executive. These seven board
2312 members should be representative of the diverse areas of
2313 practice within the nursing profession. In addition, three
2314 members of the board must be licensed practical nurses who are
2315 residents of this state and who have been actively engaged in
2316 the practice of practical nursing for at least 4 years prior to
2317 their appointment. The remaining three members must be residents
2318 of the state who have never been licensed as nurses and who are
2319 in no way connected with the practice of nursing. No person may
2320 be appointed as a lay member who is in any way connected with,
2321 or has any financial interest in, any health care facility,
2322 agency, or insurer. At least one member of the board must be 60
2323 years of age or older.

2324 Section 57. Paragraph (b) of subsection (3) of section
2325 464.013, Florida Statutes, is amended to read:

2326 464.013 Renewal of license or certificate.—

2327 (3) The board shall by rule prescribe up to 30 hours of
2328 continuing education biennially as a condition for renewal of a
2329 license or certificate.

2330 (b) Notwithstanding the exemption in paragraph (a), as
2331 part of the maximum 30 hours of continuing education hours
2332 required under this subsection, advanced practice registered

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2333 nurses licensed ~~advanced registered nurse practitioners~~
2334 ~~certified~~ under s. 464.012 must complete at least 3 hours of
2335 continuing education on the safe and effective prescription of
2336 controlled substances. Such continuing education courses must be
2337 offered by a statewide professional association of physicians in
2338 this state accredited to provide educational activities
2339 designated for the American Medical Association Physician's
2340 Recognition Award Category 1 credit, the American Nurses
2341 Credentialing Center, the American Association of Nurse
2342 Anesthetists, or the American Association of Nurse Practitioners
2343 and may be offered in a distance learning format.

2344 Section 58. Subsections (5) and (8), of section 464.015,
2345 Florida Statutes, are amended to read:

2346 464.015 Titles and abbreviations; restrictions; penalty.-

2347 (5) Only persons who hold valid licenses ~~certificates~~ to
2348 practice as clinical nurse specialists in this state may use the
2349 title "Clinical Nurse Specialist" and the abbreviation "C.N.S."

2350 (8) Only persons who hold valid licenses ~~certificates~~ to
2351 practice as advanced practice registered nurses ~~advanced~~
2352 ~~registered nurse practitioners~~ in this state may use the title
2353 "Advanced Practice Registered Nurse" ~~"Advanced Registered Nurse~~
2354 ~~Practitioner"~~ and the abbreviation "A.P.R.N." ~~"A.R.N.P."~~

2355 Section 59. Subsection (9) of section 464.015, Florida
2356 Statutes, as amended by section 9 of chapter 2016-139, Laws of
2357 Florida, is amended to read:

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2358 464.015 Titles and abbreviations; restrictions; penalty.-
2359 (9) A person may not practice or advertise as, or assume
2360 the title of, registered nurse, licensed practical nurse,
2361 clinical nurse specialist, certified registered nurse
2362 anesthetist, certified nurse midwife, certified nurse
2363 practitioner, or advanced practice registered nurse ~~advanced~~
2364 ~~registered nurse practitioner~~ or use the abbreviation "R.N.,"
2365 "L.P.N.," "C.N.S.," "C.R.N.A.," "C.N.M.," "C.N.P.," or
2366 "A.P.R.N.," "~~A.R.N.P.~~" or take any other action that would lead
2367 the public to believe that person was authorized by law to
2368 practice as such or is performing nursing services pursuant to
2369 the exception set forth in s. 464.022(8) unless that person is
2370 licensed, certified, or authorized pursuant to s. 464.0095 to
2371 practice as such.

2372 Section 60. Paragraph (a) of subsection (2) of section
2373 464.016, Florida Statutes, is amended to read:

2374 464.016 Violations and penalties.-

2375 (2) Each of the following acts constitutes a misdemeanor
2376 of the first degree, punishable as provided in s. 775.082 or s.
2377 775.083:

2378 (a) Using the name or title "Nurse," "Registered Nurse,"
2379 "Licensed Practical Nurse," "Clinical Nurse Specialist,"
2380 "Certified Registered Nurse Anesthetist," "Certified Nurse
2381 Practitioner," "Certified Nurse Midwife," "Advanced Practice
2382 Registered Nurse," "~~Advanced Registered Nurse Practitioner~~," or

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2383 any other name or title which implies that a person was licensed
2384 or certified as same, unless such person is duly licensed or
2385 certified.

2386 Section 61. Paragraphs (p) and (q) of subsection (1) of
2387 section 464.018, Florida Statutes, are amended to read:

2388 464.018 Disciplinary actions.—

2389 (1) The following acts constitute grounds for denial of a
2390 license or disciplinary action, as specified in s. 456.072(2):

2391 (p) For an advanced practice registered nurse ~~advanced~~
2392 ~~registered nurse practitioner~~:

2393 1. Presigning blank prescription forms.

2394 2. Prescribing for office use any medicinal drug appearing
2395 on Schedule II in chapter 893.

2396 3. Prescribing, ordering, dispensing, administering,
2397 supplying, selling, or giving a drug that is an amphetamine, a
2398 sympathomimetic amine drug, or a compound designated in s.
2399 893.03(2) as a Schedule II controlled substance, to or for any
2400 person except for:

2401 a. The treatment of narcolepsy; hyperkinesis; behavioral
2402 syndrome in children characterized by the developmentally
2403 inappropriate symptoms of moderate to severe distractibility,
2404 short attention span, hyperactivity, emotional lability, and
2405 impulsivity; or drug-induced brain dysfunction.

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2406 b. The differential diagnostic psychiatric evaluation of
2407 depression or the treatment of depression shown to be refractory
2408 to other therapeutic modalities.

2409 c. The clinical investigation of the effects of such drugs
2410 or compounds when an investigative protocol is submitted to,
2411 reviewed by, and approved by the department before such
2412 investigation is begun.

2413 4. Prescribing, ordering, dispensing, administering,
2414 supplying, selling, or giving growth hormones, testosterone or
2415 its analogs, human chorionic gonadotropin (HCG), or other
2416 hormones for the purpose of muscle building or to enhance
2417 athletic performance. As used in this subparagraph, the term
2418 "muscle building" does not include the treatment of injured
2419 muscle. A prescription written for the drug products identified
2420 in this subparagraph may be dispensed by a pharmacist with the
2421 presumption that the prescription is for legitimate medical use.

2422 5. Promoting or advertising on any prescription form a
2423 community pharmacy unless the form also states: "This
2424 prescription may be filled at any pharmacy of your choice."

2425 6. Prescribing, dispensing, administering, mixing, or
2426 otherwise preparing a legend drug, including a controlled
2427 substance, other than in the course of his or her professional
2428 practice. For the purposes of this subparagraph, it is legally
2429 presumed that prescribing, dispensing, administering, mixing, or
2430 otherwise preparing legend drugs, including all controlled

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2431 substances, inappropriately or in excessive or inappropriate
2432 quantities is not in the best interest of the patient and is not
2433 in the course of the advanced practice registered nurse's
2434 ~~advanced registered nurse practitioner's~~ professional practice,
2435 without regard to his or her intent.

