

By Senator Grimsley

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1 A bill to be entitled
2 An act relating to board-certified medical
3 specialists; amending s. 458.331, F.S.; conforming a
4 provision; repealing s. 458.3312, F.S., relating to
5 board-certified specialists; amending s. 458.348,
6 F.S.; conforming a provision; amending s. 766.106,
7 F.S.; conforming a cross-reference; providing an
8 effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Paragraph (11) of subsection (1) of section
13 458.331, Florida Statutes, is amended to read:

14 458.331 Grounds for disciplinary action; action by the
15 board and department.—

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

18 ~~(11) Advertising or holding oneself out as a board-~~
19 ~~certified specialist, if not qualified under s. 458.3312, in~~
20 ~~violation of this chapter.~~

21 Section 2. Section 458.3312, Florida Statutes, is repealed.

22 Section 3. Paragraph (c) of subsection (3) of section
23 458.348, Florida Statutes, is amended to read:

24 458.348 Formal supervisory relationships, standing orders,
25 and established protocols; notice; standards.—

26 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—A
27 physician who supervises an advanced registered nurse
28 practitioner or physician assistant at a medical office other
29 than the physician's primary practice location, where the

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30 advanced registered nurse practitioner or physician assistant is
31 not under the onsite supervision of a supervising physician,
32 must comply with the standards set forth in this subsection. For
33 the purpose of this subsection, a physician's "primary practice
34 location" means the address reflected on the physician's profile
35 published pursuant to s. 456.041.

36 (c) A physician who supervises an advanced registered nurse
37 practitioner or physician assistant at a medical office other
38 than the physician's primary practice location, where the
39 advanced registered nurse practitioner or physician assistant is
40 not under the onsite supervision of a supervising physician and
41 the services offered at the office are primarily dermatologic or
42 skin care services, which include aesthetic skin care services
43 other than plastic surgery, must comply with the standards
44 listed in subparagraphs 1.-3. ~~1.-4.~~ Notwithstanding s.
45 458.347(4)(e)6., a physician supervising a physician assistant
46 pursuant to this paragraph may not be required to review and
47 cosign charts or medical records prepared by such physician
48 assistant.

49 1. The physician shall submit to the board the addresses of
50 all offices where he or she is supervising an advanced
51 registered nurse practitioner or a physician's assistant which
52 are not the physician's primary practice location.

53 ~~2. The physician must be board certified or board eligible~~
54 ~~in dermatology or plastic surgery as recognized by the board~~
55 ~~pursuant to s. 458.3312.~~

56 2.3- All such offices that are not the physician's primary
57 place of practice must be within 25 miles of the physician's
58 primary place of practice or in a county that is contiguous to

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59 the county of the physician's primary place of practice.
60 However, the distance between any of the offices may not exceed
61 75 miles.

62 ~~3.4.~~ The physician may supervise only one office other than
63 the physician's primary place of practice except that until July
64 1, 2011, the physician may supervise up to two medical offices
65 other than the physician's primary place of practice if the
66 addresses of the offices are submitted to the board before July
67 1, 2006. Effective July 1, 2011, the physician may supervise
68 only one office other than the physician's primary place of
69 practice, regardless of when the addresses of the offices were
70 submitted to the board.

71 Section 4. Subsection (5) of section 766.106, Florida
72 Statutes, is amended to read:

73 766.106 Notice before filing action for medical negligence;
74 presuit screening period; offers for admission of liability and
75 for arbitration; informal discovery; review.-

76 (5) DISCOVERY AND ADMISSIBILITY.-A statement, discussion,
77 written document, report, or other work product generated by the
78 presuit screening process is not discoverable or admissible in
79 any civil action for any purpose by the opposing party. All
80 participants, including, but not limited to, physicians,
81 investigators, witnesses, and employees or associates of the
82 defendant, are immune from civil liability arising from
83 participation in the presuit screening process. This subsection
84 does not prevent a physician licensed under chapter 458 or
85 chapter 459 or a dentist licensed under chapter 466 who submits
86 a verified written expert medical opinion from being subject to
87 denial of a license or disciplinary action under s.

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88 458.331(1)(nn) ~~s. 458.331(1)(oo)~~, s. 459.015(1)(qq), or s.
89 466.028(1)(ll).

90 Section 5. This act shall take effect July 1, 2018.