2436 7. Prescribing, dispensing, or administering a medicinal
2437 drug appearing on any schedule set forth in chapter 893 to
2438 himself or herself, except a drug prescribed, dispensed, or
2439 administered to the advanced practice registered nurse ~~advanced~~
2440 ~~registered nurse practitioner~~ by another practitioner authorized
2441 to prescribe, dispense, or administer medicinal drugs.

2442 8. Prescribing, ordering, dispensing, administering,
2443 supplying, selling, or giving amygdalin (laetrile) to any
2444 person.

2445 9. Dispensing a substance designated in s. 893.03(2) or
2446 (3) as a substance controlled in Schedule II or Schedule III,
2447 respectively, in violation of s. 465.0276.

2448 10. Promoting or advertising through any communication
2449 medium the use, sale, or dispensing of a substance designated in
2450 s. 893.03 as a controlled substance.

2451 (q) For a psychiatric nurse:

2452 1. Presigning blank prescription forms.

2453 2. Prescribing for office use any medicinal drug appearing
2454 in Schedule II of s. 893.03.

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2455 3. Prescribing, ordering, dispensing, administering,
2456 supplying, selling, or giving a drug that is an amphetamine, a
2457 sympathomimetic amine drug, or a compound designated in s.
2458 893.03(2) as a Schedule II controlled substance, to or for any
2459 person except for:

2460 a. The treatment of narcolepsy; hyperkinesis; behavioral
2461 syndrome in children characterized by the developmentally
2462 inappropriate symptoms of moderate to severe distractibility,
2463 short attention span, hyperactivity, emotional lability, and
2464 impulsivity; or drug-induced brain dysfunction.

2465 b. The differential diagnostic psychiatric evaluation of
2466 depression or the treatment of depression shown to be refractory
2467 to other therapeutic modalities.

2468 c. The clinical investigation of the effects of such drugs
2469 or compounds when an investigative protocol is submitted to,
2470 reviewed by, and approved by the department before such
2471 investigation is begun.

2472 4. Prescribing, ordering, dispensing, administering,
2473 supplying, selling, or giving growth hormones, testosterone or
2474 its analogs, human chorionic gonadotropin (HCG), or other
2475 hormones for the purpose of muscle building or to enhance
2476 athletic performance. As used in this subparagraph, the term
2477 "muscle building" does not include the treatment of injured
2478 muscle. A prescription written for the drug products identified

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2479 in this subparagraph may be dispensed by a pharmacist with the
2480 presumption that the prescription is for legitimate medical use.

2481 5. Promoting or advertising on any prescription form a
2482 community pharmacy unless the form also states: "This
2483 prescription may be filled at any pharmacy of your choice."

2484 6. Prescribing, dispensing, administering, mixing, or
2485 otherwise preparing a legend drug, including a controlled
2486 substance, other than in the course of his or her professional
2487 practice. For the purposes of this subparagraph, it is legally
2488 presumed that prescribing, dispensing, administering, mixing, or
2489 otherwise preparing legend drugs, including all controlled
2490 substances, inappropriately or in excessive or inappropriate
2491 quantities is not in the best interest of the patient and is not
2492 in the course of the advanced practice registered nurse's
2493 ~~advanced registered nurse practitioner's~~ professional practice,
2494 without regard to his or her intent.

2495 7. Prescribing, dispensing, or administering a medicinal
2496 drug appearing on any schedule set forth in chapter 893 to
2497 himself or herself, except a drug prescribed, dispensed, or
2498 administered to the psychiatric nurse by another practitioner
2499 authorized to prescribe, dispense, or administer medicinal
2500 drugs.

2501 8. Prescribing, ordering, dispensing, administering,
2502 supplying, selling, or giving amygdalin (laetrile) to any
2503 person.

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2504 9. Dispensing a substance designated in s. 893.03(2) or
2505 (3) as a substance controlled in Schedule II or Schedule III,
2506 respectively, in violation of s. 465.0276.

2507 10. Promoting or advertising through any communication
2508 medium the use, sale, or dispensing of a substance designated in
2509 s. 893.03 as a controlled substance.

2510 Section 62. Paragraph (a) of subsection (4) of section
2511 464.0205, Florida Statutes, is amended to read:

2512 464.0205 Retired volunteer nurse certificate.—

2513 (4) A retired volunteer nurse receiving certification from
2514 the board shall:

2515 (a) Work under the direct supervision of the director of a
2516 county health department, a physician working under a limited
2517 license issued pursuant to s. 458.317 or s. 459.0075, a
2518 physician licensed under chapter 458 or chapter 459, an advanced
2519 practice registered nurse licensed ~~advanced registered nurse~~
2520 ~~practitioner certified~~ under s. 464.012, or a registered nurse
2521 licensed under s. 464.008 or s. 464.009.

2522 Section 63. Subsection (2) of section 467.003, Florida
2523 Statutes, is amended to read:

2524 467.003 Definitions.—As used in this chapter, unless the
2525 context otherwise requires:

2526 (2) "Certified nurse midwife" means a person who is
2527 licensed as an advanced practice registered nurse ~~advanced~~
2528 ~~registered nurse practitioner~~ under part I of chapter 464 and

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2529 | who is certified to practice midwifery by the American College
2530 | of Nurse Midwives.

2531 | Section 64. Subsection (1) of section 480.0475, Florida
2532 | Statutes, is amended to read:

2533 | 480.0475 Massage establishments; prohibited practices.—

2534 | (1) A person may not operate a massage establishment
2535 | between the hours of midnight and 5 a.m. This subsection does
2536 | not apply to a massage establishment:

2537 | (a) Located on the premises of a health care facility as
2538 | defined in s. 408.07; a health care clinic as defined in s.
2539 | 400.9905(4); a hotel, motel, or bed and breakfast inn, as those
2540 | terms are defined in s. 509.242; a timeshare property as defined
2541 | in s. 721.05; a public airport as defined in s. 330.27; or a
2542 | pari-mutuel facility as defined in s. 550.002;

2543 | (b) In which every massage performed between the hours of
2544 | midnight and 5 a.m. is performed by a massage therapist acting
2545 | under the prescription of a physician or physician assistant
2546 | licensed under chapter 458, an osteopathic physician or
2547 | physician assistant licensed under chapter 459, a chiropractic
2548 | physician licensed under chapter 460, a podiatric physician
2549 | licensed under chapter 461, an advanced practice registered
2550 | nurse ~~advanced registered nurse practitioner~~ licensed under part
2551 | I of chapter 464, or a dentist licensed under chapter 466; or

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2552 (c) Operating during a special event if the county or
2553 municipality in which the establishment operates has approved
2554 such operation during the special event.

2555 Section 65. Subsection (7) of section 483.041, Florida
2556 Statutes, is amended to read:

2557 483.041 Definitions.—As used in this part, the term:

2558 (7) "Licensed practitioner" means a physician licensed
2559 under chapter 458, chapter 459, chapter 460, or chapter 461; a
2560 certified optometrist licensed under chapter 463; a dentist
2561 licensed under chapter 466; a person licensed under chapter 462;
2562 a consultant pharmacist or doctor of pharmacy licensed under
2563 chapter 465; or an advanced practice registered nurse ~~advanced~~
2564 ~~registered nurse practitioner~~ licensed under part I of chapter
2565 464; or a duly licensed practitioner from another state licensed
2566 under similar statutes who orders examinations on materials or
2567 specimens for nonresidents of the State of Florida, but who
2568 reside in the same state as the requesting licensed
2569 practitioner.

2570 Section 66. Subsection (5) of section 483.801, Florida
2571 Statutes, is amended to read:

2572 483.801 Exemptions.—This part applies to all clinical
2573 laboratories and clinical laboratory personnel within this
2574 state, except:

2575 (5) Advanced practice registered nurses ~~advanced~~
2576 ~~registered nurse practitioners~~ licensed under part I of chapter

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2577 464 who perform provider-performed microscopy procedures (PPMP)
2578 in an exclusive-use laboratory setting.

2579 Section 67. Paragraph (a) of subsection (11) of section
2580 486.021, Florida Statutes, is amended to read:

2581 486.021 Definitions.—In this chapter, unless the context
2582 otherwise requires, the term:

2583 (11) "Practice of physical therapy" means the performance
2584 of physical therapy assessments and the treatment of any
2585 disability, injury, disease, or other health condition of human
2586 beings, or the prevention of such disability, injury, disease,
2587 or other condition of health, and rehabilitation as related
2588 thereto by the use of the physical, chemical, and other
2589 properties of air; electricity; exercise; massage; the
2590 performance of acupuncture only upon compliance with the
2591 criteria set forth by the Board of Medicine, when no penetration
2592 of the skin occurs; the use of radiant energy, including
2593 ultraviolet, visible, and infrared rays; ultrasound; water; the
2594 use of apparatus and equipment in the application of the
2595 foregoing or related thereto; the performance of tests of
2596 neuromuscular functions as an aid to the diagnosis or treatment
2597 of any human condition; or the performance of electromyography
2598 as an aid to the diagnosis of any human condition only upon
2599 compliance with the criteria set forth by the Board of Medicine.

2600 (a) A physical therapist may implement a plan of treatment
2601 developed by the physical therapist for a patient or provided

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2602 for a patient by a practitioner of record or by an advanced
2603 practice registered nurse ~~advanced registered nurse practitioner~~
2604 licensed under s. 464.012. The physical therapist shall refer
2605 the patient to or consult with a practitioner of record if the
2606 patient's condition is found to be outside the scope of physical
2607 therapy. If physical therapy treatment for a patient is required
2608 beyond 30 days for a condition not previously assessed by a
2609 practitioner of record, the physical therapist shall have a
2610 practitioner of record review and sign the plan. The requirement
2611 that a physical therapist have a practitioner of record review
2612 and sign a plan of treatment does not apply when a patient has
2613 been physically examined by a physician licensed in another
2614 state, the patient has been diagnosed by the physician as having
2615 a condition for which physical therapy is required, and the
2616 physical therapist is treating the condition. For purposes of
2617 this paragraph, a health care practitioner licensed under
2618 chapter 458, chapter 459, chapter 460, chapter 461, or chapter
2619 466 and engaged in active practice is eligible to serve as a
2620 practitioner of record.

2621 Section 68. Paragraph (d) of subsection (1) of section
2622 490.012, Florida Statutes, is amended to read:

2623 490.012 Violations; penalties; injunction.—

2624 (1)

2625 (d) A person may not ~~No person shall~~ hold herself or
2626 himself out by any title or description incorporating the word,

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2627 or a permutation of the word, "psychotherapy" unless such person
2628 holds a valid, active license under chapter 458, chapter 459,
2629 chapter 490, or chapter 491, or such person is licensed
2630 ~~certified~~ as an advanced practice registered nurse under
2631 ~~advanced registered nurse practitioner, pursuant to s. 464.012,~~
2632 who has been determined by the Board of Nursing as a specialist
2633 in psychiatric mental health.

2634 Section 69. Subsection (1) of section 491.0057, Florida
2635 Statutes, is amended to read:

2636 491.0057 Dual licensure as a marriage and family
2637 therapist.—The department shall license as a marriage and family
2638 therapist any person who demonstrates to the board that he or
2639 she:

2640 (1) Holds a valid, active license as a psychologist under
2641 chapter 490 or as a clinical social worker or mental health
2642 counselor under this chapter, or is licensed ~~certified~~ under s.
2643 464.012 as an advanced practice registered nurse ~~advanced~~
2644 ~~registered nurse practitioner~~ who has been determined by the
2645 Board of Nursing as a specialist in psychiatric mental health.

2646 Section 70. Paragraph (d) of subsection (1) and subsection
2647 (2) of section 491.012, Florida Statutes, are amended to read:

2648 491.012 Violations; penalty; injunction.—

2649 (1) It is unlawful and a violation of this chapter for any
2650 person to:

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2651 (d) Use the terms psychotherapist, sex therapist, or
2652 juvenile sexual offender therapist unless such person is
2653 licensed pursuant to this chapter or chapter 490, or is licensed
2654 ~~certified~~ under s. 464.012 as an advanced practice registered
2655 nurse ~~advanced registered nurse practitioner~~ who has been
2656 determined by the Board of Nursing as a specialist in
2657 psychiatric mental health and the use of such terms is within
2658 the scope of her or his practice based on education, training,
2659 and licensure.

2660 (2) It is unlawful and a violation of this chapter for any
2661 person to describe her or his services using the following terms
2662 or any derivative thereof, unless such person holds a valid,
2663 active license under this chapter or chapter 490, or is licensed
2664 ~~certified~~ under s. 464.012 as an advanced practice registered
2665 nurse ~~advanced registered nurse practitioner~~ who has been
2666 determined by the Board of Nursing as a specialist in
2667 psychiatric mental health and the use of such terms is within
2668 the scope of her or his practice based on education, training,
2669 and licensure:

- 2670 (a) "Psychotherapy."
2671 (b) "Sex therapy."
2672 (c) "Sex counseling."
2673 (d) "Clinical social work."
2674 (e) "Psychiatric social work."
2675 (f) "Marriage and family therapy."

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2676 (g) "Marriage and family counseling."

2677 (h) "Marriage counseling."

2678 (i) "Family counseling."

2679 (j) "Mental health counseling."

2680 Section 71. Subsection (2) of section 493.6108, Florida
2681 Statutes, is amended to read:

2682 493.6108 Investigation of applicants by Department of
2683 Agriculture and Consumer Services.—

2684 (2) In addition to subsection (1), the department shall
2685 make an investigation of the general physical fitness of the
2686 Class "G" applicant to bear a weapon or firearm. Determination
2687 of physical fitness shall be certified by a physician or
2688 physician assistant currently licensed pursuant to chapter 458,
2689 chapter 459, or any similar law of another state or authorized
2690 to act as a licensed physician by a federal agency or department
2691 or by an advanced practice registered nurse ~~advanced registered~~
2692 ~~nurse practitioner~~ currently licensed pursuant to chapter 464.
2693 Such certification shall be submitted on a form provided by the
2694 department.

2695 Section 72. Paragraph (b) of subsection (1) of section
2696 627.357, Florida Statutes, is amended to read:

2697 627.357 Medical malpractice self-insurance.—

2698 (1) DEFINITIONS.—As used in this section, the term:

2699 (b) "Health care provider" means any:

2700 1. Hospital licensed under chapter 395.

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- 2701 2. Physician licensed, or physician assistant licensed,
2702 under chapter 458.
- 2703 3. Osteopathic physician or physician assistant licensed
2704 under chapter 459.
- 2705 4. Podiatric physician licensed under chapter 461.
- 2706 5. Health maintenance organization certificated under part
2707 I of chapter 641.
- 2708 6. Ambulatory surgical center licensed under chapter 395.
- 2709 7. Chiropractic physician licensed under chapter 460.
- 2710 8. Psychologist licensed under chapter 490.
- 2711 9. Optometrist licensed under chapter 463.
- 2712 10. Dentist licensed under chapter 466.
- 2713 11. Pharmacist licensed under chapter 465.
- 2714 12. Registered nurse, licensed practical nurse, or
2715 advanced practice registered nurse ~~advanced registered nurse~~
2716 ~~practitioner~~ licensed or registered under part I of chapter 464.
- 2717 13. Other medical facility.
- 2718 14. Professional association, partnership, corporation,
2719 joint venture, or other association established by the
2720 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,
2721 10., 11., and 12. for professional activity.
- 2722 Section 73. Subsection (6) of section 627.6471, Florida
2723 Statutes, is amended to read:
- 2724 627.6471 Contracts for reduced rates of payment;
2725 limitations; coinsurance and deductibles.—

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2726 (6) If psychotherapeutic services are covered by a policy
2727 issued by the insurer, the insurer shall provide eligibility
2728 criteria for each group of health care providers licensed under
2729 chapter 458, chapter 459, chapter 490, or chapter 491, which
2730 include psychotherapy within the scope of their practice as
2731 provided by law, or for any person who is licensed ~~certified~~ as
2732 an advanced practice registered nurse ~~advanced registered nurse~~
2733 ~~practitioner~~ in psychiatric mental health under s. 464.012. When
2734 psychotherapeutic services are covered, eligibility criteria
2735 shall be established by the insurer to be included in the
2736 insurer's criteria for selection of network providers. The
2737 insurer may not discriminate against a health care provider by
2738 excluding such practitioner from its provider network solely on
2739 the basis of the practitioner's license.

2740 Section 74. Subsections (15) and (17) of section 627.6472,
2741 Florida Statutes, are amended to read:

2742 627.6472 Exclusive provider organizations.—

2743 (15) If psychotherapeutic services are covered by a policy
2744 issued by the insurer, the insurer shall provide eligibility
2745 criteria for all groups of health care providers licensed under
2746 chapter 458, chapter 459, chapter 490, or chapter 491, which
2747 include psychotherapy within the scope of their practice as
2748 provided by law, or for any person who is licensed ~~certified~~ as
2749 an advanced practice registered nurse ~~advanced registered nurse~~
2750 ~~practitioner~~ in psychiatric mental health under s. 464.012. When

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2751 psychotherapeutic services are covered, eligibility criteria
2752 shall be established by the insurer to be included in the
2753 insurer's criteria for selection of network providers. The
2754 insurer may not discriminate against a health care provider by
2755 excluding such practitioner from its provider network solely on
2756 the basis of the practitioner's license.

2757 (17) An exclusive provider organization shall not
2758 discriminate with respect to participation as to any advanced
2759 practice registered nurse ~~advanced registered nurse practitioner~~
2760 licensed ~~and certified~~ pursuant to s. 464.012, who is acting
2761 within the scope of such license ~~and certification~~, solely on
2762 the basis of such license ~~or certification~~. This subsection
2763 shall not be construed to prohibit a plan from including
2764 providers only to the extent necessary to meet the needs of the
2765 plan's enrollees or from establishing any measure designed to
2766 maintain quality and control costs consistent with the
2767 responsibilities of the plan.

2768 Section 75. Paragraph (a) of subsection (1) of section
2769 627.736, Florida Statutes, is amended to read:

2770 627.736 Required personal injury protection benefits;
2771 exclusions; priority; claims.—

2772 (1) REQUIRED BENEFITS.—An insurance policy complying with
2773 the security requirements of s. 627.733 must provide personal
2774 injury protection to the named insured, relatives residing in
2775 the same household, persons operating the insured motor vehicle,

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2776 passengers in the motor vehicle, and other persons struck by the
2777 motor vehicle and suffering bodily injury while not an occupant
2778 of a self-propelled vehicle, subject to subsection (2) and
2779 paragraph (4) (e), to a limit of \$10,000 in medical and
2780 disability benefits and \$5,000 in death benefits resulting from
2781 bodily injury, sickness, disease, or death arising out of the
2782 ownership, maintenance, or use of a motor vehicle as follows:

2783 (a) Medical benefits.—Eighty percent of all reasonable
2784 expenses for medically necessary medical, surgical, X-ray,
2785 dental, and rehabilitative services, including prosthetic
2786 devices and medically necessary ambulance, hospital, and nursing
2787 services if the individual receives initial services and care
2788 pursuant to subparagraph 1. within 14 days after the motor
2789 vehicle accident. The medical benefits provide reimbursement
2790 only for:

2791 1. Initial services and care that are lawfully provided,
2792 supervised, ordered, or prescribed by a physician licensed under
2793 chapter 458 or chapter 459, a dentist licensed under chapter
2794 466, or a chiropractic physician licensed under chapter 460 or
2795 that are provided in a hospital or in a facility that owns, or
2796 is wholly owned by, a hospital. Initial services and care may
2797 also be provided by a person or entity licensed under part III
2798 of chapter 401 which provides emergency transportation and
2799 treatment.

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2800 2. Upon referral by a provider described in subparagraph
2801 1., followup services and care consistent with the underlying
2802 medical diagnosis rendered pursuant to subparagraph 1. which may
2803 be provided, supervised, ordered, or prescribed only by a
2804 physician licensed under chapter 458 or chapter 459, a
2805 chiropractic physician licensed under chapter 460, a dentist
2806 licensed under chapter 466, or, to the extent permitted by
2807 applicable law and under the supervision of such physician,
2808 osteopathic physician, chiropractic physician, or dentist, by a
2809 physician assistant licensed under chapter 458 or chapter 459 or
2810 an advanced practice registered nurse ~~advanced registered nurse~~
2811 ~~practitioner~~ licensed under chapter 464. Followup services and
2812 care may also be provided by the following persons or entities:

2813 a. A hospital or ambulatory surgical center licensed under
2814 chapter 395.

2815 b. An entity wholly owned by one or more physicians
2816 licensed under chapter 458 or chapter 459, chiropractic
2817 physicians licensed under chapter 460, or dentists licensed
2818 under chapter 466 or by such practitioners and the spouse,
2819 parent, child, or sibling of such practitioners.

2820 c. An entity that owns or is wholly owned, directly or
2821 indirectly, by a hospital or hospitals.

2822 d. A physical therapist licensed under chapter 486, based
2823 upon a referral by a provider described in this subparagraph.

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2824 e. A health care clinic licensed under part X of chapter
2825 400 which is accredited by an accrediting organization whose
2826 standards incorporate comparable regulations required by this
2827 state, or

2828 (I) Has a medical director licensed under chapter 458,
2829 chapter 459, or chapter 460;

2830 (II) Has been continuously licensed for more than 3 years
2831 or is a publicly traded corporation that issues securities
2832 traded on an exchange registered with the United States
2833 Securities and Exchange Commission as a national securities
2834 exchange; and

2835 (III) Provides at least four of the following medical
2836 specialties:

2837 (A) General medicine.

2838 (B) Radiography.

2839 (C) Orthopedic medicine.

2840 (D) Physical medicine.

2841 (E) Physical therapy.

2842 (F) Physical rehabilitation.

2843 (G) Prescribing or dispensing outpatient prescription
2844 medication.

2845 (H) Laboratory services.

2846 3. Reimbursement for services and care provided in
2847 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
2848 licensed under chapter 458 or chapter 459, a dentist licensed

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2849 | under chapter 466, a physician assistant licensed under chapter
2850 | 458 or chapter 459, or an advanced practice registered nurse
2851 | ~~advanced registered nurse practitioner~~ licensed under chapter
2852 | 464 has determined that the injured person had an emergency
2853 | medical condition.

2854 | 4. Reimbursement for services and care provided in
2855 | subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
2856 | provider listed in subparagraph 1. or subparagraph 2. determines
2857 | that the injured person did not have an emergency medical
2858 | condition.

2859 | 5. Medical benefits do not include massage as defined in
2860 | s. 480.033 or acupuncture as defined in s. 457.102, regardless
2861 | of the person, entity, or licensee providing massage or
2862 | acupuncture, and a licensed massage therapist or licensed
2863 | acupuncturist may not be reimbursed for medical benefits under
2864 | this section.

2865 | 6. The Financial Services Commission shall adopt by rule
2866 | the form that must be used by an insurer and a health care
2867 | provider specified in sub-subparagraph 2.b., sub-subparagraph
2868 | 2.c., or sub-subparagraph 2.e. to document that the health care
2869 | provider meets the criteria of this paragraph. Such rule must
2870 | include a requirement for a sworn statement or affidavit.

2871 |
2872 | Only insurers writing motor vehicle liability insurance in this
2873 | state may provide the required benefits of this section, and

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2874 such insurer may not require the purchase of any other motor
2875 vehicle coverage other than the purchase of property damage
2876 liability coverage as required by s. 627.7275 as a condition for
2877 providing such benefits. Insurers may not require that property
2878 damage liability insurance in an amount greater than \$10,000 be
2879 purchased in conjunction with personal injury protection. Such
2880 insurers shall make benefits and required property damage
2881 liability insurance coverage available through normal marketing
2882 channels. An insurer writing motor vehicle liability insurance
2883 in this state who fails to comply with such availability
2884 requirement as a general business practice violates part IX of
2885 chapter 626, and such violation constitutes an unfair method of
2886 competition or an unfair or deceptive act or practice involving
2887 the business of insurance. An insurer committing such violation
2888 is subject to the penalties provided under that part, as well as
2889 those provided elsewhere in the insurance code.

2890 Section 76. Subsection (5) of section 633.412, Florida
2891 Statutes, is amended to read:

2892 633.412 Firefighters; qualifications for certification.—A
2893 person applying for certification as a firefighter must:

2894 (5) Be in good physical condition as determined by a
2895 medical examination given by a physician, surgeon, or physician
2896 assistant licensed to practice in the state pursuant to chapter
2897 458; an osteopathic physician, surgeon, or physician assistant
2898 licensed to practice in the state pursuant to chapter 459; or an

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2899 advanced practice registered nurse ~~advanced registered nurse~~
2900 ~~practitioner~~ licensed to practice in the state pursuant to
2901 chapter 464. Such examination may include, but need not be
2902 limited to, the National Fire Protection Association Standard
2903 1582. A medical examination evidencing good physical condition
2904 shall be submitted to the division, on a form as provided by
2905 rule, before an individual is eligible for admission into a
2906 course under s. 633.408.

2907 Section 77. Section 641.3923, Florida Statutes, is amended
2908 to read:

2909 641.3923 Discrimination against providers prohibited.—A
2910 health maintenance organization may ~~shall~~ not discriminate with
2911 respect to participation as to any advanced practice registered
2912 nurse ~~advanced registered nurse practitioner~~ licensed and
2913 ~~certified~~ pursuant to s. 464.012, who is acting within the scope
2914 of such license ~~and certification~~, solely on the basis of such
2915 license ~~or certification~~. This section may ~~shall~~ not be
2916 construed to prohibit a plan from including providers only to
2917 the extent necessary to meet the needs of the plan's enrollees
2918 or from establishing any measure designed to maintain quality
2919 and control costs consistent with the responsibilities of the
2920 plan.

2921 Section 78. Subsection (3) of section 766.103, Florida
2922 Statutes, is amended to read:

2923 766.103 Florida Medical Consent Law.—

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2924 (3) No recovery shall be allowed in any court in this
2925 state against any physician licensed under chapter 458,
2926 osteopathic physician licensed under chapter 459, chiropractic
2927 physician licensed under chapter 460, podiatric physician
2928 licensed under chapter 461, dentist licensed under chapter 466,
2929 advanced practice registered nurse licensed ~~advanced registered~~
2930 ~~nurse practitioner certified~~ under s. 464.012, or physician
2931 assistant licensed under s. 458.347 or s. 459.022 in an action
2932 brought for treating, examining, or operating on a patient
2933 without his or her informed consent when:

2934 (a)1. The action of the physician, osteopathic physician,
2935 chiropractic physician, podiatric physician, dentist, advanced
2936 practice registered nurse ~~advanced registered nurse~~
2937 ~~practitioner~~, or physician assistant in obtaining the consent of
2938 the patient or another person authorized to give consent for the
2939 patient was in accordance with an accepted standard of medical
2940 practice among members of the medical profession with similar
2941 training and experience in the same or similar medical community
2942 as that of the person treating, examining, or operating on the
2943 patient for whom the consent is obtained; and

2944 2. A reasonable individual, from the information provided
2945 by the physician, osteopathic physician, chiropractic physician,
2946 podiatric physician, dentist, advanced practice registered nurse
2947 ~~advanced registered nurse practitioner~~, or physician assistant,
2948 under the circumstances, would have a general understanding of

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2949 the procedure, the medically acceptable alternative procedures
2950 or treatments, and the substantial risks and hazards inherent in
2951 the proposed treatment or procedures, which are recognized among
2952 other physicians, osteopathic physicians, chiropractic
2953 physicians, podiatric physicians, or dentists in the same or
2954 similar community who perform similar treatments or procedures;
2955 or

2956 (b) The patient would reasonably, under all the
2957 surrounding circumstances, have undergone such treatment or
2958 procedure had he or she been advised by the physician,
2959 osteopathic physician, chiropractic physician, podiatric
2960 physician, dentist, advanced practice registered nurse ~~advanced~~
2961 ~~registered nurse practitioner~~, or physician assistant in
2962 accordance with the provisions of paragraph (a).

2963 Section 79. Paragraph (d) of subsection (3) of section
2964 766.1115, Florida Statutes, is amended to read:

2965 766.1115 Health care providers; creation of agency
2966 relationship with governmental contractors.-

2967 (3) DEFINITIONS.-As used in this section, the term:

2968 (d) "Health care provider" or "provider" means:

- 2969 1. A birth center licensed under chapter 383.
2970 2. An ambulatory surgical center licensed under chapter
2971 395.
2972 3. A hospital licensed under chapter 395.

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- 2973 4. A physician or physician assistant licensed under
2974 chapter 458.
- 2975 5. An osteopathic physician or osteopathic physician
2976 assistant licensed under chapter 459.
- 2977 6. A chiropractic physician licensed under chapter 460.
- 2978 7. A podiatric physician licensed under chapter 461.
- 2979 8. A registered nurse, nurse midwife, licensed practical
2980 nurse, or advanced practice registered nurse ~~advanced registered~~
2981 ~~nurse practitioner~~ licensed or registered under part I of
2982 chapter 464 or any facility which employs nurses licensed or
2983 registered under part I of chapter 464 to supply all or part of
2984 the care delivered under this section.
- 2985 9. A midwife licensed under chapter 467.
- 2986 10. A health maintenance organization certificated under
2987 part I of chapter 641.
- 2988 11. A health care professional association and its
2989 employees or a corporate medical group and its employees.
- 2990 12. Any other medical facility the primary purpose of
2991 which is to deliver human medical diagnostic services or which
2992 delivers nonsurgical human medical treatment, and which includes
2993 an office maintained by a provider.
- 2994 13. A dentist or dental hygienist licensed under chapter
2995 466.

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2996 14. A free clinic that delivers only medical diagnostic
2997 services or nonsurgical medical treatment free of charge to all
2998 low-income recipients.

2999 15. Any other health care professional, practitioner,
3000 provider, or facility under contract with a governmental
3001 contractor, including a student enrolled in an accredited
3002 program that prepares the student for licensure as any one of
3003 the professionals listed in subparagraphs 4.-9.

3004
3005 The term includes any nonprofit corporation qualified as exempt
3006 from federal income taxation under s. 501(a) of the Internal
3007 Revenue Code, and described in s. 501(c) of the Internal Revenue
3008 Code, which delivers health care services provided by licensed
3009 professionals listed in this paragraph, any federally funded
3010 community health center, and any volunteer corporation or
3011 volunteer health care provider that delivers health care
3012 services.

3013 Section 80. Subsection (1) of section 766.1116, Florida
3014 Statutes, is amended to read:

3015 766.1116 Health care practitioner; waiver of license
3016 renewal fees and continuing education requirements.-

3017 (1) As used in this section, the term "health care
3018 practitioner" means a physician or physician assistant licensed
3019 under chapter 458; an osteopathic physician or physician
3020 assistant licensed under chapter 459; a chiropractic physician

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3021 licensed under chapter 460; a podiatric physician licensed under
3022 chapter 461; an advanced practice registered nurse ~~advanced~~
3023 ~~registered nurse practitioner~~, registered nurse, or licensed
3024 practical nurse licensed under part I of chapter 464; a dentist
3025 or dental hygienist licensed under chapter 466; or a midwife
3026 licensed under chapter 467, who participates as a health care
3027 provider under s. 766.1115.

3028 Section 81. Paragraph (c) of subsection (1) of section
3029 766.118, Florida Statutes, is amended to read:

3030 766.118 Determination of noneconomic damages.—

3031 (1) DEFINITIONS.—As used in this section, the term:

3032 (c) "Practitioner" means any person licensed under chapter
3033 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter
3034 463, chapter 466, chapter 467, ~~or~~ chapter 486 or ~~certified under~~
3035 s. 464.012. "Practitioner" also means any association,
3036 corporation, firm, partnership, or other business entity under
3037 which such practitioner practices or any employee of such
3038 practitioner or entity acting in the scope of his or her
3039 employment. For the purpose of determining the limitations on
3040 noneconomic damages set forth in this section, the term
3041 "practitioner" includes any person or entity for whom a
3042 practitioner is vicariously liable and any person or entity
3043 whose liability is based solely on such person or entity being
3044 vicariously liable for the actions of a practitioner.

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3045 Section 82. Subsection (5) of section 794.08, Florida
3046 Statutes, is amended to read:

3047 794.08 Female genital mutilation.—

3048 (5) This section does not apply to procedures performed by
3049 or under the direction of a physician licensed under chapter
3050 458, an osteopathic physician licensed under chapter 459, a
3051 registered nurse licensed under part I of chapter 464, a
3052 practical nurse licensed under part I of chapter 464, an
3053 advanced practice registered nurse ~~advanced registered nurse~~
3054 ~~practitioner~~ licensed under part I of chapter 464, a midwife
3055 licensed under chapter 467, or a physician assistant licensed
3056 under chapter 458 or chapter 459 when necessary to preserve the
3057 physical health of a female person. This section also does not
3058 apply to any autopsy or limited dissection conducted pursuant to
3059 chapter 406.

3060 Section 83. Subsection (23) of section 893.02, Florida
3061 Statutes, is amended to read:

3062 893.02 Definitions.—The following words and phrases as
3063 used in this chapter shall have the following meanings, unless
3064 the context otherwise requires:

3065 (23) "Practitioner" means a physician licensed under
3066 chapter 458, a dentist licensed under chapter 466, a
3067 veterinarian licensed under chapter 474, an osteopathic
3068 physician licensed under chapter 459, an advanced practice
3069 registered nurse licensed ~~advanced registered nurse practitioner~~

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3070 ~~certified~~ under chapter 464, a naturopath licensed under chapter
3071 462, a certified optometrist licensed under chapter 463, a
3072 psychiatric nurse as defined in s. 394.455, a podiatric
3073 physician licensed under chapter 461, or a physician assistant
3074 licensed under chapter 458 or chapter 459, provided such
3075 practitioner holds a valid federal controlled substance registry
3076 number.

3077 Section 84. Paragraph (b) of subsection (1) of section
3078 893.05, Florida Statutes, is amended to read:

3079 893.05 Practitioners and persons administering controlled
3080 substances in their absence.—

3081 (1)

3082 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
3083 464.012(3), as applicable, a practitioner who supervises a
3084 licensed physician assistant or advanced practice registered
3085 nurse ~~advanced registered nurse practitioner~~ may authorize the
3086 licensed physician assistant or advanced practice registered
3087 nurse ~~advanced registered nurse practitioner~~ to order controlled
3088 substances for administration to a patient in a facility
3089 licensed under chapter 395 or part II of chapter 400.

3090 Section 85. Subsection (6) of section 943.13, Florida
3091 Statutes, is amended to read:

3092 943.13 Officers' minimum qualifications for employment or
3093 appointment.—On or after October 1, 1984, any person employed or
3094 appointed as a full-time, part-time, or auxiliary law

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3095 enforcement officer or correctional officer; on or after October
3096 1, 1986, any person employed as a full-time, part-time, or
3097 auxiliary correctional probation officer; and on or after
3098 October 1, 1986, any person employed as a full-time, part-time,
3099 or auxiliary correctional officer by a private entity under
3100 contract to the Department of Corrections, to a county
3101 commission, or to the Department of Management Services shall:
3102 (6) Have passed a physical examination by a licensed
3103 physician, physician assistant, or licensed advanced practice
3104 registered nurse ~~certified advanced registered nurse~~
3105 ~~practitioner~~, based on specifications established by the
3106 commission. In order to be eligible for the presumption set
3107 forth in s. 112.18 while employed with an employing agency, a
3108 law enforcement officer, correctional officer, or correctional
3109 probation officer must have successfully passed the physical
3110 examination required by this subsection upon entering into
3111 service as a law enforcement officer, correctional officer, or
3112 correctional probation officer with the employing agency, which
3113 examination must have failed to reveal any evidence of
3114 tuberculosis, heart disease, or hypertension. A law enforcement
3115 officer, correctional officer, or correctional probation officer
3116 may not use a physical examination from a former employing
3117 agency for purposes of claiming the presumption set forth in s.
3118 112.18 against the current employing agency.

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Amendment No.

3119 Section 86. Paragraph (n) of subsection (1) of section
3120 948.03, Florida Statutes, is amended to read:

3121 948.03 Terms and conditions of probation.—

3122 (1) The court shall determine the terms and conditions of
3123 probation. Conditions specified in this section do not require
3124 oral pronouncement at the time of sentencing and may be
3125 considered standard conditions of probation. These conditions
3126 may include among them the following, that the probationer or
3127 offender in community control shall:

3128 (n) Be prohibited from using intoxicants to excess or
3129 possessing any drugs or narcotics unless prescribed by a
3130 physician, an advanced practice registered nurse ~~advanced~~
3131 ~~registered nurse practitioner~~, or a physician assistant. The
3132 probationer or community controllee may not knowingly visit
3133 places where intoxicants, drugs, or other dangerous substances
3134 are unlawfully sold, dispensed, or used.

3135 Section 87. Paragraph (i) of subsection (3) of section
3136 1002.20, Florida Statutes, is amended to read:

3137 1002.20 K-12 student and parent rights.—Parents of public
3138 school students must receive accurate and timely information
3139 regarding their child's academic progress and must be informed
3140 of ways they can help their child to succeed in school. K-12
3141 students and their parents are afforded numerous statutory
3142 rights including, but not limited to, the following:

3143 (3) HEALTH ISSUES.—

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Amendment No.

3144 (i) Epinephrine use and supply.-

3145 1. A student who has experienced or is at risk for life-
3146 threatening allergic reactions may carry an epinephrine auto-
3147 injector and self-administer epinephrine by auto-injector while
3148 in school, participating in school-sponsored activities, or in
3149 transit to or from school or school-sponsored activities if the
3150 school has been provided with parental and physician
3151 authorization. The State Board of Education, in cooperation with
3152 the Department of Health, shall adopt rules for such use of
3153 epinephrine auto-injectors that shall include provisions to
3154 protect the safety of all students from the misuse or abuse of
3155 auto-injectors. A school district, county health department,
3156 public-private partner, and their employees and volunteers shall
3157 be indemnified by the parent of a student authorized to carry an
3158 epinephrine auto-injector for any and all liability with respect
3159 to the student's use of an epinephrine auto-injector pursuant to
3160 this paragraph.

3161 2. A public school may purchase a supply of epinephrine
3162 auto-injectors from a wholesale distributor as defined in s.
3163 499.003 or may enter into an arrangement with a wholesale
3164 distributor or manufacturer as defined in s. 499.003 for the
3165 epinephrine auto-injectors at fair-market, free, or reduced
3166 prices for use in the event a student has an anaphylactic
3167 reaction. The epinephrine auto-injectors must be maintained in a
3168 secure location on the public school's premises. The

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Amendment No.

3169 participating school district shall adopt a protocol developed
3170 by a licensed physician for the administration by school
3171 personnel who are trained to recognize an anaphylactic reaction
3172 and to administer an epinephrine auto-injection. The supply of
3173 epinephrine auto-injectors may be provided to and used by a
3174 student authorized to self-administer epinephrine by auto-
3175 injector under subparagraph 1. or trained school personnel.

3176 3. The school district and its employees, agents, and the
3177 physician who provides the standing protocol for school
3178 epinephrine auto-injectors are not liable for any injury arising
3179 from the use of an epinephrine auto-injector administered by
3180 trained school personnel who follow the adopted protocol and
3181 whose professional opinion is that the student is having an
3182 anaphylactic reaction:

3183 a. Unless the trained school personnel's action is willful
3184 and wanton;

3185 b. Notwithstanding that the parents or guardians of the
3186 student to whom the epinephrine is administered have not been
3187 provided notice or have not signed a statement acknowledging
3188 that the school district is not liable; and

3189 c. Regardless of whether authorization has been given by
3190 the student's parents or guardians or by the student's
3191 physician, physician's assistant, or advanced practice
3192 registered nurse ~~advanced registered nurse practitioner.~~

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Amendment No.

3193 Section 88. Paragraph (b) of subsection (17) of section
3194 1002.42, Florida Statutes, is amended to read:
3195 1002.42 Private schools.—
3196 (17) EPINEPHRINE SUPPLY.—
3197 (b) The private school and its employees, agents, and the
3198 physician who provides the standing protocol for school
3199 epinephrine auto-injectors are not liable for any injury arising
3200 from the use of an epinephrine auto-injector administered by
3201 trained school personnel who follow the adopted protocol and
3202 whose professional opinion is that the student is having an
3203 anaphylactic reaction:
3204 1. Unless the trained school personnel's action is willful
3205 and wanton;
3206 2. Notwithstanding that the parents or guardians of the
3207 student to whom the epinephrine is administered have not been
3208 provided notice or have not signed a statement acknowledging
3209 that the school district is not liable; and
3210 3. Regardless of whether authorization has been given by
3211 the student's parents or guardians or by the student's
3212 physician, physician's assistant, or advanced practice
3213 registered nurse ~~advanced registered nurse practitioner~~.
3214 Section 89. Subsections (4) and (5) of section 1006.062,
3215 Florida Statutes, are amended to read:
3216 1006.062 Administration of medication and provision of
3217 medical services by district school board personnel.—

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Amendment No.

3218 (4) Nonmedical assistive personnel shall be allowed to
3219 perform health-related services upon successful completion of
3220 child-specific training by a registered nurse or advanced
3221 practice registered nurse ~~advanced registered nurse practitioner~~
3222 licensed under chapter 464, a physician licensed pursuant to
3223 chapter 458 or chapter 459, or a physician assistant licensed
3224 pursuant to chapter 458 or chapter 459. All procedures shall be
3225 monitored periodically by a nurse, advanced practice registered
3226 nurse ~~advanced registered nurse practitioner~~, physician
3227 assistant, or physician, including, but not limited to:

- 3228 (a) Intermittent clean catheterization.
3229 (b) Gastrostomy tube feeding.
3230 (c) Monitoring blood glucose.
3231 (d) Administering emergency injectable medication.

3232 (5) For all other invasive medical services not listed in
3233 this subsection, a registered nurse or advanced practice
3234 registered nurse ~~advanced registered nurse practitioner~~ licensed
3235 under chapter 464, a physician licensed pursuant to chapter 458
3236 or chapter 459, or a physician assistant licensed pursuant to
3237 chapter 458 or chapter 459 shall determine if nonmedical
3238 district school board personnel shall be allowed to perform such
3239 service.

3240 Section 90. Subsection (1) and paragraph (a) of subsection
3241 (2) of section 1009.65, Florida Statutes, are amended to read:

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Amendment No.

3242 1009.65 Medical Education Reimbursement and Loan Repayment
3243 Program.—

3244 (1) To encourage qualified medical professionals to
3245 practice in underserved locations where there are shortages of
3246 such personnel, there is established the Medical Education
3247 Reimbursement and Loan Repayment Program. The function of the
3248 program is to make payments that offset loans and educational
3249 expenses incurred by students for studies leading to a medical
3250 or nursing degree, medical or nursing licensure, or advanced
3251 practice registered nurse licensure ~~advanced registered nurse~~
3252 ~~practitioner certification~~ or physician assistant licensure. The
3253 following licensed or certified health care professionals are
3254 eligible to participate in this program: medical doctors with
3255 primary care specialties, doctors of osteopathic medicine with
3256 primary care specialties, physician's assistants, licensed
3257 practical nurses and registered nurses, and advanced practice
3258 registered nurses ~~advanced registered nurse practitioners~~ with
3259 primary care specialties such as certified nurse midwives.
3260 Primary care medical specialties for physicians include
3261 obstetrics, gynecology, general and family practice, internal
3262 medicine, pediatrics, and other specialties which may be
3263 identified by the Department of Health.

3264 (2) From the funds available, the Department of Health
3265 shall make payments to selected medical professionals as
3266 follows:

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Amendment No.

3267 (a) Up to \$4,000 per year for licensed practical nurses
3268 and registered nurses, up to \$10,000 per year for advanced
3269 practice registered nurses ~~advanced registered nurse~~
3270 ~~practitioners~~ and physician's assistants, and up to \$20,000 per
3271 year for physicians. Penalties for noncompliance shall be the
3272 same as those in the National Health Services Corps Loan
3273 Repayment Program. Educational expenses include costs for
3274 tuition, matriculation, registration, books, laboratory and
3275 other fees, other educational costs, and reasonable living
3276 expenses as determined by the Department of Health.

3277 Section 91. Subsection (2) of section 1009.66, Florida
3278 Statutes, is amended to read:

3279 1009.66 Nursing Student Loan Forgiveness Program.—

3280 (2) To be eligible, a candidate must have graduated from
3281 an accredited or approved nursing program and have received a
3282 Florida license as a licensed practical nurse or a registered
3283 nurse or a Florida license certificate as an advanced practice
3284 registered nurse ~~advanced registered nurse practitioner~~.

3285 Section 92. Subsection (3) of section 1009.67, Florida
3286 Statutes, is amended to read:

3287 1009.67 Nursing scholarship program.—

3288 (3) A scholarship may be awarded for no more than 2 years,
3289 in an amount not to exceed \$8,000 per year. However, registered
3290 nurses pursuing a graduate degree for a faculty position or to
3291 practice as an advanced practice registered nurse ~~advanced~~

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Amendment No.

3292 ~~registered nurse practitioner~~ may receive up to \$12,000 per
3293 year. These amounts shall be adjusted by the amount of increase
3294 or decrease in the Consumer Price Index for All Urban Consumers
3295 published by the United States Department of Commerce.

3296
3297 Section 93. Except as otherwise expressly provided in this
3298 act, this act shall take effect July 1, 2018

3299
3300 -----
3301 **T I T L E A M E N D M E N T**

3302 Remove everything before the enacting clause and insert:
3303 An act relating to nursing; amending s. 464.003, F.S.; defining
3304 the term "advanced practice registered nurse"; deleting the
3305 terms "advanced registered nurse practitioner", "clinical nurse
3306 specialist" and "clinical nurse specialist practice," to conform
3307 to changes made by the act; repealing s. 464.0115, F.S.,
3308 relating to the certification of clinical nurse specialists;
3309 amending s. 464.012, F.S.; requiring any nurse desiring to be
3310 licensed as an advanced practice registered nurse to apply to
3311 the Department of Health, submit proof that he or she holds a
3312 current license to practice professional nursing, and meet one
3313 or more specified requirements as determined by the Board of
3314 Nursing; authorizing the board to adopt rules to provide for
3315 provisional state licensure of certified nurse midwives,
3316 certified nurse practitioners, certified registered nurse

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1337 (2018)

Amendment No.

3317 anesthetists, clinical nurse specialists, and psychiatric nurses
3318 for a specified period of time; requiring the department and the
3319 board to establish a transition process for converting certain
3320 certified practitioners to licensed practitioners; authorizing
3321 certain certified practitioners to continue practicing advanced
3322 nursing during a specified period of time; providing
3323 construction; providing an expiration date for provisions
3324 relating to the transition from certification to licensure;
3325 conforming provisions to changes made by the act; amending s.
3326 960.28, F.S.; conforming a cross-reference; amending ss. 39.303,
3327 39.304, 90.503, 110.12315, 121.0515, 252.515, 310.071, 310.073,
3328 310.081, 320.0848, 381.00315, 381.00593, 383.14, 383.141,
3329 384.27, 390.0111, 390.012, 394.455, 395.0191, 397.311, 397.4012,
3330 397.427, 397.679, 397.6793, 400.021, 400.462, 400.487, 400.506,
3331 400.9973, 400.9974, 400.9976, 400.9979, 401.445, 409.905,
3332 409.908, 409.973, 429.918, 456.0391, 456.0392, 456.041, 456.048,
3333 456.072, 456.44, 458.3265, 458.331, 458.348, 459.0137, 459.015,
3334 459.025, 464.003, 464.004, 464.013, 464.015, 464.016, 464.018,
3335 464.0205, 467.003, 480.0475, 483.041, 483.801, 486.021, 490.012,
3336 491.0057, 491.012, 493.6108, 627.357, 627.6471, 627.6472,
3337 627.736, 633.412, 641.3923, 766.103, 766.1115, 766.1116,
3338 766.118, 794.08, 893.02, 893.05, 943.13, 948.03, 1002.20,
3339 1002.42, 1006.062, 1009.65, 1009.66, and 1009.67, F.S.;

3340 conforming provisions to changes made by the act; providing
3341 effective dates.

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